

**ORDINANCE NO. 5964**

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE CHAPTER  
46 OFFENSES BY ADDING A NEW SECTION TO PROHIBIT THE  
CONSUMPTION OF MARIJUANA IN A PUBLIC PLACE**

**WHEREAS**, Ballot Measure 2 – An Act to Tax and Regulate the Production, Sale and Use of Marijuana, codified as Alaska Statute 17.38, providing for the legalization of marijuana, was passed by the voters in the recent state election and certified on November 28, 2014, by the State of Alaska, Division of Elections; and

**WHEREAS**, newly enacted AS 17.38.040 states as follows:

**Public consumption banned, penalty.**

It is unlawful to consume marijuana in public. A person who violates this section is guilty of a violation punishable by a fine of up to \$100.

; and

**WHEREAS**, the state statute does not define “public”; and

**WHEREAS**, the state statute does not discuss or mandate any enforcement mechanism; and

**WHEREAS**, the proponents of the effort to legalize marijuana referred to themselves as the “campaign to Regulate Marijuana Like Alcohol; and

**WHEREAS**, the Fairbanks General Code, FGC Sec. 46-80, bans the consumption of alcohol in a certain public places; and

**WHEREAS**, the effective date of the legislation enacted by Ballot Measure 2 is February 24, 2015; and

**WHEREAS**, within the City of Fairbanks, the enforcement of the state’s smoking in public statute would be the responsibility of the Fairbanks Police Department; and

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA**, as follows:

**SECTION 1.** Fairbanks General Code Chapter 46 Offenses is amended by adding the following section to Article II:

**Sec. 46-44. Consuming marijuana in public place.**

(a) It is unlawful for any person to knowingly consume marijuana when the person is:

- (1) On, in, or upon any public place, except as permitted by ordinance, regulation, statute or permit; or
- (2) Outdoors on property adjacent to a public place, and without consent of the owner or person in control thereof.

(b) For purposes of this section, the following definitions apply:

- (1) *Consume* has the meaning, in all conjugate forms, of “consumption” set forth in AS 17.38.900.
- (2) *Marijuana* has the meaning set forth in AS 17.38.900.
- (3) *Public place* means a place to which the public or a substantial group of persons has access and includes, but is not limited to, streets, highways, sidewalks, alleys, transportation facilities, parking areas, convention centers, sports arena, schools, places of business or amusement, shopping centers, malls, parks, playgrounds, prisons, and hallways, lobbies, doorways and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.

(c) Violation of this section is a minor offense punishable by a fine of \$100.00. Disposition of this offense may be without court appearance pursuant to AS 29.25.070 and the Alaska Minor Offense Rules upon payment of the \$100 fine and payment of the state surcharge required by AS 12.55.039 and AS 29.25.074. This fine may not be judicially reduced.

**SECTION 2.** That the effective date of this Ordinance shall be the \_\_\_\_ day of February 2015.

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**John Eberhart, City Mayor**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

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Janey Hovenden, MMC, City Clerk

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Paul J. Ewers, City Attorney

Presented By:  
City Manager

Action Taken:  
Yes\_\_\_\_  
No\_\_\_\_  
Abstain\_\_\_\_

**CITY OF NOME, ALASKA**

**ORDINANCE NO. O-15-02-07**

**AN ORDINANCE ADOPTING CHAPTER 3.07 OF THE NOME CODE OF ORDINANCES**

**WHEREAS**, the City of Nome has the power to regulate the conduct of persons within City limits pursuant to a number of provisions of the Nome Code of Ordinances; and,

**WHEREAS**, the passage of Ballot Measure #2 in the 2014 State of Alaska Election has provided for the legalization of various marijuana-related activities on a specific timeline; and,

**WHEREAS**, the City wishes to be proactive in regulating the marijuana-related behaviors that can be regulated by individual municipalities; and,

**WHEREAS**, in order for the City to regulate such behaviors, an applicable ordinance must be in place; and,

**WHEREAS**, on January 26, 2015, the City Council requested that such an ordinance be drafted by the City Attorney and the Police Chief.

**NOW, THEREFORE, BE IT ORDAINED BY THE NOME COMMON COUNCIL THAT CHAPTER 3.07 OF THE NOME CODE OF ORDINANCES BE ENACTED AS FOLLOWS:**

**Section 1.     Classification.** This is a Code ordinance.

**Section 2.**

**Chapter 3.07  
MARIJUANA REGULATION**

Sections:

- 3.07.010   Advisory board—Established—Membership.
- 3.07.020   Advisory board—Powers and authority.
- 3.07.030   State laws and regulations adopted.
- 3.07.040   Marijuana consumption in public prohibited.
- 3.07.050   Marijuana consumption in vehicles prohibited.
- 3.07.060   Marijuana smoke as nuisance.
- 3.07.070   Production or sale of edible marijuana products.
- 3.07.080   Possession, sale, or production of marijuana concentrates.
- 3.07.090   Allowing unlawful marijuana use prohibited.

- 3.07.100 Marijuana use without consent of property owner prohibited.
- 3.07.110 Violation—Enforcement
- 3.07.120 Definitions.

**3.07.010 Advisory board—Established—Membership.**

- (a) There is established a Nome marijuana advisory board consisting of five members. The mayor shall appoint the members of the board, subject to confirmation by the city council. Terms shall expire upon resignation or reappointment. All board members serve at the pleasure of the Mayor.
- (b) All members of the board shall be residents of the city during the term of their appointment. Members of the board may hold municipal, state or federal office, either elective or appointive.
- (c) Two members of the board constitute a quorum for the conduct of business. The board shall meet at least once each year, and at such other times as directed by the city council. (Ord. O-93-6-6 § 1 (part), 1994)

**3.07.020 Advisory board—Powers and authority.**

- (a) The board shall conduct studies and investigations to insure the proper administration of marijuana regulations in a manner that will protect the public health, safety and welfare, and shall report to the city council at least one time each year.
- (b) The board shall be advisory by nature, and shall possess none of the legal powers or authorities of the city unless specifically delegated by ordinance hereafter. (Ord. O-93-6-6 § 1 (part), 1994)

**3.07.030 State laws and regulations adopted.**

All laws and regulations of the state of Alaska regarding licensed marijuana sales, service, distribution, and consumption apply within the city of Nome unless otherwise stated in this chapter.

**3.07.040 Marijuana consumption in public prohibited.**

No person shall consume marijuana, in any form, in any public place.

**3.07.050 Marijuana consumption in vehicles prohibited.**

Marijuana consumption in or on motor vehicles, on the deck or in the wheelhouse of a watercraft, or in an aircraft is prohibited.

**3.07.060 Marijuana smoke as nuisance.**

No person shall disturb the peace and privacy of another by marijuana odors, smoke, or vapors that drift onto the property of another, including into any residential or commercial unit rented, leased, or owned by another.

**3.07.070 Production and sale of edible marijuana products.**

- (a) No person shall solicit or engage in the production, sale, barter or exchange of any edible marijuana product.
- (b) No person shall possess, sell, barter, or exchange any edible marijuana product unless the product contains a label accurately identifying all information required by 21 CFR 101 as well as the amount of THC in a serving.
- (c) All edible marijuana products must be contained in child-resistant packaging except for when being actively consumed.

**3.07.080 Production of marijuana concentrates.**

No person shall manufacture marijuana concentrates through use of a solvent-based extraction method using a substance other than vegetable glycerin.

**3.07.090 Permitting unlawful marijuana use prohibited.**

No owner, operator, manager or other person in control of any area where marijuana use is prohibited by this chapter shall allow or permit unlawful use of marijuana on said premises.

**3.07.100 Marijuana use without consent of property owner prohibited.**

(a) No person shall consume marijuana on private property without the affirmative consent of the property owner is prohibited.

(b) If a person has a possessory interest in private property but is not the owner and the owner prohibits the use or consumption of marijuana, use or consumption of marijuana on or in that property is prohibited.

**3.07.110 Enforcement.**

(a) A person who violates any provision of this chapter is guilty of an infraction, and upon conviction shall be fined as set forth in NCO Section 1.20.040 or if no fine is there established, not more than five hundred dollars plus any surcharge required to be imposed by AS 12.55.039. Each violation is a separate offense.

