

Submitted by: Assembly Members  
Weddleton and Kennedy  
Prepared by: Municipal Clerk's Office  
and Assembly Counsel  
For reading: \_\_\_\_\_

\*\*\* DRAFT Dec. 17, 2020 \*\*\*

**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.**  
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8 **THE ANCHORAGE ASSEMBLY ORDAINS:**  
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10 **Section 1.** Anchorage Municipal Code chapter 10.80 is hereby amended, to read as  
11 follows (*unaffected portions of the chapter are set out*):  
12

13 Chapter 10.80 - LICENSING AND REGULATION OF MARIJUANA  
14 ESTABLISHMENTS  
15

16 ARTICLE 1. - LICENSING ADMINISTRATION  
17 \* \* \* \* \*

18 **10.80.015 - License conditions.**  
19

- 20 A. The municipality will issue each marijuana establishment license to a  
21 specific individual, to a partnership, including a limited partnership, to a  
22 limited liability company, or to a corporation. A person other than a  
23 licensee may not have a direct or indirect financial interest in the  
24 business for which a marijuana establishment license is issued.  
25
- 26 B. Except as allowed in section 10.80.036, t[T]he municipality will not  
27 issue, renew, or transfer a marijuana establishment license to:  
28
- 29 1. An individual or a sole proprietorship unless the individual or  
30 proprietor is a resident of the state;
  - 31 2. A partnership unless each partner is a resident of the state;
  - 32 3. A limited liability company unless the limited liability company is  
33 qualified to do business in the state and each member of the  
34 limited liability company is a resident of the state; or
  - 35 4. A corporation unless the corporation is incorporated or qualified  
36 to do business in the state and each corporate officer, director,  
37 and shareholder is a resident of the state.  
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2 D. The assembly may impose other conditions or restrictions on a license  
3 or endorsement issued under this chapter when it finds that it is in the  
4 interests of the public to do so.

5  
6 E. In this section,

7  
8 1. "Direct or indirect financial interest" means:

9  
10 a. A legal or equitable interest in the operation of a business  
11 licensed under this chapter;

12  
13 b. Does not include a person's right to receive:

14  
15 i. Rental charges on a graduated or percentage lease-  
16 rent agreement for real estate leased to a licensee;  
17 or

18  
19 ii. A consulting fee from a licensee for services that are  
20 allowed under this chapter;

21  
22 2. "Resident of the state" means a person who is eligible at the time  
23 of application for the most recent [MEETS THE RESIDENCY  
24 REQUIREMENT UNDER AS 43.23 FOR A] permanent fund  
25 dividend under AS 43.23 [IN THE CALENDAR YEAR IN WHICH  
26 THAT PERSON APPLIES FOR A MARIJUANA  
27 ESTABLISHMENT LICENSE UNDER THIS CHAPTER].

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29 ( AO No. 2016-16(S), § 1, 2-9-16 )

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32 **10.80.026 - Municipal application procedure for new license or**  
33 **endorsement.**

34  
35 A. An applicant must initiate a new marijuana establishment license or  
36 endorsement application only after submitting to the state alcohol and  
37 marijuana control office a complete application for a related state  
38 marijuana establishment license, to create a public notice form.

39  
40 B. If an applicant for a new municipal marijuana retail store license or the  
41 holder of a valid municipal marijuana retail store license is applying for a  
42 municipal endorsement for on-site consumption, the application shall  
43 contain the information required by section 10.80.306D.

44  
45 C. The applicant must pay to the municipality the application [AND  
46 LICENSING] fees set out in section 10.80.100. The notice requirements  
47 in subsection D of this section must be given within the 90 days  
48 preceding the submittal of all application requirements listed in 10.80.020  
49 and the application and license fee.

50  
Commented [HML1]: 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.."

1 D. New application: When an application for a new marijuana establishment  
2 license and special land use permit is received, the director of the  
3 planning department shall determine if the application is complete. If the  
4 director determines the application is complete, the director shall [AS  
5 SOON AS IS PRACTICABLE] give written notice to:

- 6  
7 1. The applicant.  
8  
9 2. Reserved.  
10  
11 3. The community council in which the proposed licensed premises is  
12 located.  
13  
14 4. Reserved.  
15

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

- 19  
20 1. Return an incomplete application in its entirety to the applicant; or  
21  
22 2. Request the applicant to provide additional identified items needed  
23 to complete the application.  
24

25 F. When the director of the planning department informs an applicant that its  
26 application is incomplete as provided in subsection E., the applicant must  
27 complete the application not later than 90 days after the date of the  
28 director's notice. If an applicant fails to complete its application during the  
29 90-day period after the director's notice, the applicant must file a new  
30 application and pay a new application fee to obtain a marijuana  
31 establishment license or endorsement.  
32

33 G. The director may, not less than 90 days after initiation of an application,  
34 inform an applicant by electronic mail at the address provided by the  
35 applicant that missing application requirements listed in 10.80.020 must  
36 be submitted within 90 days. If an applicant fails to submit all missing  
37 application requirements during the 90-day period after the director's  
38 notice, the applicant must file a new application and pay a new  
39 application fee to obtain a marijuana establishment license.  
40

41 ( AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 3, 4-25-17; AO  
42 No. 2019-66 , § 4, 6-18-19)  
43

44  
45 **10.80.036 - Municipal application for renewal of license or endorsement;**  
46 **failure to timely renew results in potential closure; expiration results in**  
47 **termination of license, endorsement and special land use permit.**  
48

49 A. On or before May 1 of each year, the municipal clerk shall send notice  
50 that a marijuana establishment with a license in active and operating

1 status must file a renewal application not later than June 30 of the current  
2 year. Renewal applications filed after that date are delinquent and subject  
3 the marijuana establishment to potential closure pending approval of the  
4 application as described in subsection G. Renewal applications for the  
5 next license period will be accepted by the municipal clerk's office only  
6 between May 1 and August 31, inclusive. If mailed, the complete renewal  
7 application and fee must be postmarked by the deadline.  
8

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

- 10  
11 1. Identification of the license sought to be renewed by license  
12 number, endorsement, license type, establishment name, and  
13 premises address;  
14  
15 2. The information required for a state license renewal application  
16 under 3 AAC 306.020(b)(1)-(9)[035] and a municipal license  
17 under AMC section 10.80.021, except for information regarding  
18 the previously approved special land use permit as required by  
19 subsection 10.80.021C.;  
20  
21 [3. ANY CHANGE FROM THE MARIJUANA ESTABLISHMENT'S  
22 ORIGINAL LICENSE APPLICATION OR LAST RENEWAL  
23 APPLICATION FOR ANY CHANGE IN:  
24  
25 A. THE NAME OF THE MARIJUANA ESTABLISHMENT  
26 BUSINESS;  
27  
28 B. THE LICENSED PREMISES FROM THE LAST DIAGRAM  
29 SUBMITTED;  
30  
31 C. THE MARIJUANA ESTABLISHMENT'S OPERATING  
32 PLAN; AND  
33  
34 D. ANY NEW PRODUCT A LICENSED MARIJUANA  
35 PRODUCT MANUFACTURING FACILITY WISHES TO  
36 PRODUCE;]

37  
38 3[4]. A report, for each licensee:

- 39  
40 a. Any criminal charge on which that licensee has been  
41 convicted in the current and previous two calendar years;  
42  
43 b. Any civil violation of AS 04, AS 17.38, or this chapter in the  
44 current and previous two calendar years; and  
45  
46 c. If a current holder of a marijuana establishment license has  
47 a change in ownership or transfer of a controlling interest,  
48 it must submit a change report or an application for  
49 transfer at the same time as the application for renewal is  
50 submitted, if such report or application has not been

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submitted before the renewal application; and

4[5]. A declaration under penalty of unsworn falsification that:

- a. The application is true, correct and complete;
- b. The applicant has read and is familiar with AS 17.38 and this chapter; and
- c. The applicant will provide all information the municipal clerk requires in support of the renewal application; and

5[6]. Any other information required by the municipal clerk.

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

- 1. The applicant; and
- 2. Reserved;
- 3. The community council in which the licensed premises is located;
- 4. Reserved.

D. If the municipal clerk finds any of the following circumstances exist for a licensee who submitted a renewal application, the renewal application shall be referred to the Assembly chair and the chair of the Assembly's community and economic development committee or other appropriate committee, or to a panel of members of the assembly, for review and to make a recommendation before the assembly decides:

- 1. License or SLU permit violations (A minimum number?)
- 2. Complaints/ request from the local community council
- 3. Municipal taxes delinquency
- 4. Record of APD or AFD responses/ concerns
- 5. Changes in state or local regulations or code that could impact the current operation of the license Owner/Operator requested.

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

F[E]. On or before May 1 of each year, the municipal clerk shall notify each community council of all the marijuana establishment licenses located within its boundaries that are due to expire in August that calendar year, and advise councils they may request a public hearing before the assembly on any renewal within its boundaries. Requests for a hearing made by a community council under this section shall be made no later

**Commented [HML2]:** [insert from CK: Marijuana Renewal Applications Assembly Review Policy

Certain conditions should be identified as grounds for asking that the Assembly remand a Marijuana License Renewal application to the CEDC for further review before it comes before the Assembly for approval. This would allow for consistent and reasonable rationale for pulling that particular license for review.