(b) Notwithstanding the availability of any other remedy provided by the provisions of this chapter, the city or any person aggrieved by a violation of this chapter may apply for injunctive relief to enforce these provisions in any court of competent jurisdiction.

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**3.07.120 Definitions.**

As used in this chapter:

"Child-resistant" means packaging specially constructed to be significantly difficult for children under ten years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.20 as well as opaque so that the packaging does not allow the product to be seen without opening the packaging material.

"Edible Marijuana Product" means any marijuana product which is intended to be chewed or swallowed, including but not limited to, any type of food, drink, pill or product intended for human consumption that contains any form of marijuana. Edible marijuana product does not include marijuana flowers.

"Marijuana" means all the parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate; "marijuana" does not include fiber produced from the stalks, oil, cake made from the seed of the plant, sterilized seeds of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

"Marijuana accessories" means any equipment, products, or materials of any kind which are used, intended for use, or designed for or for the ingesting, inhaling, or otherwise introducing marijuana into the human body.

"Marijuana concentrates" means any oil, liquid, or other substance created by extracting cannabinoids from marijuana through the use of a solvent other than water for the purpose of increasing the strength or proportion of the cannabinoids.

"Minor" means any person under twenty-one years of age.

"Public place" means any place to which the public or a substantial group of persons has access, including but not limited to streets, highways, alleys, sidewalks, transportation facilities, schools, places of amusement or business, food and beverage service facilities, offices, retail stores, parks, playgrounds, hallways, lobbies, vehicles available for commercial hire, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence and waterways. All property owned or leased by the city shall be considered a public place regardless of the public's access.

**Section 3.**     **Effective date.** This ordinance is effective upon passage.

**APPROVED** and **SIGNED** the 23<sup>rd</sup> day of February, 2015.

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**DENISE MICHELS**  
**Mayor**

**ATTEST:**

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**TOM MORAN**  
**City Clerk**

Introduced by: City Manager Hannan  
Date: February 24, 2015  
Public Hearing: March 10, 2015  
Action:

Vote:

Yes:

No:

CITY OF PALMER, ALASKA

**Ordinance No. 15-013**

**An Ordinance of the Palmer City Council Enacting Palmer Municipal Code Chapter 8.11 Prohibiting Consumption of Marijuana in a Public Place**

Whereas, Ballot Measure 2 – An Act to Tax and Regulate the Production, Sale and Use of Marijuana, and codified as Alaska Statutes 17.38, provides for the legalization of marijuana, was passed by the voters in the recent state election and certified on November 28, 2014, by the State of Alaska, Division of Elections; and

Whereas, newly enacted AS 17.28.040 states:

**AS 17.28.040 Public consumption banned.**

It is unlawful to consume marijuana in public. A person who violates this section is guilty of a violation punishable by a fine of up to \$100.

Whereas, the state statute does not define “public”; and

Whereas, the state statute does not discuss or mandate any enforcement mechanism;  
and

Whereas, the effective date of the state marijuana statute is February 24, 2015.

Now, therefore:

THE CITY OF PALMER, ALASKA ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Chapter 8.11 is hereby enacted to read as follows:

**Chapter 8.11**  
**PROHIBITING CONSUMPTION OF MARIJUANA IN A PUBLIC PLACE**

**8.11.010 Definitions.**

For purposes of this chapter, the definitions of the words and phrases below shall apply:

- A. Consume shall have the meaning, in all conjugate forms, of "consumption" set forth in AS 17.38.900.
- B. Marijuana shall have the meaning set forth in AS 17.38.900.
- C. Public place means a place to which the public or a substantial group of persons has access and includes, but is not limited to, streets, highways, sidewalks, alleys, bike or pedestrian trails, transportation facilities, parking areas, sports arenas, schools, places of business or amusement, shopping centers, malls, parks, park trails, playgrounds, prisons, hallways, lobbies, doorways and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence, or while occupying any type of motor vehicle unless the vehicle is on the private property of the registered owner of said vehicle.

**8.11.020 Consuming marijuana in a public place.**

- A. It is unlawful for any person to knowingly consume marijuana in a public place or when the person is outdoors on private property adjacent to a public place or private place of another without consent of the owner or person in control thereof.
- B. Violation of this section is an offense punishable by the fine established in the current, adopted budget.

**8.11.030 Marijuana oil extraction-prohibited.**

- A. Any method to process oil or any substance from marijuana using an extraction method is hereby prohibited.
- B. Extraction is defined as using a chemical, series of chemicals or fluid or any other method to extract oil or another substance from a marijuana plant.
- C. Any person or business that processes marijuana oil using an extraction method is in violation of this section and subject to the fine established in the current, adopted budget.

Section 4. Effective Date. Ordinance No. 15-011 shall take effect upon adoption by the City of Palmer City Council.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
DeLena Goodwin Johnson, Mayor

\_\_\_\_\_  
Janette M. Bower, MMC, City Clerk



CITY OF UNALASKA  
UNALASKA, ALASKA

ORDINANCE NO. 2015-04

AN ORDINANCE OF THE UNALASKA CITY COUNCIL AMENDING THE UNALASKA CODE OF ORDINANCES TO CREATE A NEW CHAPTER 11.28 FOR THE REGULATION OF MARIJUANA USE.

**BE IT ENACTED** by the City Council of the City of Unalaska:

**Section 1:**     **Form.** This is a Code ordinance.

**Section 2:**     **Amendment of Title 11.** Title 11 Health and Safety of the Unalaska Code of Ordinances is amended by the addition of a new Chapter 11.28 Marijuana Regulation to read as follows:

**Chapter 11.28**

**MARIJUANA REGULATION**

- 11.28.010     **Definitions.**
- 11.28.020     **Local regulatory authority.**
- 11.28.030     **Remedies.**
- 11.28.040     **Marijuana use in public places prohibited.**
- 11.28.050     **Allowing unlawful marijuana use prohibited.**
- 11.28.060     **Marijuana possession and use under the age of 21 prohibited.**
- 11.28.070     **Unregistered commercial cultivation of marijuana prohibited.**

**11.28.010 Definitions.**

“Business” means any natural person or legal entity such as, without limitation, a business-for-profit corporation, nonprofit corporation, partnership, limited liability company or trust that undertakes to provide goods or services to the public or to persons who are members of a private group that is eligible to obtain the goods or services, regardless of whether the business exists or is conducted for the purpose of making a profit.

“Marijuana” means all parts of the plant of the genus cannabis whether grown or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds, or its resin, including marijuana concentrate.

“Public place” means any area to which the public is invited or into which the public is permitted, including, but not limited to, educational facilities, entertainment, food and beverage services, offices, retail stores, common areas in multi-unit buildings such as

lobbies, stairwells and hallways, transportation facilities and vehicles accessible to the general public, parks, public rights-of-way, shorelines, waterways, tidelands, as well as all city-owned property.

“Commercial cultivation” means the cultivation of more than six marijuana plants, or more than three mature, flowering marijuana plants:

- (a) in any non-dwelling structure;
- (b) in a dwelling unit or in any non-dwelling unit area within a dwelling;
- (c) if cultivated outside of a structure, upon the smallest recorded subdivision of the land; or
- (d) by a business.

This chapter also adopts the definitions contained in UCO Chapter 8.06

#### **11.28.020 Local Regulatory Authority.**

The city council is designated as the “local regulatory authority” as that term is used in Alaska Statutes Chapter 17.38 and any implementing legislation or rule-making.

#### **11.28.030 Remedies.**

A. The city may cite any violation of this chapter as a minor offense. The fine for a minor offense citation may not be reduced below the fine amount established by ordinance.

B. Any person aggrieved by a violation of this chapter may bring a civil action against a person who violates this chapter and may recover, for each violation, a civil penalty not to exceed the fine amount established by ordinance.

C. The city or any person aggrieved by a violation of this chapter may bring an action to enjoin a violation notwithstanding the availability of any other remedy.