Those grounds/ criteria are:  
License or SLU permit violations (A minimum number?)  
Complaints/ request from the local community council  
Municipal taxes delinquency  
Record of APD or AFD responses/ concerns  
Changes in state or local regulations or code that could impact the current operation of the license  
Owner/Operator requested

1 than June 15 of that same year, and shall be submitted to the assembly  
2 as part of its packet before action is taken on those renewals.  
3

4 G[F]. On or before August 15 of each year, the municipal clerk shall deliver  
5 a notice of expiration to each marijuana establishment required to  
6 submit a renewal application under A. of this section that has not filed a  
7 complete application for renewal of a license, along with any applicable  
8 affidavit unless the marijuana establishment has notified the municipal  
9 clerk that it does not intend to seek a renewal of its license. A marijuana  
10 establishment is not excused from filing a license renewal application  
11 not later than August 31 of each year even if the marijuana  
12 establishment does not receive the notice of expiration described in this  
13 section.  
14

15 H[G]. Expiration. All marijuana establishment licenses and endorsements  
16 expire at 12:00 midnight on August 31 of each year, unless a different  
17 date is set in the assembly resolution approving the license or  
18 endorsement.  
19

20 1. If a marijuana establishment required to submit a renewal  
21 application under A. of this section fails to file a complete license  
22 renewal application on or before August 31, the holder of that  
23 expired license shall, within ten days of expiration, surrender the  
24 license to the municipal clerk. Any holder of an expired license  
25 with no renewal application pending that seeks authority to  
26 operate must file a complete new application under sections  
27 10.80.020 and 10.80.026, along with the required fee.  
28

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

32 a. Filed on or before June 30. The marijuana establishment  
33 may continue operating under the current license  
34 notwithstanding the expiration date until the renewed  
35 license is approved and effective, or until the assembly  
36 denies the application for renewal, only if its renewal  
37 application was filed on or before June 30.  
38

39 b. Filed on or after July 1. The marijuana establishment shall  
40 not operate after August 31 until the renewed license is  
41 approved and effective, if the renewal application was  
42 filed on or after July 1. Such an establishment may retain  
43 possession of the marijuana or marijuana product that is  
44 otherwise compliant with this chapter on its premises,  
45 during the period it is prohibited from operations pending  
46 a decision on the renewal application and, if approved,  
47 compliance with all conditions.  
48

49 c. Notwithstanding subsection 21.03.105C.10.a., the special  
50 land use permit for marijuana shall not expire unless the

renewal application is denied.

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

1. the licensee's primary residence is in the state; and
2. the licensee has a good cause for not meeting the requirements to be a resident of the state as defined at 3 AAC 306.015(e)(2); and
3. the cause of not meeting the requirements to be a resident of the state as defined at 3 AAC 306.015(e)(2) is temporary.

J[H]. Nothing in this section supersedes any proceeding to suspend or revoke a license.

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

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

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

B. Exceptions.

1. A transfer of a license with or without any associated endorsement issued to an individual as a sole proprietor to a limited liability company or a corporation with a single member or shareholder whom is the same individual may be approved by the municipal clerk. Any procedure in this section for a public hearing or assembly consideration or action is not applicable.
2. Continued operations following death of a licensee, pending a transfer. A person who is a personal representative appointed by the superior court for the estate of a deceased licensee who is:

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- a. A sole proprietorship may operate the marijuana establishment in accordance with section 10.80.920.
- b. A partner holding a controlling interest in a partnership, a member holding a controlling ownership interest in a limited liability company, or an owner of a controlling interest in a corporation's stock, may represent the deceased licensee's interest in the entity for a period not to exceed 90 days, and shall submit an application for a transfer of a controlling interest under this section within that time. The municipal clerk may extend the time allowed in this section for up to an additional 90 days upon written request of the personal representative. This subsection does not authorize the transfer of a controlling interest in a marijuana establishment license by the personal representative, administrator or executor to the estate of a decedent. If an application for transfer of a license is not received within this time, the municipal clerk shall notify the assembly.

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

- 1. The same information about each transferee as is required of an applicant for a new license under section 10.80.020, section 10.80.021 except for information regarding the previously approved special land use permit as required by subsections 10.80.021C., and 3 AAC 306.020;
- 2. A statement, under oath, executed by the current holder of the marijuana establishment license, listing all debts of the business, all taxes the business owes, current contact information for each creditor, and an affirmation that the current holder of the marijuana establishment license has submitted a copy of the transfer application to all creditors; and
- 3. Any other information required by the municipal clerk for the type of marijuana establishment license sought to be transferred.
- 4. A municipal on-site consumption endorsement may only be

Commented [HML3]: Same as unsworn falsification?



1 transferred to another person if the license for which the  
2 endorsement was issued is also transferred to that person.

3  
4 D. Action by the municipal clerk. When the municipal clerk receives a  
5 complete application for a transfer of a license with or without any  
6 associated endorsement to another person, the municipal clerk shall  
7 immediately:

8  
9 1. Reserved.

10  
11 2. Reserved.

12  
13 3. Send notice of the proposed transfer to the community council in  
14 which the licensed premises is located; and

15  
16 4. Schedule the application for transfer to be considered by  
17 resolution by the assembly as soon as practicable.

18  
19 E. Renewal application may be required. If a licensed marijuana  
20 establishment submits an application for transfer after April 30 and before  
21 July 1, it must also submit an application for renewal.

22  
23 F. When a transferee intends to continue to operate a marijuana license  
24 with the operating plan approved by the assembly for the transferor, the  
25 transferee may submit a form approved by the municipal clerk certifying  
26 that the transferee is making no changes to the operating plan or  
27 licensed premises, instead of submitting information required by  
28 10.80.020, 10.80.315, 10.80.420, 10.80.520, and 10.80.615.

29  
30 ( AO No. 2016-16(S) , § 1, 2-9-16 ; AO No. 2017-71(S) , § 6, 4-25-17; AO  
31 No. 2017-95(S) , § 3, 5-1-17; AO No. 2018-96(S) , § 1, 11-7-18; AO No.  
32 2019-66 , § 6, 6-18-19)

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34  
35 **10.80.046 - Reporting of ownership changes; non-controlling ownership**  
36 **changes to be reported; controlling interest ownership change and**  
37 **transfer of license requires transfer application.**

38  
39 A. A licensed marijuana establishment shall, before or not later than ten  
40 days of the effective date of an agreement or contract for a non-  
41 controlling ownership change as described in this section, submit  
42 [REPORT THE CHANGE] on a form prescribed by the municipality,  
43 which shall include the information required under section 10.80.021,  
44 except for information regarding the previously approved special land use  
45 permit as required by subsection 10.80.021C. If an ownership change is  
46 due to the death of an individual with a non-controlling interest, the  
47 provisions allowing continued operation for a limited time set forth in  
48 subsection 10.80.045B.2. apply, pending submittal of a report.

49  
50 B. If any change required to be submitted [REPORTED] under this section

1 will result in a change in controlling interest of the marijuana  
2 establishment license, including sole proprietorships, the marijuana  
3 establishment must file an application for transfer under section  
4 10.80.045. Numerous separate transfers that in the aggregate amount to  
5 more than 50 percent of the ownership interest or the voting shares of a  
6 corporation require an application for transfer.  
7

8 C. An individual identified in this section shall be a resident of the state as  
9 required under 3 AAC 306.400(c), 3 AAC 306.500(c) or 3 AAC  
10 306.605(c); and

11  
12 D. The municipal clerk shall approve an ownership change application when  
13 any new owner is not disqualified under 10.80.010, 10.80.015, 10.80.300,  
14 10.80810.400, 10.80.500, or 10.80.605.

15  
16 1. Is not disqualified under 3 AAC 306.010(d), 3 AAC 306.015(b), 3  
17 AAC 306.300(b), 3 AAC 306.400(c), 3 AAC 306.500(c), or 3  
18 AAC 306.605(c); and

19  
20 2. Is a resident of the state.

21  
22 E. In this section, "ownership change" means:

23  
24 1. If the licensee is a partnership, including a limited partnership,  
25 any change in the identity of the partners, or in the ownership  
26 percentages held by any partners;

27  
28 2. If the licensee is a limited liability company, any change in the  
29 identity of the members or managers, or in the ownership  
30 percentage held by any member; or

31  
32 3. If the licensee is a corporation, any change in its corporate  
33 officers, any sale of corporate stock to a person not currently an  
34 owner, or any change of the percentage ownership of an existing  
35 shareholder.  
36

37 F[D]. Any applicant or affiliate reported under this section must have  
38 complied with the state's fingerprint and fee requirements under 3 AAC  
39 306.055 or AS 12.62.160 for criminal justice information.

40  
41 G[E]. If a new owner owes past-due taxes, fees, or fines to the municipality,  
42 the owner shall have 30 days from the date the municipality notifies the  
43 new owner to pay the past-due taxes, fees, or fines. In the event such  
44 past-due taxes, fees, or fines are not paid within 30 days, the municipal  
45 clerk shall notify the assembly of the past-due taxes, fees, or fines.  
46

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

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1 **10.80.065 - Public participation. [NO CHANGE]**  
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4 A person may comment on an application for a new license, renewal of a  
5 license, transfer of a license, transfer of a controlling interest in a license with  
6 or without any associated endorsement, or application for a new endorsement  
7 by submitting a written statement to the municipal clerk. If a public hearing is  
8 held, a person may also give oral testimony at the public hearing held in  
9 accordance with section 10.80.071.