#### **11.30.040 Marijuana use in public places prohibited.**

Use or consumption of marijuana in a public place is prohibited. This section is not intended to restrict a property owner from further restricting use of marijuana. A fine of \$100 shall be assessed for violation of this section.

#### **11.30.050 Allowing unlawful marijuana use prohibited.**

No person who manages, oversees, controls, or has an ownership interest in any business shall allow marijuana use in violation of this chapter in or on the premises of the business or on property owned, leased, or rented by the business. A fine of \$100 shall be assessed for a first violation of this section. Subsequent violations on the same property or premises in a twelve-month period shall be assessed a fine of \$500.

**11.30.060 Marijuana possession and use under the age of 21 prohibited.**

No person under 21 years of age shall possess or use marijuana. A fine of \$100 shall be assessed for a first violation of this section. Subsequent offenses in a twelve-month period shall be assessed a fine of \$300.

**11.30.070 Unregistered commercial cultivation of marijuana prohibited.**

No person shall commercially cultivate marijuana unless the facility and cultivator are validly registered under AS 17.38.100. Each unlawfully cultivated plant shall be considered a separate violation. Each violation of this section shall incur a fine of \$500.

**Section 3.**     **Amendment to Minor Offense Table.** The city clerk is instructed to update the city's minor offense table in accordance with this ordinance and provide notice thereof to the Alaska Court System.

**Section 4.**     **Effective Date.** This ordinance is effective upon passage.

PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE UNALASKA CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

\_\_\_\_\_  
HON. SHIRLEY MARQUARDT  
MAYOR

ATTEST:

\_\_\_\_\_  
CATHERINE HAZEN, CITY CLERK

1 Code Ordinance

By: Council Member Stu Graham

Introduced:

Public Hearing:

Action:

Vote:

2  
3  
4  
5  
6  
7 City of Wasilla  
8 Ordinance Serial No. 15-08  
9

10 **An ordinance of the Wasilla City Council adopting Wasilla Municipal Code, Chapter 9.40**  
11 **Regulation of Marijuana, pertaining to the manufacture, transport, possession, and use of**  
12 **marijuana and substances derived from marijuana.**  
13

14       Whereas, the voters of the Alaska recently passed Ballot Measure 2, An Act to Tax and  
15 Regulate the production, Sale, and use of marijuana, and which would be codified as Alaska  
16 Statute 17.38 et seq.; and  
17

18       Whereas, AS 17.38.110, "local control" in subsection (a) provides: "A local government  
19 may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing  
20 facilities, or retail marijuana stores through the enactment of an ordinance or voter initiative";  
21 and  
22

23       Whereas, the personal use of marijuana as described in AS 17.38.020 will not be affected  
24 by this ordinance; and  
25

26       Whereas, enactment of AS 17.38 is phased in with the first actions under said statute  
27 becoming effective in late February 2015; and  
28

29       Whereas, State regulations influencing actions permitted beginning in late February 2015  
30 will not be in place by the time said actions are allowed by passage of the statewide voter  
31 initiative; and  
32

33       Whereas, the voters in the City of Wasilla precincts voted in opposition to Ballot  
34 Measure 2; and  
35

36       Whereas the Wasilla City Council is charged with enacting law to best assure the public  
37 health and safety; and  
38

39       Whereas; the Wasilla City Council must enact regulations which express the will of the  
40 voters of the city of Wasilla.  
41

42       **Section 1. Classification.** This ordinance is of a general and permanent nature and shall  
43 become part of the city code.  
44

45       **Section 2. Adoption of chapter.** WMC 9.40, Regulation of Marijuana, is hereby adopted  
46 to read as follows:  
47  
48

1                                   **CHAPTER 9.40 REGULATION OF MARIJUANA**  
2

3           **9.40.010 Definitions.**

4           When used in the chapter, the following words and phrases shall have the  
5 meanings set forth in this section:  
6

7           *Domicile.* An owned, leased, or rented place used primarily for residential  
8 occupancy. Land use regulations must support the use of the property for permanent  
9 residential purposes and a permanent dwelling suitable for residential occupancy must  
10 be in place on the property.  
11

12           *Manufacture.* Any operation to cultivate marijuana or manufacture products in  
13 which marijuana or any extract therefrom is an ingredient.  
14

15           *Marijuana.* Cannabis leaf and/or bud material not attached to a growing root mass  
16 capable of supporting a complete plant the size of the attached leaf, bud and stalks.  
17 Stalks, roots and seeds are not included in this description.  
18

19           *Transportation device.* The use of a motorized and/or wheeled vehicle to move  
20 marijuana and/or manufactured from cannabis within the Wasilla city limits.  
21

22           **9.40.020 Purpose.**

23           The purpose of this chapter is to enhance public safety by regulating availability  
24 and use of marijuana as marijuana is a psychoactive substance.  
25

26           **9.40.030 Limitations to manufacture.**

27           Manufacturing edible products, marijuana extracts and/or concentrates made with  
28 marijuana is prohibited within the Wasilla city limits.  
29

30           **9.40.040 Limitations on possession.**

31           A domicile within Wasilla city limits shall be limited to a maximum possession of  
32 no more than two (2.0) ounces of marijuana.  
33

34           **9.40.050 Limitation on transport.**

35           Transport of marijuana with the Wasilla city limits shall be limited to no more  
36 than two (2.0) ounces of marijuana per transportation device.  
37

38           **9.40.060 Limitations on use.**

39           (A) Marijuana may be used only inside the confines of a domicile.

40           (B) Use of marijuana may not disturb other residents of the same or neighboring  
41 domiciles. Any use disturbing other residents or neighbors must cease immediately.

1  
2 **9.40.070 Remedies and Penalties.**

3 (A) Remedies and penalties for violations of this chapter are as provided in  
4 Chapter 1.20.

5 (B) Each full ounce or portion thereof in excess of the permitted amount shall  
6 constitute basis for violation of this chapter and constitute a separate violation  
7 pursuant to Chapter 1.20.

8 (C) Manufacturing of edible products and/or concentrates or derivatives shall  
9 constitute a violation pursuant to Chapter 1.20.

10 (D) Any products found in violation of this chapter may be seized and held as  
11 evidence to be used in any future proceeding and may be disposed of as appropriate  
12 after their use for evidentiary purposes is no longer required, include in accordance  
13 with Chapter 5.40.  
14

15 **Section 3. Amendment of subsection.** WMC 1.20.030, Disposition of Scheduled  
16 Offenses—Fine Schedule, is hereby amended to add a fine for Excessive responses violations as  
17 follows:  
18

Code Section	Description of Offense	Fine
9.40.030	Marijuana Manufacture	\$300
9.40.040	Marijuana Possession	\$100
9.40.050	Marijuana Transport	\$100
9.40.060	Marijuana Use	\$100

19  
20 **Section 4. Effective date.** This ordinance shall take effect upon adoption by the Wasilla  
21 City Council.  
22

23 ADOPTED by the Wasilla City Council on -, 2015.  
24  
25

26  
27 \_\_\_\_\_  
28 BERT L. COTTLE, Mayor

29 ATTEST:  
30

31  
32 [SEAL]

33 \_\_\_\_\_  
KRISTIE SMITHERS, MMC, City Clerk

CITY OF  
**WASILLA**  
• ALASKA •

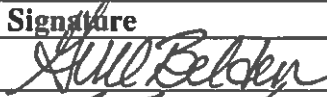
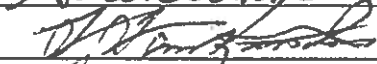
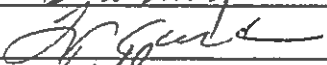


**CITY COUNCIL LEGISLATION STAFF REPORT**

**Ordinance Serial No. 15-08: Adopting Wasilla Municipal Code, Chapter 9.40 Regulation of Marijuana, pertaining to the manufacture, transport, possession, and use of marijuana and substances derived from marijuana.**

Originator: Council Member Stu Graham

Date: 1/28/2015

Agenda of: 2/9/2015

Route to:	Department Head	Signature	Date
X	Chief of Police		2-2-15
X	Finance Director		2-2-15
X	Deputy Administrator		2/2/15
X	City Clerk		1-30-15
X	City Attorney		2/2/15

Reviewed by Mayor Bert L. Cottle:

 01:30:2015

**Fiscal Impact:** ☒ yes or ☐ no

**Funds Available:** ☐ yes or ☐ no

**Account name/number:**

Account Name

Account #

Dollar Amount

Total: \$

**Attachments:** Ordinance Serial No. 15-08 (3 pages)

Ballot Measure No. 2 Ballot Language (27 pages)

**Summary Statement:** Please see attached Ordinance Serial No. 15-08, for consideration by the City Council.

**Staff Recommendation:** Introduce and set for public hearing Ordinance Serial No. 15-08.

# Ballot Measure No. 2

## An Act to Tax and Regulate the Production, Sale, and Use of Marijuana

### BALLOT LANGUAGE

**Ballot Measure No. 2 – 13PSUM**  
**An Act to Tax and Regulate the Production, Sale,**  
**and Use of Marijuana**

This bill would tax and regulate the production, sale, and use of marijuana in Alaska.