10  
11 ( AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 8, 4-25-17; AO  
12 No. 2018-96(S) , § 1, 11-7-18; AO No. 2019-66 , § 8, 6-18-19)  
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14  
15 **10.80.071 - Public hearing. [NO CHANGE]**  
16

17 A. The assembly will hold a hearing to ascertain the reaction of the public to  
18 a new application for a marijuana establishment. The hearing will be  
19 consolidated with the hearing required by section 21.03.105 on the  
20 applicant's associated application for a special land use permit.

21  
22 B. The assembly may hold a hearing to ascertain the reaction of the public  
23 to an application for a renewal of a license, transfer of a license, or  
24 transfer of a controlling interest in a license.

Commented [HML4]: Currently scheduling  
transfers of license/controlling interest for  
PH. Continue or stop?

25  
26 C. The assembly will hold a hearing to ascertain the reaction of the public to  
27 a new application for an on-site consumption endorsement. The hearing  
28 may be consolidated with the hearing required for a new application for a  
29 marijuana establishment license under subsection A. of this section. The  
30 assembly may hold a hearing to ascertain the reaction of the public to an  
31 application for renewal of an on-site consumption endorsement.

32  
33 D. If a hearing is held pursuant to this section, the municipality shall send  
34 notice of a hearing to each community council within 1,000 feet of the  
35 proposed premises.

36  
37 ( AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2018-96(S) , § 1, 11-7-18; AO  
38 No. 2019-66 , § 9, 6-18-19)  
39

40 **10.80.076 - Procedure for action on license or endorsement application;  
41 commencement of operations.**  
42

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

46  
47 B. The assembly will consider any written objection, suggested condition, or  
48 petition, and any testimony received at a public hearing held under  
49 section 10.80.071 when it considers the application. The municipal clerk  
50 will retain the written objection, suggested condition, or petition as part of

1 the record of the assembly's review of an application.  
2

- 3 1. On an application for renewal of a license or endorsement, the  
4 assembly may add, remove, or modify conditions of the license.  
5  
6 2. On an application for transfer of a license, with or without any  
7 associated endorsement, or transfer of a controlling interest in a  
8 license, the assembly may add, remove, or modify conditions of  
9 the license, including conditioning its grant of the transfer on  
10 satisfaction of any such conditions of the transfer or imposed on  
11 the transferees.  
12

13 C. The assembly's decision on an application shall be made by assembly  
14 resolution.  
15

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

24 ( AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 10, 4-25-17; AO  
25 No. 2017-95(S) , § 5, 5-1-17; AO No. 2018-96(S) , § 1, 11-7-18; AO No.  
26 2019-66 , § 10, 6-18-19)  
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28 **10.80.080 - Denial of application.**  
29

30 A. After review of the application, including the applicant's proposed  
31 operating plan and all relevant information, the assembly will deny an  
32 application for a new license or endorsement if the assembly finds that:  
33

- 34 1. The application is not complete as required under the applicable  
35 standards sections 10.80.020—10.80.056, or contains any false  
36 statement of material fact;  
37  
38 2. The license or endorsement would violate any restriction in section  
39 10.80.010 or 10.80.011 or 3 AAC 306;  
40  
41 3. The license or endorsement would violate any restriction  
42 applicable to the particular license type authorized under this  
43 chapter;  
44  
45 4. The license or endorsement is prohibited by municipal code;  
46  
47 5. The [ASSEMBLY FINDS THAT THE] applicant's actions or the  
48 operating plan does not adequately demonstrate that the  
49 applicant will comply with applicable standards of this chapter;  
50 [OR]

1  
2 6. Issuance of the license or endorsement will adversely impact the  
3 health, welfare or public safety of the neighborhood in which the  
4 marijuana establishment is proposed to be located, or otherwise  
5 would not be in the best interests of the public; or

6  
7 7. a protest by the local governing body is not arbitrary, capricious,  
8 and unreasonable.

9  
10 B. After review of the application and all relevant information, the assembly  
11 will deny an application for renewal of a marijuana establishment license  
12 if the assembly finds:

13  
14 1. Any cause listed in subsection A. of this section;

15  
16 2. [THAT THE LICENSE HAS BEEN REVOKED FOR ANY CAUSE;

17  
18 3.] That the license has been operated in violation of a condition or  
19 restriction the assembly previously imposed; [ OR]

20  
21 3[4]. That the applicant is delinquent in the payment of taxes due in  
22 whole or in part from operation of the licensed business.

23  
24 4[5]. That a protest by the local governing body is not arbitrary,  
25 capricious, and unreasonable; or

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

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

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

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

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

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

47  
48 5. That a protest by the local governing body is not arbitrary,  
49 capricious, and unreasonable.

50

- 1 D. If the assembly denies an application for a new license, renewal of a  
2 license, transfer of a license, transfer of a controlling interest in a license,  
3 or a new or renewal of an endorsement, the municipal clerk will, not later  
4 than 15 days after the meeting at which the application was denied,  
5 furnish a written statement of issues to the applicant, explaining the  
6 reason for the denial in clear and concise language, and identifying any  
7 statute or regulation on which the denial is based. The notice of denial  
8 will inform the applicant of the right to appeal under section 10.80.095.  
9

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

13 **10.80.095 - Appeals. [NO CHANGE]**  
14

15 An applicant or marijuana establishment license or endorsement holder  
16 aggrieved by a final decision of the assembly regarding an application for a  
17 new license, a license renewal, or a transfer may appeal to the superior court.  
18

19 ( AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2018-96(S) , § 1, 11-7-18; AO  
20 No. 2019-66 , § 12, 6-18-19)  
21

22 **10.80.100 - Fees; refund.**  
23

- 24
- 25 A. The non-refundable application fee for a new marijuana establishment  
26 license or an application to transfer is \$0, provided the fee shall only be  
27 due as authorized by AS 17.38.210 or another provision of state law.  
28
- 29 B. The non-refundable application fee for a license renewal application is  
30 \$0, provided the fee shall only be due as authorized by AS 17.38.210 or  
31 another provision of state law; if a renewal application is delinquent as  
32 provided under section 10.80.036, an additional non-fundable late-  
33 renewal application fee is \$0, provided the fee shall only be due as  
34 authorized by AS 17.38.210 or another provision of state law.  
35
- 36 C. The non-refundable fee to request approval of a change in a licensed  
37 marijuana establishment's business name, ownership, licensed premises  
38 diagram, operating plan, or proposed new marijuana product is \$0,  
39 provided the fee shall only be due as authorized by AS 17.38.210 or  
40 another provision of state law. A change fee does not apply to an  
41 application for transfer of a license or a transfer of controlling interest to  
42 another person.  
43
- 44 D. The annual license or endorsement [OPERATING] fee to be paid with  
45 each application for a new marijuana establishment facility license or  
46 endorsement and each license or endorsement renewal application is \$0,  
47 except as further described in this subsection. If the state Marijuana  
48 Control Board fails to issue a timely response to an application as  
49 described in AS 17.38.210(f), and the municipality acts on the  
50 application, the applicant must pay an annual license or endorsement

[OPERATING] fee to the municipality as follows:

1. For a new marijuana retailer license, and for a renewed retail marijuana store license, \$0;
2. For an on-site consumption endorsement, \$0;
3. For a new marijuana cultivation facility license, and for a renewed marijuana cultivation facility license, \$0;
4. Reserved;
5. For a new marijuana product manufacturing facility license, and for a renewed marijuana product manufacturing facility license, \$0;
6. For a new marijuana testing facility license, and for a renewed marijuana testing facility license, \$0.
7. For an onsite consumption endorsement to a retail marijuana store license, \$0.

E. Reserved.

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

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

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

### ARTICLE 3. - RETAIL MARIJUANA STORES

\*\*\* \*\*

#### 10.80.305 - Retail marijuana store privileges.

A. A licensed retail marijuana store is authorized to:

1. Sell marijuana purchased from a licensed marijuana cultivation facility, packaged and labeled as required under section 10.80.345, 3 AAC 306.470, and 3 AAC 306.475, in an amount not exceeding the limit set out in section 10.80.355, to an individual on the licensed premises or as permitted under 3 AAC 306.995 for consumption off the licensed premises;
2. Sell a marijuana product purchased from a licensed marijuana

Commented [HML5]: 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?

Commented [HML6]: EO It took effect on November 24, 2020, and it will expire on March 23, 2021, unless made permanent.

The other part to this is that this regulation is open for public comment to make the regulations permanent.

1 product manufacturing facility, packaged and labeled as required  
2 under section 10.80.345, 3 AAC 306.565 and 3 AAC 306.570, in  
3 a quantity not exceeding the limit set out in section 10.80.355, to  
4 an individual on the licensed premises or as permitted under 3  
5 AAC 306.995 for consumption off the licensed premises;

- 6  
7 3. Store marijuana and marijuana products on the licensed premises  
8 in a manner consistent with sections 10.80.710—10.80.720;  
9  
10 4. Apply for an on-site consumption endorsement under section  
11 10.80.306.

12  
13 B. This section does not prohibit a licensed marijuana retail store from  
14 refusing to sell marijuana or a marijuana product to a consumer.

15  
16 C. A licensee of a retail marijuana store may also apply for a marijuana  
17 cultivation facility license, marijuana product manufacturing facility  
18 license, or both. A licensee of a retail marijuana store who obtains a  
19 marijuana cultivation facility license, marijuana product manufacturing  
20 facility license, or both shall:

21  
22 1. Conduct any marijuana cultivation operation in a room separate  
23 from any other operation and the retail marijuana store, and  
24 shall conduct any marijuana product manufacturing operation in  
25 a room separate from any other operation and the retail  
26 marijuana store; if the rooms are connected and co-located, a  
27 secure door must separate the rooms from each other; a secure  
28 door must separate any room connected to and co-located with  
29 the retail marijuana store; and

30  
31 2. Comply with each provision of this chapter that applies to any  
32 other type of marijuana establishment license that the licensee  
33 of a retail marijuana store obtains.