The bill would make the use of marijuana legal for persons 21 years of age or older. The bill would allow a person to possess, use, show, buy, transport, or grow set amounts of marijuana, with the growing subject to certain restrictions. The bill would ban the public use of marijuana. The bill would prohibit a person under 21 years of age from using false identification to buy or try to buy marijuana or marijuana accessories.

The bill would allow validly registered marijuana-related entities and persons 21 years of age or older who own or are employed by these entities to make, possess, buy, distribute, sell, show, store, transport, deliver, transfer, receive, harvest, process, or package marijuana and marijuana products, subject to certain restrictions. Alaska Statute 17.30.020 (Controlled Substances) would not apply to these entities.

The bill would require the Alcoholic Beverage Control (ABC) Board to implement parts of the bill. But the bill would also let the legislature create a Marijuana Control Board to assume these duties. The bill would require the ABC Board to adopt regulations governing marijuana-related entities. The regulations would need to cover certain topics and be subject to certain restrictions. The bill would also create procedures for registering a marijuana-related entity. The procedures would be managed by the ABC board and local governments.

The bill would allow a local government to prohibit the operation of marijuana-related entities. A local government could do that by enacting an ordinance or through voter initiative. The ordinances could cover the time, place, manner, and registration of a marijuana entity's operations.

The bill would allow a person 21 years of age or older to possess, use, show, buy, or transport marijuana accessories. Marijuana accessories are products individuals use to grow or consume marijuana. The bill would also allow persons 21 years of age or older to make marijuana accessories and to distribute or sell them to persons who are 21 years of age or older.

The bill states that it is not intended to require an employer to allow marijuana use, transportation, possession, sale, growth, or transfer, or prevent an employer from prohibiting these activities. The bill does not intend to supersede laws prohibiting driving under the influence of marijuana. The bill does not intend to prohibit schools, correction facilities, hospitals, or private persons or entities from restricting marijuana on their property. The bill does not intend to limit the state's existing medical marijuana laws.



# Ballot Measure No. 2

## An Act to Tax and Regulate the Production, Sale, and Use of Marijuana

The bill would impose a \$50 per ounce (or proportionate) excise tax on the sale or transfer of marijuana from a cultivation facility to a retail store or marijuana product manufacturing facility. The marijuana cultivation facility would pay the tax and send monthly tax statements to the Department of Revenue. The Department of Revenue could exempt certain parts of the marijuana plant from the tax. It could also establish a lower tax rate for certain parts of the plant.

The bill defines numerous terms. The bill contains a statement of purpose and findings. The bill would impose civil fines and penalties for violations.

Should this initiative become law?

☐

Yes

☐

No

### LEGISLATIVE AFFAIRS AGENCY SUMMARY

The Act regulates the production, sale, and use of marijuana. The Act enacts a marijuana tax.

The Act allows personal use of marijuana by a person 21 years of age or older, with restrictions. The Act lets a person have, show, use, buy, transport, or give away up to one ounce of marijuana to another person 21 years of age or older. The Act makes it a crime for a person under 21 to use a false ID to buy marijuana. The Act also makes it a crime to use marijuana in public. The Act sets the number and types of marijuana plants a person may keep and give away. The plants may not be in public view. The Act allows a person 21 years of age or older to buy, make, have, show, sell, and give away items used to grow, use, produce, package, or store marijuana, or produce, use, package, test, or store marijuana products.

The Act regulates marijuana establishments. The Act defines an establishment as a retail store, a grower, a tester, or a product manufacturing facility. To operate legally, an establishment must register. Registered establishments may possess, transport, deliver, display, or receive marijuana. Registered marijuana stores, growers, or manufacturers may buy and sell marijuana. Growers or testers may grow or process it.

The Alcoholic Beverage Control Board administers the registration system. The board must make rules to carry out the Act. Those rules may not make it impractical to operate a marijuana establishment. The board must give a copy of each application and half the application fee to the local marijuana authority, if there is one; the Act provides for local control if the board does not act. Cities or boroughs may ban establishments. They may limit the number of them within their boundaries. They may regulate the time, place, and manner of operation. They may name local authorities to regulate them.

# **Ballot Measure No. 2**

## **An Act to Tax and Regulate the Production, Sale, and Use of Marijuana**

The Act taxes the sale of marijuana by registered growers. The tax is \$50 per ounce. The Department of Revenue administers the tax. Growers who pay late may be subject to fines. Growers who do not pay the tax may lose their registrations.

Under the Act, employers do not have to allow marijuana in the work place. Employers may also restrict marijuana use by employees. The Act does not allow a person to drive under the influence of marijuana. The Act allows private property owners or tenants to ban the use of marijuana on the property.

### **STATEMENT OF COSTS**

**Estimate of Costs to the State of Alaska for the Implementation of the Initiative Proposing an Act to "tax and regulate the production, sale, and use of marijuana."**

#### **Summary**

As required by AS 15.45.090(a)(4), the State of Alaska has prepared the following statement of costs resulting from the implementation of the proposed ballot initiative to tax and regulate the production, sale, and use of marijuana.

The initiative would legalize the personal use of marijuana for persons age 21 or older. Specifically, the statute would permit: the possession, use, display, purchase, or transportation of marijuana accessories or one ounce or less of marijuana; the possession, growth, processing, or transporting of no more than six marijuana plants (with three or fewer being mature, flowering plants) and possession of the marijuana on the premises where the plants were grown; the transfer of one ounce or less of marijuana and up to six immature marijuana plants to a person who is 21 years of age or older without remuneration; the consumption of marijuana in a non-public location; and assisting another person who is 21 years of age or older in any of the above activities.

The initiative would also impose certain restrictions and penalties on the personal cultivation and public consumption of marijuana as well as prohibit the use of false identification by a person under the age of 21 to purchase or attempt to purchase marijuana. It would allow for the manufacture, possession, purchase, distribution and sale of marijuana accessories as well as the lawful operation of marijuana-related facilities such as retail stores and cultivation facilities.

The initiative requires the Alcoholic Beverage Control Board (ABC) in the Department of Commerce, Community and Economic Development (DCCED) to adopt regulations to implement the law no later than nine months after the initiative is approved. However the legislature may create a Marijuana Control Board in DCCED to assume the ABC's regulatory role. Marijuana establishments must be registered and local governments could prohibit or limit the existence of and operations of marijuana facilities in their jurisdiction.

The initiative also imposes a \$50 per ounce (or proportionate part) excise tax on the sale and transfer of marijuana from a marijuana cultivation facility to a retail marijuana store or marijuana product manufacturing facility. The tax would be paid by the marijuana cultivation facility.

# Ballot Measure No. 2

## An Act to Tax and Regulate the Production, Sale, and Use of Marijuana

Based on examination of Washington and Colorado, two states that are currently in the process of implementing similar legislation, the Governor, the Legislature, or the ABC Board may choose to establish a Task Force to represent the major stakeholders affected by the implementation of the initiative. An estimate of the potential costs for the Task Force are included under the DCCED cost statement beginning on page 3. This would be an effective method to facilitate an expedient and comprehensive gear-up of the tax and regulatory framework described or established in the initiative.

There are numerous unknowns in the State's implementation of this initiative and as such the cost statement provided here is illustrative. For example, it is unknown whether or not the legislature will create a Marijuana Control Board within DCCED, so the cost estimates do not reflect that potential administrative structure. Using information available from the Colorado and Washington experiences as well as other sources, state agencies have identified a range of potential costs to the state from \$3.7 to \$7.0 million in the first year. It is likely that costs related to development of the tax and regulatory framework would initially be significant. Over the longer term, it would be expected that more of the state's total costs would become public health and education activities as the extent of the impact on public health becomes more defined.

Below is a summary table of agency costs followed by explanations of the estimates by individual agency. The following represents a potential range of state agency costs. The estimate does not include expenses that the legislature may or may not incur associated with the initiative, or any legal expenses that the state may incur as a result of the initiative.

### Summary of estimated costs to implement the Marijuana Initiative by State Agency

Agency	Cost Range - First Year	
Alaska Department of Revenue	\$650,000	\$800,000
Alaska Department of Commerce, Community and Economic Development	\$1,563,960	\$1,563,960
Alaska Department of Health and Social Services	\$0	\$2,987,000
Alaska Department of Public Safety	\$1,434,700	\$1,434,700
Alaska Department of Environmental Conservation	\$0	\$136,900
University of Alaska	indeterminate	--
Office of the Lieutenant Governor	\$9,000	\$9,000
Division of Elections	\$71,257	\$71,257
Total First Year Estimated Cost	\$3,728,917	\$7,002,817

### Statement of Cost Estimates by Department

Estimate of costs to the Alaska Department of Revenue to implement the marijuana initiative

\$650,000 - \$800,000

# Ballot Measure No. 2

## An Act to Tax and Regulate the Production, Sale, and Use of Marijuana

If this initiative is approved by the voters in the August 2014 primary election, it would require DOR to incur additional costs to effectively implement it. If approved, it is presumed that this initiative would take effect thirty days after approval by a majority of qualified voters.

The estimated cost to the state for the implementation of this initiative is between \$650,000 and \$800,000. Recurring annual costs are estimated at approximately \$300,000.

The estimated costs can be broken down into two categories:

Personnel Services:	\$300,000
<u>Contractual Services:</u>	<u>\$350,000-\$500,000</u>
<b>TOTAL</b>	<b>\$650,000-\$800,000</b>

**Personnel** - DOR estimates that it will need to create at least three new positions to oversee the new excise tax imposed by this initiative at a cost of approximately \$300,000 to assist with the administration and collection of a new excise tax. DOR would need at least one Tax Auditor III position, one Tax Technician II position, and one Investigator III position to fulfill the needs of a new tax program. This cost is similar to the cost that is currently incurred by DOR to administer other similar types of excise taxes, and would be recurring annual costs for DOR.

**Contractual Services** - DOR estimates that it will incur a one-time additional expense of approximately \$500,000 for systems configuration. In August 2014, DOR will be complete with configuring the excise tax portion of its new Tax Revenue Management System (TRMS). If this initiative is approved by the voters, it will require DOR and its information system contractors to reconfigure the system to add this new excise tax. Given the limited timeframe to analyze what portions of the system would need to be reconfigured if the initiative passed, DOR's contractors have supplied an estimate of \$350,000 to \$500,000 for this effort.

The above cost estimates represent a minimum cost given the numerous uncertainties around the referendum, and what all of the effects of its passage would be.

<b>Estimate of costs to the Alaska Department of Commerce, Community and Economic Development to implement the marijuana initiative</b>	<b>\$1,563,960</b>
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The following represents an estimated cost to DCCED given the language of the ballot initiative; the actual costs will likely be different. The estimate does not include expenses the legislature or other departments may incur associated with the initiative. The Washington and Colorado marijuana initiative cost estimates were reviewed in developing this cost analysis.

If the initiative is approved by voters in the August 2014 primary election, the State of Alaska, through the Alcoholic Beverage Control (ABC) Board, shall adopt regulations within nine months following the effective date, as required by AS 17.38.090. It is presumed that the initiative would take effect thirty days after the approval by a majority of qualified voters.

# Ballot Measure No. 2

## An Act to Tax and Regulate the Production, Sale, and Use of Marijuana

A local government may designate a local regulatory authority that would be responsible for processing applications submitted for the operation of a marijuana establishment within the boundaries of the local government. If the ABC Board fails to adopt regulations as outlined in the initiative, an applicant may submit an application directly to a local regulatory authority one year after the effective date of the law. In accord with AS 17.38.110, a local government may prohibit cultivating, manufacturing, testing, and selling marijuana through an ordinance or voter initiative. Local governments may also enact local ordinances or regulations for the governance of marijuana establishment operations as long as they are not in conflict with the initiative or regulations enacted pursuant to the initiative.

If the initiative passes, the responsibility for controlling marijuana will lie with the ABC Board until or unless a marijuana control board is established by the legislature within DCCED.

As was done in the state of Colorado following the passage of a similar initiative, the department recommends the creation of a Task Force to identify legal, policy, and procedural issues that need to be resolved, and to offer suggestions and proposals for legislative and executive action for the implementation of this initiative. The Task Force would need to complete its initial regulatory framework within four months of the effective date of the initiative to allow for the adoption of regulations within the nine month requirement. The remaining Task Force work would be concluded one year after the effective date of the initiative.

It is assumed that the Task Force would be comprised of a total of 17 uncompensated members representing interest groups affected by the ballot initiative: four Legislators, one each from the majority and minority of both the House and Senate; one Commissioner or their Designee from each agency affected by this initiative (DCCED, Public Safety, Health and Social Services, Environmental Conservation, Revenue, Law, Corrections and the University of Alaska); one member of the initiative campaign; one member of the public who represents the medical industry; and three members of the public at-large, with one representing rural Alaska. Task Force members will receive travel and per diem. The actual composition of the Task Force may be different. The estimated total cost to DCCED for the implementation of this initiative is \$1,563,960 for the first year and \$1,413,140 for the second year.

	<u>First Year</u>	<u>Second Year</u>
Business Registration Examiners, Range 13 C - 2 at \$73,000 each		\$146,000
Investigator IIIs, Range 18 C - 4 at \$99,300 each		\$397,200
Investigator IV, Range 20 C		\$110,000
Administrative Officer I, Range 17 C		\$86,000
Program Coordinator II, Range 20 C	\$107,800	\$107,800
<b>Total Personal Service Costs</b>	<b>\$107,800</b>	<b>\$847,000</b>
Board member/Staff travel and per diem		\$85,900
Informants/underage buyers (compliance check) travel, pay, and per diem		\$34,000
Task Force travel and per diem	\$16,600	
<b>Total Travel and Per Diem Costs</b>	<b>\$16,600</b>	<b>\$119,900</b>

# Ballot Measure No. 2

## An Act to Tax and Regulate the Production, Sale, and Use of Marijuana

ABC Board Warning/Enforcement Signs	\$2,000	\$2,000
Envelopes	\$800	\$800
Forms	\$1,500	\$1,500
Postage	\$2,000	\$2,000
Office Space 160 sq. ft. per employee at \$3 foot	\$5,760	\$51,840
Ongoing support services for new employees	\$10,000	\$90,000
<u>One-time set up costs for new positions</u>	<u>\$5,000</u>	<u>\$40,000</u>
<b>Total Equipment, Office Space, and Supplies Costs</b>	<b>\$27,060</b>	<b>\$188,140</b>
Task Force recommendations contract funds	\$650,000	
Department of Law Assistant Attorney General Services	\$62,500	\$62,500
Department of Law for expedited regulations	\$200,000	
Database Creation	\$500,000	
Database Maintenance		\$50,000
Vehicles 4 at \$33,500		\$134,000
<u>Vehicle Operating and Maintenance at \$240t per month</u>		<u>\$11,600</u>
<b>Total Contracts and Services Costs:</b>	<b>\$1,412,500</b>	<b>\$258,100</b>
<b>Total Costs:</b>	<b>\$1,563,960</b>	<b>\$1,413,140</b>

### Personal Services

All positions within the ABC Board are currently performing at or above capacity. With the passage of the initiative, the workload of the ABC Board has the potential to double or triple. If doubled, the ABC Board would require an additional four investigators, one supervisor, and two business registration examiners to regulate the marijuana industry, similar to the duties of current staff that regulate the liquor industry. The addition of an Administrative Officer I would be necessary to support the added financial requirements. A Program Coordinator II would be necessary for the facilitation, coordination, and documentation of the Task Force and for the long-term program development, planning, coordination, and oversight of this complex program.