34  
35 ( AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2019-66 , § 14, 6-18-19)

36 \* \* \* \* \*

37  
38 **10.80.307 - Internet and phone orders; exterior window or curbside**  
39 **pickup.**

40  
41 A. Notwithstanding 3 AAC 306.305(a) and 3 AAC 306.310(a)(5), a retail  
42 marijuana store licensed under 3 AAC 306.300 may accept internet or  
43 telephonic orders of marijuana or marijuana products from consumers if  
44 consumers intend to be physically present at the time of purchase on  
45 the licensed premises or at the location designated for exterior window  
46 or curbside pickup before November 15, 2020.

47  
48 B. A retail marijuana store licensed under 3 AAC 306.300 may provide  
49 exterior window or curbside pickup of marijuana and marijuana  
50 products sold at retail before November 15, 2020, only if:



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1. the marijuana or marijuana product offered for sale does not exceed the amounts set out under 3 AAC 306.355 and is packaged as required under 3 AAC 306.345;
2. a holder of a marijuana handler permit completing the sale verifies the requirements of 3 AAC 306.350 are satisfied and that the purchaser is not under the influence as described under 3 AAC 306.310(a)(2);
3. the licensee extends the video surveillance requirements of 3 AAC 306.720 to include the area designated for exterior window or curbside pickup;
4. the licensee submits, as applicable, a request for an operating plan change in accordance with 3 AAC 306.703 or a request for licensed premises alteration in accordance with 3 AAC 306.705, for which fees shall be waived, and the director provides written approval of that change or alteration; and
5. the licensee provides written assurance that the local government permits the change or alteration.

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

D. For purposes of this section,

1. “curbside pickup” means parking spots designated by a licensee for pickup of marijuana or marijuana products or an area immediately adjacent to an entrance to a licensee’s business premises.
2. “exterior window pickup” means a drive-through or sliding or opening window of a marijuana retail store from which marijuana or marijuana products may be purchased without consumers entering the licensed premises.

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

- A. A licensed retail marijuana store may not sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver, marijuana or any marijuana product:
1. To a person under the age of 21 years of age;

**Commented [HML7]:** Effective Date: 8/23/20 (3 AAC 306.995 made permanent)  
Sunset now set for 11/15/20 Correct Dean??

**Commented [HML8R7]:** Transportation and ID guidance is extended, NOT curbside.

**Commented [HML9R7]:** EO It took effect on November 24, 2020, and it will expire on March 23, 2021, unless made permanent.

The other part to this is that this regulation is open for public comment to make the regulations permanent.

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2. To a person that is under the influence of an alcoholic beverage, inhalant, or controlled substance;
3. That is not labeled and packaged as required in section 10.80.345, 3 AAC 306.470 and 3 AAC 306.475 or 3 AAC 306.565 and 3 AAC 306.570;
4. In a quantity exceeding the limit set out in section 10.80.355;
5. Unless permitted under 3 AAC 306.995, or ~~Over~~ the internet; a licensed retail marijuana store may only sell marijuana or a marijuana product to a consumer who is physically present on the licensed premises or who is physically present at the location designated for exterior window or curbside pickup as described and permitted under 3 AAC 306.995; or
6. After the expiration date shown on the label of the marijuana or marijuana product.

**Commented [HML10]:** EO It took effect on November 24, 2020, and it will expire on March 23, 2021, unless made permanent.  
  
The other part to this is that this regulation is open for public comment to make the regulations permanent.

B. A licensed retail marijuana store may not:

1. Conduct business on or allow a consumer to access the retail marijuana store's licensed premises during times prohibited by title 21;
2. Allow a person to consume marijuana or a marijuana product on the retail marijuana store's licensed premises except as authorized by a municipal endorsement;
3. Allow overconsumption of marijuana or marijuana product in an authorized on-site consumption area;
4. Offer or deliver to a consumer, as a marketing promotion or for any other reason,
  - a. Free marijuana or marijuana product, including a sample; or
  - b. Alcoholic beverages, free or for compensation; or
5. Allow intoxicated or drunken persons to enter the licensed premises.

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

**10.80.320 - Marijuana handler permit required.**

- A. A retail marijuana store shall ensure that:

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1. Each [LICENSEE, EMPLOYEE, OR] agent who is required or permitted to be physically present on the licensed premises at any time, each licensee, and each employee obtains a marijuana handler permit as provided in 3 AAC 306.700 before being licensed or employed at a retail marijuana store; and
2. Each licensee, employee, or agent has that person's marijuana handler permit card in that person's immediate possession, or a valid copy on file on the premises, at all times when on the licensed premises of the retail marijuana store.

( AO No. 2016-16(S), § 1, 2-9-16 )

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

- A. Except as provided under 10.80.712, a[A] person under 21 years of age may not enter a retail marijuana store.
- B. Each public entry to a retail marijuana store must be posted with a sign that says "No one under 21 years of age allowed." The sign must be not less than 12 inches long and 12 inches wide, with letters at least one-half inch in height in high contrast to the background of the sign.
- C. An area of a retail marijuana store's licensed premises where marijuana or any marijuana product is stocked for sale or dispensed for sale is a restricted access area. The retail marijuana store must post signs, require identification, and escort visitors in compliance with section 10.80.710.
- D. If a retail marijuana store displays marijuana to a consumer for the purpose of smelling the marijuana before purchase, the retail marijuana store shall package the marijuana in a sample jar that is protected by a plastic, metal, or other protective mesh screen, and the jar must remain in the monitored custody of the retail marijuana store during consumer inspection.

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

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**10.80.355 - Limit on quantity sold.**

- A. A retail marijuana store may not sell to any one person per day:
  1. More than one ounce of usable marijuana;
  2. More than seven grams of marijuana concentrate for inhalation; or
  3. More than 5,600 milligrams of THC in combined sales of marijuana and [MARIJUANA OR] marijuana products, if the total

1 amount of marijuana, marijuana products, or both marijuana and  
2 marijuana products sold contains more than 5,600 milligrams of  
3 THC.  
4

5 B. These limits include marijuana or marijuana product sold for on-site  
6 consumption under subsection 10.80.306A.2.  
7

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

10 **10.80.360 – Repealed. (Restriction on advertising of marijuana and**  
11 **marijuana products.)**  
12

13 [A. RESERVED.  
14

15 B. AN ADVERTISEMENT FOR MARIJUANA OR A MARIJUANA  
16 PRODUCT MAY NOT CONTAIN A STATEMENT OR ILLUSTRATION  
17 THAT:  
18

19 1. IS FALSE OR MISLEADING;  
20

21 2. PROMOTES EXCESSIVE CONSUMPTION;  
22

23 3. REPRESENTS THAT THE USE OF MARIJUANA HAS  
24 CURATIVE OR THERAPEUTIC EFFECTS;  
25

26 4. DEPICTS A PERSON UNDER 21 YEARS OF AGE  
27 CONSUMING MARIJUANA; OR  
28

29 5. INCLUDES AN OBJECT OR CHARACTER, INCLUDING A  
30 TOY, A CARTOON CHARACTER, OR ANY OTHER DEPICTION  
31 DESIGNED TO APPEAL TO A PERSON UNDER 21 YEARS OF  
32 AGE, THAT PROMOTES CONSUMPTION OF MARIJUANA.  
33

34 C. A RETAIL MARIJUANA STORE MAY NOT PLACE AN  
35 ADVERTISEMENT FOR MARIJUANA OR A MARIJUANA PRODUCT,  
36 EXCEPT AS PROVIDED IN SUBSECTION A. OF THIS SECTION:  
37

38 1. WITHIN 1,000 FEET OF THE PERIMETER OF ANY CHILD-  
39 CENTERED FACILITY, INCLUDING A SCHOOL, A CHILD  
40 CARE FACILITY OR OTHER FACILITY PROVIDING  
41 SERVICES TO CHILDREN, A PLAYGROUND OR  
42 RECREATION CENTER, A PUBLIC PARK, A LIBRARY, OR A  
43 GAME ARCADE THAT IS OPEN TO PERSONS UNDER 21  
44 YEARS OF AGE;  
45

46 2. ON OR IN A PUBLIC TRANSIT VEHICLE OR PUBLIC TRANSIT  
47 SHELTER;  
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49 3. ON OR IN A PUBLICLY OWNED OR OPERATED PROPERTY;  
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- 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";
- 3. "THERE ARE HEALTH RISKS ASSOCIATED WITH CONSUMPTION OF MARIJUANA";
- 4. "FOR USE ONLY BY ADULTS TWENTY-ONE AND OLDER. KEEP OUT OF THE REACH OF CHILDREN"; AND
- 5. "MARIJUANA SHOULD NOT BE USED BY WOMEN WHO ARE PREGNANT OR BREAST FEEDING". ]

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

Editor's note: Advertising restrictions moved to section 10.80.770 by AO [insert AO no.]

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**10.80.366 - Retail Marijuana Store Product Testing Program. [NO CHANGE]**

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C. Failure of samples.

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

Analyte	Chemical Abstract	Maximum Allowable Level

Commented [HML11]: Do we need to check with the AHD to see if there have been any changes to these?

	Services Registry Number	(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
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
Paclobutrazol	76738-62-0	0.4

Permethrins <sup>1</sup>	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 <sup>2</sup>	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

<sup>1</sup> *Permethrins should be measured as cumulative residue of cis- and trans-permethrin isomers (CAS numbers 54774-45-7 and 51877-74-8 respectively).*

<sup>2</sup> *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:

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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

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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

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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.

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D. Failed materials, retests.

ARTICLE 4. - MARIJUANA CULTIVATION FACILITIES

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

A. A licensed marijuana cultivation facility is authorized to:

1. Propagate, cultivate, harvest, prepare, cure, package, store, and label marijuana;
2. Sell marijuana only to a licensed retail marijuana store, to another licensed marijuana cultivation facility, or to a licensed marijuana product manufacturing facility;
3. Provide samples to a licensed marijuana testing facility for testing;
4. Store inventory on the licensed premises; any stored inventory must be secured in a restricted access area and accounted for in the marijuana cultivation facility's marijuana inventory tracking system as required under section 10.80.730;
5. Transport marijuana in compliance with section 10.80.750;
6. Conduct in-house testing for the marijuana cultivation facility's own use;
7. Provide marijuana samples to a licensed retail marijuana store or marijuana product manufacturing facility for the purpose of negotiating a sale.
8. begin initial operations at the time of preliminary inspection by an employee or agent of the board with
  - a. 12 or fewer mature, non-flowering plants, designated and used as mother plants;
  - b. any number of immature plants; and
  - c. any number of seeds for cultivation on the licensed premises;
9. Introduce a new strain after written approval by the director on a form prescribed by the board, by
  - a. receiving not more than six clones or cuttings from a person 21 years of age or older, without compensation;  
or
  - b. receiving not more than 10 seeds from a person 21 years of age or older, without compensation, for cultivation on the licensed premises.

1 B. A licensee of a [LICENSED] marijuana cultivation facility may also apply  
2 for a marijuana product manufacturing facility license, and a retail  
3 marijuana store license, or both. A licensee of a marijuana cultivation  
4 facility who [THAT] obtains a marijuana product manufacturing facility  
5 license, retail marijuana store license, or both [ANY OTHER MARIJUANA  
6 ESTABLISHMENT LICENSE] shall:

- 7
- 8 1. Conduct any product manufacturing [OR RETAIL MARIJUANA  
9 STORE] operation in a room separate from any other operation  
10 and [COMPLETELY SEPARATED FROM] the marijuana  
11 cultivation facility, and shall conduct any retail marijuana store  
12 operation in a room separate from any other operation and the  
13 marijuana cultivation facility; if the rooms are connected and co-  
14 located, [BY] a secure door must separate the rooms from each  
15 other; a secure door must separate any room connected to and  
16 co-located with the marijuana cultivation facility [WHEN CO-  
17 LOCATED]; and
  - 18 2. Comply with each provision of this chapter that applies to any  
19 other type of marijuana establishment license that the licensee  
20 of a marijuana cultivation facility [LICENSEE] obtains.  
21

22

23 C. A licensed marijuana cultivation facility may not:

- 24 1. Sell, distribute, or transfer marijuana or a marijuana product to a  
25 consumer, with or without compensation;  
26
- 27 2. Allow any person, including a licensee, employee, or agent, to  
28 consume marijuana or a marijuana product on the licensed  
29 premises or within 20 feet of the exterior of any building on the  
30 licensed premises;  
31
- 32 3. Treat or otherwise adulterate marijuana with any organic or  
33 nonorganic chemical or other compound to alter the color,  
34 appearance, weight, or odor of the marijuana;  
35
- 36 4. [EXCEPT AS PERMITTED UNDER A MARIJUANA PRODUCT  
37 MANUFACTURING FACILITY LICENSE, EXTRACT  
38 MARIJUANA CONCENTRATE, USING ANY PROCESS  
39 DESCRIBED IN 3 AAC 306.555, AT THE LICENSED  
40 PREMISES;  
41
- 42 5.] Sell marijuana that is not packaged and labeled in compliance  
43 with 3 AAC 306.470 and 3 AAC 306.475.  
44
- 45 5. Introduce marijuana or a marijuana product including plants and  
46 seeds, onto the licensed premises from any outside source after  
47 the initial preliminary inspection, except:  
48
- 49 a. As acquired from another licensed marijuana cultivation  
50

1 facility and accounted for in each marijuana cultivation  
2 facility's marijuana inventory tracking system as required  
3 under 3 AAC 306.730; or

4  
5 b. As provided under this section; or

6  
7 6. Produce or possess marijuana concentrate that was extracted  
8 using any process described in 3 AAC 306.555 on the marijuana  
9 cultivation facility's licensed premises, unless the licensee of the  
10 standard marijuana cultivation facility also has a marijuana  
11 product manufacturing facility license; a licensed standard  
12 marijuana cultivation facility must conduct any extraction or  
13 production of marijuana concentrate on the premises;

14  
15 a. In a room that:

16  
17 i. is separate as required in b. of this section from  
18 the marijuana cultivation area; and

19  
20 ii. is posted with a sign that complies with  
21 10.80.710(b) and warns unauthorized persons to  
22 stay out; and

23  
24 b. in compliance with all applicable provisions of 10.80.500  
25 - 10.80.570.

26  
27 ( AO No. 2016-16(S), § 1, 2-9-16 )  
28 \* \* \* \* \*

29  
30 **10.80.425 - Marijuana handler permit required.**

31  
32 A. A marijuana cultivation facility shall ensure that each [LICENSEE,  
33 EMPLOYEE, OR ]agent who is required or permitted to be physically  
34 present on the licensed premises at any time, each licensee, and each  
35 employee:

- 36  
37 1. Obtains a marijuana handler permit as provided in 3 AAC 306.700  
38 before being licensed [PRESENT] or employed at the marijuana  
39 cultivation facility's licensed premises; and  
40  
41 2. Has that person's marijuana handler permit card in that person's  
42 immediate possession, or a valid copy on file on the premises, at  
43 all times while on the marijuana cultivation facility's licensed  
44 premises.

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

47  
48 **10.80.430 - Restricted access area.**

49  
50 A. A marijuana cultivation facility shall conduct any operation in a restricted

access area in compliance with section 10.80.710 and this section.

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

1. Outdoor production may take place in non-rigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight-obscuring wall or fence at least six feet high.

Commented [HML12]: Allowed by state.  
Intentionally prohibited by muni?

- C. A marijuana cultivation facility shall ensure that any marijuana at the marijuana cultivation facility:

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

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

( AO No. 2016-16(S), § 1, 2-9-16 )

**10.80.435 - Marijuana inventory tracking system.**

- A. A marijuana cultivation facility shall use a marijuana inventory tracking system in compliance with section 10.80.730 to ensure all marijuana propagated, grown, or cultivated on the marijuana cultivation facility's premises is identified and tracked from the time the marijuana is propagated through transfer to another licensed marijuana establishment or destruction. The marijuana cultivation facility shall assign a tracking number to each plant over eight inches tall and each package of marijuana to be transferred to another facility. A package of marijuana may not exceed 10 pounds. The marijuana cultivation facility shall also assign a plant batch name or number to each batch of clones or cuttings. A batch may not consist of more than 50 clones or cuttings. [WHEN HARVESTED, BUD AND FLOWERS, CLONES OR CUTTINGS, OR LEAVES AND TRIM MAY BE COMBINED IN HARVEST BATCHES OF DISTINCT STRAINS, NOT EXCEEDING FIVE POUNDS. EACH HARVEST BATCH MUST BE GIVEN AN INVENTORY TRACKING NUMBER. CLONES OR CUTTINGS MUST BE LIMITED TO 50 OR FEWER PLANTS AND IDENTIFIED BY A BATCH TRACKING NUMBER.
- ]

1 B. A marijuana cultivation facility shall record each sale and transport of any  
2 plants or seeds and each package [BATCH] in its marijuana inventory  
3 tracking system, and shall generate a valid transport manifest to  
4 accompany any transported plants and seeds and each transported  
5 package [BATCH].  
6

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

- 10 1. The amount of each sample;
- 11 2. The retail marijuana store or marijuana product manufacturing  
12 facility that received the sample; and
- 13 3. The disposal of any expired or outdated promotional sample  
14 returned to the marijuana cultivation facility.  
15  
16  
17  
18

19 ( AO No. 2016-16(S), § 1, 2-9-16 )  
20 \* \* \* \* \*  
21

22 **10.80.450 – Repealed. (Production of marijuana concentrate prohibited.)**  
23

24 [A. A MARIJUANA CULTIVATION FACILITY MAY NOT PRODUCE OR  
25 POSSESS MARIJUANA CONCENTRATE THAT WAS EXTRACTED USING  
26 ANY PROCESS DESCRIBED IN 3 AAC 306.555 ON THE MARIJUANA  
27 CULTIVATION FACILITY'S LICENSED PREMISES. AN ABUTTING  
28 MARIJUANA PRODUCT MANUFACTURING FACILITY WITH A  
29 MANUFACTURING FACILITY LICENSE MUST BE IN A SEPARATE ROOM  
30 THAT:

- 31 1. IS PHYSICALLY SEPARATED BY A SECURE DOOR FROM ANY  
32 CULTIVATION AREA; AND
- 33 2. HAS A SIGN THAT CLEARLY IDENTIFIES THE ROOM AS A  
34 MARIJUANA CONCENTRATE PRODUCTION AREA, AND  
35 WARNS UNAUTHORIZED PERSONS TO STAY OUT; AND
- 36 3. COMPLY WITH ALL APPLICABLE STANDARDS OF SECTIONS  
37 10.80.500—10.80.570.]  
38  
39  
40  
41

42 ( AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 14, 4-25-17)  
43  
44

45 **10.80.460 - Samples.**  
46

47 A. A marijuana cultivation facility may provide a free sample of marijuana to  
48 a retail marijuana store if packaged in a sample jar containing not more  
49 than three and one-half grams of marijuana and protected by a plastic or  
50 metal mesh screen to allow the retail marijuana store [CUSTOMERS] to

1 smell the product before purchase.  
2

3 B. A marijuana cultivation facility may provide a free sample of marijuana to  
4 a retail marijuana store or marijuana product manufacturing facility as  
5 follows:  
6

7 1. A sample provided for the purpose of negotiating a sale may be  
8 not more than one ounce;  
9

10 2. A marijuana cultivation facility may not provide any one licensed  
11 retail marijuana store or marijuana product manufacturing facility  
12 with more than one ounce of marijuana per month free-of-charge  
13 for the purpose of negotiating a sale.  
14

15 C. A retail marijuana store that receives a marijuana sample may not sell the  
16 marijuana sample to a customer, and shall either:  
17

18 1. Return the marijuana sample to the marijuana cultivation facility  
19 that provided the sample, or  
20

21 2. Destroy anything that remains of the marijuana sample after use  
22 and document the use and destruction in the marijuana store's  
23 marijuana inventory control system.  
24

25 D. A marijuana cultivation facility may provide a sample of marijuana  
26 grown at that facility to an employee of the facility, who is in possession  
27 of a valid marijuana handler card for the purpose of quality control only  
28 if:  
29

30 1. samples provided to employees for quality control do not exceed  
31 a cumulative total of one ounce per 30-day period;  
32

33 2. each sample is registered and tracked using the marijuana  
34 inventory tracking system in accordance with 3 AAC 306.730;  
35

36 3. consumption of marijuana does not occur on the licensed  
37 premises;  
38

39 4. no sample provided under this subsection is sold or given to  
40 another licensee or consumer;  
41

42 5. each employee who receives a marijuana sample for the  
43 purpose of quality control completes a quality control form  
44 approved by the board for each sample;  
45

46 6. the licensee maintains copies of completed forms required under  
47 (5) of this subsection in accordance with 3 AAC 306.755; and  
48

49 7. samples that leave the licensed premises are packaged in  
50 opaque, resealable, child-resistant packaging and clearly

1 marked or labeled "For Quality Control" and the packaging is  
2 designed or constructed to be significantly difficult for children  
3 under five years of age to open, but not normally difficult for  
4 adults to use properly; and

- 5  
6 8. each sample is tested under 3 AAC 306.455 and 3 AAC 306.645  
7 before provided to an employee under this subsection.

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

10  
11 **ARTICLE 5. - MARIJUANA PRODUCT MANUFACTURING FACILITIES**

12 \*\*\* \*\*

13  
14 **10.80.505 - Marijuana product manufacturing facility privileges.**

15 \*\*\* \*\*

16 **B.** A licensee of a marijuana product manufacturing facility, including a  
17 licensee of a marijuana concentrate manufacturing facility, may also  
18 apply for a marijuana cultivation facility license, retail marijuana store  
19 license, or both. A licensee of a marijuana product manufacturing  
20 facility, including a licensee of a marijuana concentrate manufacturing  
21 facility, who obtains a marijuana cultivation facility license, retail  
22 marijuana store license, or both shall:

- 23  
24 1. conduct any marijuana cultivation operation in a room separate  
25 from any other operation and the marijuana product  
26 manufacturing facility, and shall conduct any retail marijuana  
27 store operation in a room separate from any other operation and  
28 the marijuana product manufacturing facility; if the rooms are  
29 connected and co-located, a secure door must separate the  
30 rooms from each other; a secure door must separate any room  
31 connected to and co-located with the marijuana product  
32 manufacturing facility; and

- 33  
34 2. comply with each provision of this chapter that applies to any  
35 other type of marijuana establishment license that the licensee  
36 of a marijuana product manufacturing facility or marijuana  
37 concentrate manufacturing facility obtains.

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

40 \*\*\* \*\*

41  
42 **10.80.530 - Marijuana handler permit and food safety worker training.**

43  
44 **A.** A marijuana product manufacturing facility shall ensure that each  
45 [LICENSEE, EMPLOYEE, OR] agent, each licensee, and each  
46 employee:

- 47  
48 1. Obtains a marijuana handler permit as provided in 3 AAC 306.700  
49 before being present or employed at the marijuana product  
50 manufacturing facility's licensed premises; and



- 1  
2           2. Has the marijuana handler permit card in the person's immediate  
3           possession, or a valid copy on file on the premises, at all times  
4           while on the marijuana product manufacturing facility's licensed  
5           premises.  
6

- 7           B. A licensee, employee, or agent of a marijuana product manufacturing  
8           facility who handles marijuana at the facility shall obtain a food worker  
9           card in compliance with 18 AAC 31.330 and keep that card in that  
10          person's possession at all times while on the licensed premises of the  
11          marijuana product manufacturing facility.

12  
13 ( AO No. 2016-16(S), § 1, 2-9-16 )  
14 \*\*\*                   \*\*\*                   \*\*\*

15  
16 **ARTICLE 6. - MARIJUANA TESTING FACILITIES**

17 \*\*\*                   \*\*\*                   \*\*\*

18  
19 **10.80.610 - Marijuana testing facilities: privileges and prohibitions.**

20 \*\*\*                   \*\*\*                   \*\*\*

- 21  
22           B. A licensed marijuana testing facility may not:  
23  
24           1. Have a licensee, employee, or agent who holds a type of  
25           marijuana establishment license other than a marijuana testing  
26           facility license issued under this chapter;  
27  
28           2. Sell, deliver, distribute, or transfer marijuana or a marijuana  
29           product to a consumer, with or without compensation; [OR]  
30  
31           3. Allow a person to consume marijuana or a marijuana product on  
32           its licensed premises; or.  
33  
34           4. have overlapping premises, including restricted access areas,  
35           with any other marijuana establishment licensee.  
36

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

39  
40 **10.80.615 - Application for marijuana testing facility license; approval.**

- 41  
42           A. An applicant for a new marijuana testing facility license must file an  
43           application on a form the municipal clerk prescribes, including:  
44

- 45           1[A]. The information required under section 10.80.020; and  
46           2[B]. The proposed marijuana testing facility's operating plan,  
47           including, in addition to the information required under section  
48           10.80.020 and section 10.80.021:  
49           a[1]. Each test the marijuana testing facility will offer;  
50           b[2]. The marijuana testing facility's standard operating

1 procedure for each test the marijuana testing facility will offer;  
2 and  
3 c[3]. The acceptable range of results for each test the  
4 marijuana testing facility will offer.  
5

6 **B.** The assembly will approve a marijuana testing facility license only if, in  
7 addition to other application and approval requirements of this chapter,  
8 the state marijuana control board has found them generally in  
9 compliance with good laboratory practices and that the application  
10 meets the requirements of 3 AAC 306.620. Nothing in this chapter  
11 constitutes a guarantee that a licensed marijuana testing facility can or  
12 will protect the public from all potential hazards of marijuana including  
13 microbials, poisons, or toxins, residual solvents, pesticides, or other  
14 contaminants.  
15

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

18 **10.80.622 – Marijuana handler permit required.**  
19

20 A. A marijuana testing facility shall ensure that each agent who is required  
21 or permitted to be physically present on the license premises at any  
22 time, each licensee, and each employee  
23

- 24 1. obtains a marijuana handler permit as provided in 10.80.700  
25 before being licensed or employed at the marijuana testing  
26 facility's licensed premises; and  
27 2. has the marijuana handler permit card in the person's immediate  
28 possession, or a valid copy on file on the premises, at all times  
29 while on the marijuana testing facility's licensed premises.  
30

31 \* \* \* \* \*  
32

33 **10.80.670 - Reporting, verification. [NO CHANGE]**  
34

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

- 39 1. In a timely manner to the marijuana establishment that  
40 submitted the sample; and  
41  
42 2. To the state [MUNICIPAL CLERK] not later than 72 hours after  
43 the marijuana testing facility determines that results of tested  
44 samples exceed allowable levels or as otherwise required by state  
45 law.  
46

47 \* \* \* \* \*  
48

49 ( AO No. 2016-16(S), § 1, 2-9-16 )  
50

50 \* \* \* \* \*

1  
2 ARTICLE 7. - OPERATING REQUIREMENTS  
3

4 **10.80.700 - Marijuana handler permit.**  
5

- 6 A. Each [ANY MARIJUANA ESTABLISHMENT AND EACH LICENSEE,  
7 EMPLOYEE, OR] agent of the marijuana establishment who sells,  
8 cultivates, manufactures, tests or transports marijuana or a marijuana  
9 product, or who checks the identification of a consumer or visitor, and  
10 each licensee and employee must obtain a marijuana handler permit  
11 pursuant to State of Alaska regulation 3 AAC 306.700 before being  
12 licensed or beginning employment at a marijuana establishment.  
13  
14 B. A licensee, employee, or agent of a marijuana establishment must keep  
15 the marijuana handler permit card issued pursuant to 3 AAC 306.700(c)  
16 in that person's immediate possession or a valid copy on file on the  
17 premises at all times when on the licensed premises of the marijuana  
18 establishment.