### Travel and Per Diem

#### Board

If the ABC Board of Directors takes on the added responsibility of controlling the cultivation, manufacture, barter, possession, and the sale of marijuana, the current board meetings would be extended by one day, adding to the cost of lodging, ground transportation, and per diem.

#### Investigations

Investigators and underage buyers will travel to communities around the state to provide compliance checks and ensure retailers adhere to the laws and regulations of the program, similar to liquor industry compliance investigations.

#### Task Force

The Task Force will hold seven two-day meetings, with two face-to-face meetings in Anchorage and the rest conducted either by video or teleconference; this assumes ten members are located

# Ballot Measure No. 2

An Act to Tax and Regulate the Production, Sale, and Use of Marijuana outside Anchorage.

## Equipment, Office Space, and Supplies

Equipment and supply costs includes new employee set up, warning signs, test kits, paper products, postage, and additional office space.

## Contracts and Services

Contract costs are for studies on market demand, effects of marijuana, and the cost of production. Regulations will need to be in place nine months after the effective date of this initiative and will require extensive work with the Department of Law. There will be significant ongoing work required by the Department of Law to meet the demands of this new program, similar to the legal demands of the liquor industry.

A new database would require the analysis and development of business rules, analysis of existing systems for parallel processes or required modifications, new system development, testing, validation, implementation, and documentation.

## Vehicles

Additional vehicles are required to perform investigations across the state.

**Estimate of costs to the Alaska Department of Health & Social Services  
to implement the marijuana initiative** **\$0 - \$2,987,000**

As written, the initiative primarily focuses on the process and procedures necessary to establish taxation and regulation of the production, sale, and use of marijuana; the actions addressed in the initiative will not directly impact or cost the Department of Health and Social Services in the establishment of these procedures and regulation development.

However, there is evidence that downstream health and social service consequences of implementing this initiative could be significant. The department has prepared an estimate based on research, other states' experiences, and an extrapolation of expenses the department incurs providing similar substance related services. The fiscal impact will directly relate to how many additional people begin using marijuana and how many current users increase their use.

To evaluate costs, the department has considered recent studies including Proceedings of the National Academy of Science<sup>1</sup>, and the United Nations Office on Drugs and Crime, *Cannabis: A Short Review*.<sup>2</sup>

These studies note emerging findings on the harmful effect of cannabis on neuropsychological functioning data indicating cannabis is linked to addiction, cognitive impairment, motor skills

<sup>1</sup> Persistent cannabis users show neuropsychological decline from childhood to midlife. Meler, Madeline H., Caspi, Avshalom, et al. Proceedings of the National Academy of Science. Published online August 27, 2012

<sup>2</sup> Cannabis: A Short Review, Discussion Paper from the United Nations Office on Drugs and Crime. 2012.

# Ballot Measure No. 2

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## An Act to Tax and Regulate the Production, Sale, and Use of Marijuana

deficiency, respiratory, cardiovascular and mental health problems, and has been shown to be particularly damaging to maturing brains.

The consequences and outcomes of marijuana use create a significant potential for increased costs for physical and behavioral health care, child welfare services, educational systems, employers, public safety, criminal justice, community health and other aspects of state and local governments. For instance, legalization of marijuana may create an environment in which young people, in particular, perceive a lower risk of harm from marijuana use, resulting in increased use.<sup>3</sup>

According to Robert Morrison, Executive Director of the National Association of State Alcohol and Drug Abuse Directors (NASADA), Alaska has one of the highest use rates of marijuana at 11%, along with Vermont. He also highlights that an estimated 4.4 million individuals, nationwide, met criteria for marijuana dependence or abuse.<sup>4</sup>

While actual increases in health and social service programming are unknown, research and data provide a clear picture of the potential for increased problems associated with the legalization of marijuana.<sup>5</sup> In states where medical marijuana is legal, marijuana abuse and dependence rates are almost twice as high as in those states without medical marijuana. Two states that have recently legalized marijuana, Washington and Colorado, report difficulty determining the potential costs. Results of a recent report to estimate the fiscal impact of marijuana legalization in Colorado were inconclusive and four national marijuana-policy experts wrote that "the future holds more unknowns than knowns."

The Division of Juvenile Justice has identified several areas in which costs could increase. Making possession of marijuana an offense that can be committed by minors but not adults creates a new status offense that is subject to specific rules governing the secure holding of juveniles. Violation of those rules could jeopardize federal funding currently received through the U.S. Office of Juvenile Justice and Delinquency Prevention. The initiative could also require increased treatment for substance abuse and mental health issues among youth held in detention.

With this very brief overview of concerns about increased marijuana use and legalization, the department anticipates potential costs to DHSS in the following areas, with estimates of per annual cost increases:

- Increased substance use, dependency and addictions treatment: \$200,000 or a 10% increase in treatment services for marijuana dependence;
- Increased mental health treatment services: \$1.1 million or a 5% increase in mental health treatment services;
- Increased physical health services through public health and our primary care providers: \$400,000;

<sup>3</sup> Trends in Adolescent Substance Use and Perception of Risk from Substance Use. The NSDUH Report; from the Substance Abuse and Mental Health Services Administration (SAMHSA) and the National Survey on Drug Use and Health. January 3, 2013.

<sup>4</sup> Marijuana Regulation: Considerations from State Substance Abuse Agency Directors. A presentation to the National Conference of State Legislatures (NCSL), Spring Forum. Robert Morrison, Executive Director, NASADAD. May 3, 2013.

<sup>5</sup> Toolkit for States Facing "Medical" Marijuana & Marijuana Legalization Initiatives. Community Anti-Drug Coalitions of America (CADCA). Summer 2012.



# Ballot Measure No. 2

## An Act to Tax and Regulate the Production, Sale, and Use of Marijuana

- Increased Medicaid costs to cover treatment and service needs: \$27,000 or a 10% increase in current marijuana treatment services covered by Medicaid;
- Increased enforcement of marijuana access by youth (similar to our current tobacco enforcement efforts). This expenditure will be determined upon the process developed for retail sale of marijuana: \$140,000 or a potential 20% increase;
- Increased prevention, education and early intervention programs for adolescents and young adults: 10% community grant increase and 20% ASAP service increase = \$390,000 + \$250,000;
- Increased child protection services for young children in homes with regular and persistent marijuana users (second hand marijuana smoke, neglect), and training for foster parents and staff: \$250,000;
- Increased juvenile justice services for youth engaged in marijuana use and dependency \$200,000; and
- Potential Human Resource activities related to employee use of marijuana and related policies \$30,000.

Estimated annual potential cost increases to the Department of Health and Social Services resulting from the legalization of marijuana are \$2,987,000. As indicated, these are estimates based on projected impacts; depending on the actual regulations, enforcement, and number of citizens who increase their use of marijuana, actual costs are likely to be different.

### Estimate of Costs to the Alaska Department of Public Safety to implement the marijuana initiative

**\$1,434,700**

The ballot initiative would tax and regulate marijuana sales and allow Alaskans to cultivate marijuana for personal use. Persons 21 years of age or older could legally possess up to one ounce of marijuana or six marijuana plants (three of which could be mature), and could legally cultivate, sell and purchase marijuana through authorized marijuana-related facilities.

The cost to DPS to implement the law proposed by this initiative is based on the following assumptions regarding the legalization of marijuana in Alaska: it will lead to increased demand and usage and a consequent increase in the number of people driving while under the influence of this drug, and it will increase the illegal diversion and exportation of marijuana lawfully cultivated in Alaska.

Therefore, the costs to DPS are associated with the following:

1. Increasing the number Statewide Drug Enforcement Unit trooper investigators to target the diversion and exportation of marijuana lawfully grown in Alaska;
2. Requiring more troopers to receive Drug Recognition Expert (DRE) certification to enhance their ability to detect drivers impaired by marijuana and address the anticipated increase in DUI offenses;
3. Launching a public education and awareness campaign on the dangers of driving under the influence of marijuana; and

# Ballot Measure No. 2

## An Act to Tax and Regulate the Production, Sale, and Use of Marijuana

4. Increasing the number of samples being sent out for toxicology analysis to detect the presence of marijuana in blood.

### Division of Alaska State Troopers:

Marijuana is identified as a primary substance of abuse in Alaska, along with alcohol, cocaine, heroin, and prescription drugs. These substances are the focus of most drug enforcement efforts in Alaska.

DPS' Division of Alaska State Troopers (AST), Alaska Bureau of Investigation, Statewide Drug Enforcement Unit (SDEU) provides a leadership role in coordinating law enforcement's efforts to reduce the availability of illegal alcohol and controlled substances (including marijuana) throughout Alaska. The SDEU primarily supports six investigative drug task forces throughout Alaska. These teams are broken down by region as follows:

- Alaska Interdiction Task Force/Anchorage Enforcement Group (sponsored by the U.S. Drug Enforcement Administration)
- Fairbanks Area-wide Narcotics Team
- Mat-Su Narcotics Enforcement Team
- South Central Area-wide Narcotics Team
- Southeast Alaska Cities Against Drugs Task Force
- Western Alaska Alcohol and Narcotics Team

SDEU participates with and receives assistance from several federal investigative agencies involved in drug enforcement. These agencies include: the Drug Enforcement Administration (DEA); Federal Bureau of Investigation (FBI); U.S. Postal Inspection Service; Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE); and U.S. Immigration and Customs Enforcement (ICE).

The DEA awarded \$80,000 in Marijuana Eradication grant funds to the State of Alaska in calendar year 2012. These funds were used to cover some of the costs associated with marijuana eradication in the state. In calendar year 2012, funds were shared with the Anchorage, Craig, and Kenai police departments to cover overtime incurred by officers involved in eradication operations. The following table reports the activities supported through this grant:

2012 Domestic Cannabis Eradication/Suppression Statistical Report for Alaska								
Total Eradicated Outdoor Grow Sites	Total Cultivated Plants Outdoor	Total Eradicated Indoor Grow Sites	Total Cultivated Plants Indoor	Total Cultivated Plants (Outdoor & Indoor)	Bulk Processes Marijuana	Number of Arrest	*Assets Seized (Value)	Weapon Seizure
3	113	62	4,270	4,383	203	76	\$36,077	74

*\*Assets seized include paraphernalia items such as grow lights and digital scales and does not include marijuana plants.*

# Ballot Measure No. 2

## An Act to Tax and Regulate the Production, Sale, and Use of Marijuana

Given that marijuana is illegal under federal law, legalization of marijuana in Alaska will have an impact on the collaborative working relationships DPS has with its federal counterparts and could potentially affect federal grant funds DPS and local law enforcement agencies receive for marijuana eradication and suppression efforts.

Should this initiative become law, it is practical to assume that arrests for simple possession will decrease. Even so, drug enforcement efforts are primarily targeted at individuals engaged in commercially cultivating and trafficking marijuana.

It is likely that sales of marijuana will not only be conducted by legitimate, taxpaying business people, but by criminal actors as well. Due to more potent levels of tetrahydrocannabinol (THC) in Alaskan-grown marijuana, the out of state demand for the drug is significant, and legalization could increase opportunities for marijuana export. AST predicts illegal commercial marijuana growing operations will continue to exist to meet this demand, skirting taxes and regulation in order to make the maximum profit. In addition, allowing the operation of marijuana cultivation facilities as proposed by the initiative actually increases the opportunity for Alaska's "legally grown" marijuana to be illegally diverted and exported.

DPS would require at least three additional Alaska State Trooper positions to target the illegal diversion and exportation of marijuana lawfully cultivated in Alaska. These positions would also work with DCCED's Alcoholic Beverage Control (ABC) board investigators on investigations into criminal activity associated with regulation of the marijuana industry.

The first year cost of three new trooper investigator positions is \$827,200; \$594,400 for ongoing funding to cover personal services, travel, training, and supplies (base increment), and \$232,800 to cover training at the academy, IT equipment, portable radios, office equipment, firearms and vehicles (one-time funding).

Though arrests for simple possession may decrease, the greater availability of marijuana will likely increase the number of adults consuming marijuana and the frequency with which it is consumed; consequently, the number of individuals driving under the influence of marijuana is expected to increase. Current practice is to administer standardized field sobriety tests to individuals suspected of driving under the influence (DUI). There is currently no chemical test that can be used in the field to detect marijuana impairment; the taking of a blood sample for purposes of determining the presence of a controlled substance (including marijuana) must be conducted at a medical facility.

To quickly and proficiently recognize the signs of marijuana impairment in drivers who are contacted, DPS proposes that more troopers become certified as drug recognition experts. A drug recognition expert (DRE), sometimes referred to as a drug recognition evaluator, is a police officer trained to recognize impairment in drivers under the influence of drugs other than, or in addition to, alcohol. Training and certification requirements are established by the International Association of Chiefs of Police and the National Highway Traffic Safety Administration. The cost for this training is approximately \$2,500 per trooper.

# **Ballot Measure No. 2**

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## **An Act to Tax and Regulate the Production, Sale, and Use of Marijuana**

Finally, DPS would launch a major public education and awareness media campaign focused on the dangers of driving under the influence of marijuana, similar to its current drunk driving and seat belt use campaigns. Using current media campaign expenditures as a base, the production and advertising costs for a DUI campaign focused on marijuana impairment are estimated to be \$500,000 per year for television, radio, print, and internet advertising.

### **Scientific Crime Detection Laboratory:**

The DPS Scientific Crime Detection Laboratory (SCDL) provides drug identification services to Alaska's law enforcement agencies through its controlled substances section. Forensic scientists in the section analyze evidence items and conclusively identify a controlled substance or perform sufficient analysis to determine that no controlled substances are present.

Drug evidence submitted to the section can be analyzed through a variety of methods that include preliminary testing combined with confirmatory testing. Preliminary testing can include color testing, microcrystalline microscopic analysis, or physical identification of a tablet using a reliable source. The confirmation of the presence of a controlled substance is performed through one of two confirmatory tests, gas chromatography/mass spectrometry (GC/MS) or infrared spectrophotometry.

Following analysis, a forensic scientist interprets the instrumental data and prepares a report of his/her findings. This report is used in criminal court proceedings and often the forensic scientist is asked to provide expert testimony to the courts.

Marijuana, a schedule VIA controlled substance under AS 11.71.190, is commonly submitted by law enforcement agencies to the crime lab. Drug paraphernalia such as pipes and digital scales are also frequently submitted to the crime lab for analysis. Forensic scientists may also be called upon to analyze samples for federal agencies operating within Alaska for substances controlled under the federal Controlled Substances Act, which includes marijuana.

The crime lab seldom analyzes personal use quantities of marijuana. Rather, the evidence being submitted to the crime lab is indicative of distribution (trafficking) level quantities. As AST predicts that illegal commercial marijuana grow operations will continue despite any legalization of marijuana-related facilities, such as marijuana cultivation facilities and marijuana retail stores, the SCDL does not anticipate a decrease in submissions of evidence.

Alaska does not currently have an in-house drug toxicology program. The SCDL has a contract with the Washington State Patrol Toxicology Laboratory in Seattle for toxicology services and sends samples there for drug analysis. Based on the anticipated increase in marijuana impaired driving, DPS estimates that an average of 150 additional samples will be sent out for analysis each year. At an average cost of \$300 per sample, the increase in contract costs would be \$45,000 per year.