19  
20 ( AO No. 2016-16(S), § 1, 2-9-16 )  
21

22 **10.80.703 – Operations.**  
23

24 A licensed marijuana establishment shall operate in accordance with the  
25 operating plan approved by the assembly. The licensee may request an  
26 operating plan change in accordance with 10.80.100C.  
27

28 **10.80.705 - Licensed premises alteration.**  
29

- 30 A. A marijuana establishment license will be issued for specific licensed  
31 premises. Unlicensed areas may not separate portions of licensed  
32 premises, except that the Assembly may approve adjacent portions of  
33 the licensed premises that are not a restricted access area as permitted  
34 under section 10.80.710. A specific licensed premises must constitute a  
35 place clearly designated in a license application and described by a line  
36 drawing submitted with the license application. The licensed premises  
37 must:  
38  
39 1. Have adequate space for its approved operations, including  
40 growing, manufacturing, processing, packaging, or storing  
41 marijuana or marijuana products; and  
42  
43 2. Be located and constructed to facilitate cleaning, maintenance,  
44 and proper operation.  
45  
46 B. A marijuana establishment's municipal license and, if applicable, an  
47 endorsement issued under section 10.80.110, including section  
48 10.80.370, must be posted in a conspicuous place within the licensed  
49 premises.  
50

1 C. A holder of a marijuana establishment license may alter the functional  
2 floor plan or reduce or expand the area of the licensed premises in  
3 accordance with section 21.03.105.

4  
5 D. The assembly may approve overlapping premises for two or more  
6 licenses, owned by the same group of persons, and within the same  
7 building or with abutting premises, to use in common for an office, an  
8 employee breakroom, bathrooms, non-marijuana storage areas, or any  
9 combination of those uses. The overlapping premises may not be  
10 restricted access areas as prescribed under section 10.80.710.

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

13  
14 **10.80.710 - Restricted access areas.**

15 \*\*\* \*\*

16  
17 D. The assembly may approve overlapping premises for two or more  
18 licenses, owned by the same person or the same group of persons, and  
19 within the same building, to use in common for a marijuana or  
20 marijuana product stage area if:

- 21  
22 1. the marijuana or marijuana product is properly accounted for in  
23 the marijuana establishment's inventory tracking system  
24 required under section 10.80.730;  
25  
26 2. the marijuana or marijuana product is expressly identified as  
27 inventory of the appropriate marijuana establishment to which  
28 the marijuana or marijuana product belongs; and  
29  
30 3. the area is in compliance with this section and any other  
31 provision of this chapter that applies to restricted access areas,  
32 including video surveillance as required under section 10.80.720  
33 and restricted access area provisions specific to the licensed  
34 type to which the marijuana or marijuana product belongs.

35  
36 E. Failure to comply with D. of this section is grounds for issuance of a  
37 notice of violation under 10.80.805A. or other enforcement action under  
38 sections 10.80.800 - 10.80.850.

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

41  
42 **10.80.711 - No overlapping licenses.**

43  
44 The municipality will issue only one marijuana establishment license for a  
45 single premises.

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

48  
49 **10.80.712 - Breastfeeding on licensed premises.**  
50

1  
2 A. A licensee or employee of a licensee may bring a child up to 12 months  
3 of age, who is the child of the licensee or employee, onto the licensed  
4 premises, excluding a restricted access area as described under  
5 10.80.710 and an onside consumption area as described under  
6 10.80.370, for the purpose of breastfeeding the licensee or employee's  
7 child.

8  
9 B. A licensee may designate an area for breastfeeding or for the  
10 expression of breast milk. A designated area may not include a  
11 restricted access area described under 10.80.710 or an onsite  
12 consumption area described under 10.80.370.

13  
14 C. This section may not be construed to supersede or change the  
15 requirements of 29 U.S.C. 207 (Section 7 of the Fair Labor Standards  
16 Act of 1938) or any other law applicable to breastfeeding in the  
17 workplace.

18  
19 \*\*\* \*\*

20 **10.80.725 - Inspection of licensed premises.**

21  
22 A. A marijuana establishment or an applicant for a marijuana  
23 establishment license under this chapter shall, upon request, make the  
24 licensed premises or the proposed licensed premises, including any  
25 place for storage and overlapping premises described under 10.80.705D,  
26 and 10.80.710D., immediately available for inspection by an official  
27 charged with the enforcement of this chapter, the Anchorage Police  
28 Department, the Anchorage Fire Department, the Municipal Code  
29 Enforcement Department, the Municipal Health Department or any other  
30 local official with health and safety responsibilities.

31  
32 B. Inspection under this section includes inspection of the premises,  
33 facilities, qualifications of personnel, methods of operation, business and  
34 financial records, marijuana inventory tracking system, policies, and  
35 purposes of any marijuana establishment and of any applicant for a  
36 marijuana establishment license.

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

39  
40 \*\*\* \*\*

41  
42 **10.80.750 - Transportation.**

43 \*\*\* \*\*

44 G. A marijuana establishment may transport marijuana or a marijuana  
45 product to and from a trade show or similar industry event in  
46 accordance with 10.80.760 and this section.

47  
48 ( AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-150 , § 1, 10-11-17)

49  
50 **10.80.755 - Business records.**

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- A. A marijuana establishment shall maintain in a format that is readily understood by a reasonably prudent business person the following information:
1. All books and records necessary to fully account for each business transaction conducted under its license for the current year and three preceding calendar years; records for the last six months must be maintained on the marijuana establishment's licensed premises or in overlapping premises approved by the assembly under 10.80.705D. Older records may be archived on or off premises;
  2. A current employee list setting out the full name and marijuana handler permit number of each licensee, employee, and agent who works at the marijuana establishment;
  3. The business contact information for vendors that maintain video surveillance systems and security alarm systems for the licensed premises;
  4. Records related to advertising and marketing;
  5. A current diagram of the licensed premises including each restricted access area and all overlapping premises approved by the assembly under 10.80.705D. and 10.80.710D.;
  6. A log recording the name, and date and time of entry of each visitor permitted in a restricted access area;
  7. All records normally retained for tax purposes;
  8. Accurate and comprehensive inventory tracking records that account for all marijuana inventory activity from seed or immature plant stage until the retail marijuana or retail marijuana product is sold to a consumer, to another marijuana establishment, or destroyed; and
  9. Transportation records for marijuana and marijuana products as required under section 10.80.750F.
- B. A marijuana establishment shall provide any record required to be kept on the licensed premises to the municipal clerk or designee upon request. Any record kept off premises must be provided to the municipal clerk or designee not later than three business days after a request for the record.
- C. A marijuana establishment shall exercise due diligence in preserving and maintaining all required records. Loss of records and data, including electronically maintained records, does not excuse a violation of this

1 section. Failure to retain records required under this section may be  
2 interpreted by the municipality as a license violation affecting public  
3 safety.  
4

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

7 **10.80.760 – Trade shows.**  
8

9 A. Licensed marijuana establishments must comply with this section when  
10 participating in trade shows and similar industry events.  
11

12 B. A licensed cultivation facility may bring one plant to the trade show or  
13 event for display. The removal from and return of the plant to the  
14 licensed premises must be tracked in the inventory tracking system.  
15 Any marijuana removed from the plant at the event must be retained by  
16 the licensee and returned to the licensed premises.  
17

18 C. A licensed cultivation facility and a licensed retail facility may bring up to  
19 one ounce of marijuana to the trade show or event for display. The  
20 removal from and return of the marijuana to the licensed premises must  
21 be tracked in the marijuana inventory tracking system. The marijuana  
22 shall be contained so that the marijuana may not be removed from the  
23 display's immediate vicinity by a member of the public.  
24

25 D. A licensed product manufacturing facility and a licensed retail facility  
26 may bring one sample package of each marijuana product made or  
27 sold by the facility to the event for display. The removal from and return  
28 of the marijuana product to the licensed premises must be tracked in  
29 the marijuana inventory tracking system. The marijuana product must  
30 remain packaged in the approved packaging throughout the duration of  
31 the event.  
32

33 E. A licensed testing facility may not perform required tests on samples  
34 from a licensed facility at any trade show or similar event.  
35

36 F. No marijuana or marijuana product may be sold or distributed by a  
37 licensee at the event.  
38

39 G. Marijuana and marijuana product displayed at an event by a licensee  
40 must be handled only by a licensee, or employee or agent of a  
41 licensee, who holds a valid marijuana handler permit.  
42

43 H. Advertising or promotions displayed or distributed at the event by a  
44 licensee shall comply with the requirements of this chapter.  
45

46 **10.80.770 – Signs, merchandise, advertisements, and promotions.**  
47

48 A. Business cards and merchandise, including t-shirts, hats, and stickers,  
49 that are distributed by a licensed marijuana establishment and contain  
50 only the business name and logo, license name, and location and

1 contact information, are not advertising or promotions.

2  
3 B. A licensed marijuana establishment may have not more than three  
4 signs that are visible to the general public from the public right-of-way.  
5 Two of the three signs may only be placed in the marijuana facility's  
6 window or attached to the outside of the licensed premises. The size of  
7 each sign may not exceed 4,800 square inches. A sign meeting these  
8 requirements is not advertising or promotions.

9  
10 C. An advertisement for a licensed marijuana establishment and for  
11 marijuana or a marijuana product must include the business name and  
12 license number.

13  
14 D. An advertisement for a licensed marijuana establishment is exempt  
15 from providing the warning statement in (g) of this section if:

16  
17 1. the advertisement contains only the business name, logo,  
18 business type, contact information, location, and hours of  
19 operation; and

20  
21 2. the advertisement does not contain any written information  
22 about marijuana or a marijuana product or any photographic or  
23 illustrative depictions of marijuana or a marijuana product, other  
24 than depictions contained within the established business name  
25 font and logo.

26  
27 E. A logo or an advertisement for a licensed marijuana establishment and  
28 for marijuana or a marijuana product may not contain a statement or  
29 illustration that:

30  
31 1. is false or misleading;

32  
33 2. promotes excessive consumption;

34  
35 3. represents that the use of marijuana has curative or therapeutic  
36 effects;

37  
38 4. depicts a person under 21 years of age consuming marijuana; or

39  
40 5. includes any object or character, including a toy, a cartoon  
41 character, or any other depiction that appeals to a person under  
42 21 years of age.

43  
44 F. An advertisement for a licensed marijuana establishment and for  
45 marijuana or a marijuana product may not be placed:

46  
47 1. within 1,000 feet of the perimeter of any child-centered facility,  
48 including a school, a child care facility or other facility providing  
49 services to children, a playground or recreation center, a public  
50 park, a library, or a game arcade that is open to persons under



- 1                                   21 years of age, except when included in an established
- 2                                   publication intended for general readership;
- 3
- 4                                   2. on or in a public transit vehicle or public transit shelter;
- 5
- 6                                   3. on or in a publicly owned or operated property;
- 7
- 8                                   4. within 1,000 feet of a substance abuse or treatment facility; or
- 9
- 10                                  5. on a campus for postsecondary education.
- 11
- 12                                  G. An advertisement for marijuana or any marijuana product must contain
- 13                                  each of the following warnings, that must be plainly visible and at least
- 14                                  half the font size of an advertisement on a sign, and no smaller than
- 15                                  size nine font when the advertisement is in printed form; warnings in
- 16                                  audio advertisements must be intelligible and played at the same speed
- 17                                  as the advertisement;
- 18
- 19                                  1. “Marijuana has intoxicating effects and may be habit forming and
- 20                                  addictive.”;
- 21
- 22                                  2. “Marijuana impairs concentration, coordination, and judgment.
- 23                                  Do not operate a vehicle or machinery under its influence.”;
- 24
- 25                                  3. “There are health risks associated with consumption of
- 26                                  marijuana.”;
- 27
- 28                                  4. “For use only by adults twenty-one and older. Keep out of the
- 29                                  reach of children.”;
- 30
- 31                                  5. “Marijuana should not be used by women who are pregnant or
- 32                                  breast feeding.”
- 33
- 34                                  H. A licensed marijuana establishment that advertises by means of a web
- 35                                  page must utilize appropriate measures to ensure that individuals
- 36                                  visiting the web page are 21 years of age or older.
- 37
- 38                                  I. A licensed marijuana establishment may not engage in advertising by
- 39                                  means of marketing directed towards location-based devices, including
- 40                                  cellular phones, unless the marketing is a mobile device application
- 41                                  installed on the device by the owner of the device who is 21 years of
- 42                                  age or older and the application includes a permanent and easy opt-out
- 43                                  feature.
- 44
- 45                                  J. As long as no more than 30 percent of the event’s participants and
- 46                                  audience is reasonably expected to be under 21 years of age, a
- 47                                  licensed marijuana establishment may sponsor:
- 48
- 49                                  1. an industry trade show;
- 50

2. a charitable event;
3. a sports event or competition;
4. a concert; or
5. any other even approved in advance by the board.

**K. A licensed marijuana establishment may not encourage the sale of marijuana or a marijuana product**

1. by using giveaway coupons for marijuana or a marijuana product as promotional materials;
2. by conducting games or competitions related to the consumption of marijuana or a marijuana product;
3. by providing promotional materials or activities of a manner or type that would be especially appealing to children; or
4. by holding promotional activities outside of the licensed premises.

**ARTICLE 8. - ENFORCEMENT, CIVIL PENALTIES**

**10.80.800 - Inspection and investigation.**

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

1. Inspect the licensed premises of a marijuana establishment, including overlapping premises approved by the assembly under 10.80.705D. and 10.80.710D., any marijuana and marijuana product on the premises, equipment used in cultivating, processing, testing, or storing marijuana, the marijuana establishment's marijuana inventory tracking system, business records, and computers, at any reasonable time and in a reasonable manner;
2. Issue a report or notice as provided in section 10.80.805; [AND]
3. seize or place an administrative hold on marijuana or any marijuana product as provided in 3 AAC 306.830; and
4. Exercise peace officer powers and take any other action the municipality determines is necessary.

B. A marijuana establishment, and any licensee, employee, or agent in

1 charge shall cooperate with the municipal clerk, a sworn Peace Officer, a  
2 Code Enforcement Officer, a Health Department Officer, or a designee of  
3 the municipal clerk, to enforce the laws related to marijuana, including:  
4

- 5 1. Permitting entry upon and inspection of the licensed premises;  
6 and  
7  
8 2. Providing access to business records at reasonable times  
9 when requested by the municipal clerk, a sworn Peace Officer, a  
10 Code Enforcement Officer, or a Health Department Officer.

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

13  
14 \* \* \* \* \*

15 **10.80.846 - Appeal.**

16  
17 A person aggrieved by a final decision of the Assembly suspending, revoking,  
18 or restricting a license or endorsement under this chapter, or imposing a civil  
19 fine under this chapter, or upholding as justified an administrative hold on or  
20 the seizure of marijuana or a marijuana product, may appeal to the superior  
21 court.  
22

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

25  
26 **10.80.850 - Surrender or destruction of license or endorsement.**

27  
28 A license or endorsement issued under this chapter must be surrendered to  
29 the municipal clerk, sworn Peace Officer, Code Enforcement Officer, or Health  
30 Department Officer if the municipal clerk or Administrative Hearings Officer so  
31 orders. A license or endorsement issued under this chapter must be  
32 surrendered not later than ten days after the marijuana establishment loses or  
33 vacates the licensed premises. If a license is destroyed, the marijuana  
34 establishment shall promptly notify the municipal clerk.  
35

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

37  
38  
39 **ARTICLE 9. - GENERAL PROVISIONS**

40  
41 **10.80.905 - Public records.**

42  
43 A. Marijuana establishment applications are public records. The  
44 municipal clerk, in consultation with the Municipal Attorney, may, at the  
45 request of any applicant, designate materials confidential if they:  
46

- 47 1. Contain proprietary information including trade secrets and  
48 security system configurations; or  
49  
50 2. Are required to be kept confidential by any federal or state law

Commented [GDT13]: To reflect our practice of not disclosing security camera location diagram

1 or regulation.

2  
3 ( AO No. 2016-16(S), § 1, 2-9-16 )  
4 \*\*\* \*\*

5  
6 **10.80.990 - Definitions.**

7  
8 A. In this chapter:

9  
10 ["AFFILIATE" MEANS A PERSON THAT DIRECTLY OR INDIRECTLY  
11 THROUGH ONE OR MORE INTERMEDIARIES CONTROLS, OR IS  
12 CONTROLLED BY, OR IS UNDER COMMON CONTROL WITH, A  
13 PARTNERSHIP, LIMITED LIABILITY COMPANY, OR CORPORATION  
14 SUBJECT TO THIS CHAPTER;]  
15 \*\*\* \*\*

16 "state board" or "marijuana control board" means the State of Alaska Marijuana  
17 Control Board established by AS 17.38.080.  
18 \*\*\* \*\*

19  
20 B. In this chapter, unless the context requires otherwise:

21 \*\*\* \*\*  
22 "Batch" or "harvest batch" means a specifically identified quantity of bud and  
23 flower, plant trim, leaf, and other usable product from marijuana plants that are  
24 uniform in strain, cultivated in one place and under the same conditions, using  
25 the same medium and agricultural chemicals including pesticides and  
26 fungicides, and harvested at the same time;

27  
28 \*\*\* \*\*

29  
30 "Licensed premises" means any or all designated portions of a building or  
31 structure, or rooms or enclosures in the building or structure, including  
32 overlapping premises approved by the assembly under 10.80.705D. and  
33 10.80.710D. or designated outdoor areas, at the specific location for which a  
34 marijuana establishment license is issued, and used, controlled, or operated  
35 by the marijuana establishment to carry out the business for which it is  
36 licensed;  
37 \*\*\* \*\*

38  
39 "Total CBD" means the sum of CBD and (0.877)\*(CBDA);

40  
41 "Total THC" means the sum of THC and (0.877)\*(THCA).

42  
43 \*\*\* \*\*

44 "Trade show" means an event or large exposition to promote awareness and  
45 sales of marijuana and marijuana products and related activities within the  
46 industry.

47  
48 ( AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-95(S), § 8, 5-1-17; AO No.  
49 2017-150 , § 2, 10-11-17; AO No. 2019-66 , § 25, 6-18-19)  
50

1 **Section XX.** This ordinance shall be effective **immediately** upon passage and  
2 approval by the Assembly.  
3

4  
5 PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of  
6 \_\_\_\_\_, 2021.  
7

8  
9  
10 \_\_\_\_\_  
11 Chair of the Assembly  
12

13 ATTEST:

14  
15  
16 \_\_\_\_\_  
17 Municipal Clerk  
18  
19

DRAFT