The estimated total cost to DPS for the implementation of this initiative is \$1,434,700 for the first year and \$1,201,900 for the second year. Following is a summary of the estimated costs:

## Ballot Measure No. 2

### An Act to Tax and Regulate the Production, Sale, and Use of Marijuana

	First Year	Second Year
Three Trooper Investigator Positions	\$594,400	\$594,400
One-time position costs (academy training, IT equipment, office equipment, firearms, and vehicles)	\$232,800	\$0.0
<b>Total Personal Service Costs</b>	<b>\$827,200</b>	<b>\$594,400</b>
Marijuana DUI Media Campaign (production and advertising)	\$500,000	\$500,000
DRE Certification (\$2,500/trooper x 25 troopers annually)	\$62,500	\$62,500
Contractual increase for toxicology services (\$300/sample x 150 additional samples)	\$45,000	\$45,000
<b>Total Contracts and Services Costs</b>	<b>\$607,500</b>	<b>\$607,500</b>
<b>TOTAL COSTS</b>	<b>\$1,434,700</b>	<b>\$1,201,900</b>

**Estimate of costs to the Alaska Department of Environmental Conservation to implement the marijuana initiative** **\$0 - \$136,900**

The ballot initiative legalizes marijuana for use by persons 21 years of age and older. Section 17.38.080 states that the Department of Commerce, Community, and Economic Development (DCCED) may create a Marijuana Control Board; otherwise, the powers, duties, and responsibilities fall to the Alcoholic Beverage Control Board, located in the DCCED.

Normally, under AS 17.20, the DEC has responsibility to regulate food and food products. Marijuana or its derivatives, if considered a food, would fall under those provisions. However, under 17.38.090 of the proposed law, responsibility for regulating marijuana, including creating labeling requirements and health and safety regulations for the manufacture of marijuana, lies with the Alcoholic Beverage Control Board.

If additional food establishments were opened to create marijuana products (such as marijuana bakeries, etc.) along with additional food facilities opening up in the state, the Food Safety and Sanitation Program within DEC will need an additional Environmental Health Officer III position in Anchorage to review sanitation plans and conduct sanitation inspections for the increased number of facilities. If there is an increase in facilities, DEC anticipates needing one full time position at a total cost of \$136,900 (includes personal services, travel, contractual and supply expenses).

The estimates are done based on the cost during FY14 and do not reflect inflationary increases that will occur during the years it takes for this legislation to be passed, regulations to be written, and individuals to set up grow operations and potential food establishments. The cost will likely increase in future years.

**Estimate of costs to the University of Alaska to implement the marijuana initiative** **Indeterminate**

The University of Alaska has examined the initiative and due to the uncertainty around the

## **Ballot Measure No. 2**

### **An Act to Tax and Regulate the Production, Sale, and Use of Marijuana**

initiative cannot provide a definitive estimate of the costs that it would incur at this time. However, should the initiative become law, it will directly impact the University's primary population – its students.

Areas of potential costs include but are not limited to:

As with Colorado and Washington, education will be needed for students, faculty, and staff about how the initiative would change University policies regarding possession or use of drugs on campus.

The Clery Act includes requirements for education on drug effects. The University would need to adjust its Clery documents, and there would potentially be some production costs associated with that effort. Additionally, there will likely be costs associated with revising University policies and regulations such as housing, employment and discipline.

It is anticipated that there would be additional costs associated with enforcement (the proposed law prohibits consumption in public) by UAA and UAF police departments as well as by administrators

There are potential legal costs associated with analyzing initiative and advising Major Administrative Units (MAUs).

There is likely to be some impact on the health care costs and rates for employees as well as a potential impact on insurance rates for the University.

The University envisions that they would very likely incur some research costs based on requests for information on the social and economic impacts of the initiative.

**Estimate of costs to the Office of the Lieutenant Governor and the Division of Elections to implement the marijuana initiative** **\$80,257**

#### **Office of the Lieutenant Governor**

Assuming the initiative is placed on the ballot, the minimum cost to conduct public hearings concerning the initiative in two communities in each of four judicial districts is estimated to be \$9,000. This number may be reduced if hearings are held on more than one initiative at a time.

Lt. Governor's Office estimate by category

<u>Travel</u>	<u>\$ 9,000</u>
<b>Total</b>	<b>\$ 9,000</b>

Estimated travel expenses include round-trip air transportation, per diem and other associated travel costs for the Lieutenant Governor and staff to travel to seven communities in Alaska. It is assumed one of the hearings would be in Anchorage which would not involve travel costs.

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## An Act to Tax and Regulate the Production, Sale, and Use of Marijuana

### Division of Elections

The minimum cost to the Division of Elections associated with certification of the initiative application and review of the initiative petition, excluding legal costs to the state and the costs to the state of any challenge to the validity of the petition, is estimated to be \$71,257.

Elections estimate by category

Personal Services	\$69,957
<u>Services</u>	<u>\$ 1,300</u>
<b>Total</b>	<b>\$71,257</b>

Personal services expenses associated with certification of the initiative application and review of the initiative petition:

Three full-time employees at 522 hours is \$29,200

8 temporary employees at 2,520 hours is \$40,757

Services expenses associated with certification of the initiative application and review of the initiative petition:

Printing of booklets is \$1,300.

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## An Act to Tax and Regulate the Production, Sale, and Use of Marijuana

### STATEMENT IN SUPPORT

Marijuana prohibition has been just as ineffective, inefficient, and counterproductive as alcohol prohibition. It's time for a more sensible approach.

Ballot Measure 2 will end the failed policy of marijuana prohibition in Alaska and replace it with a system in which:

- Personal use, possession, and limited home-growing of marijuana is legal for adults 21 and older; and
- Marijuana is regulated and taxed like alcohol.

Government studies and scientific research have consistently concluded that even the most potent marijuana, in concentrate or any other form, is far less harmful than alcohol to the consumer and to society. It's less addictive, less damaging to the body, and far less likely to trigger violent and reckless behavior.<sup>1,2</sup> Adults who prefer to use marijuana instead of alcohol shouldn't be punished for making a safer choice.

There were 2,219 arrests for marijuana offenses in Alaska in 2010, of which 91% were for possession alone.<sup>3</sup> Measure 2 would allow law enforcement to spend their time and limited resources addressing serious crimes instead of arresting and prosecuting adults for using a less harmful substance than alcohol.

Current marijuana prohibition laws force marijuana sales into the underground market where they're controlled by criminal enterprises. Measure 2 will replace the underground market with a tightly regulated system of licensed marijuana businesses that will create good jobs for Alaskans and generate tax revenue for the state and localities. It will also create business and ancillary industries, such as construction, real estate, and accounting. Localities will have the right to ban marijuana establishments.

State officials will create and enforce rules governing the production and sale of marijuana, such as testing, packaging, labeling requirements, and restrictions on advertising.

A regulated market will provide a safer environment for adults to purchase marijuana, and it will reduce their exposure to other illegal substances. It will also more effectively prevent teens from purchasing marijuana. It will remain illegal to sell or provide marijuana to minors, and proof of age will be required to purchase marijuana. Those selling marijuana in the underground market do not ask for ID.

In Colorado, where voters approved a similar measure in 2012, officials have reported no instances of businesses illegally selling marijuana to minors.<sup>4</sup> Since the state began regulating hundreds of marijuana-related businesses in 2010, teen marijuana use hasn't increased, high school graduation rates have increased, and drop-out rates have decreased.<sup>5,6</sup>

Implementation of the Colorado law hasn't contributed to an increase in crime, and violent crime decreased statewide in the first year in which marijuana was legal for adults.<sup>7</sup> The number of fatal vehicle crashes dropped more than 25% during the first four months of legal marijuana sales compared to the same period the previous year.<sup>8</sup>

Statewide support for ending marijuana prohibition has increased in Colorado since legal adult marijuana sales began.<sup>9</sup>

Regulating marijuana works.

Christopher Rempert, Political Director and Treasurer/Campaign to Regulate Marijuana Like Alcohol

1 U.S. Institute of Medicine.

2 World Health Organization.

3 American Civil Liberties Union.

4 Colorado Department of Revenue.

5 U.S. Centers for Disease Control

6 Colorado Department of Education.

7 Colorado Bureau of Investigation.

8 Colorado State Patrol.

9 Public Policy Polling.



# Ballot Measure No. 2

## An Act to Tax and Regulate the Production, Sale, and Use of Marijuana

### STATEMENT IN OPPOSITION

#### Big Marijuana. Big Mistake. Vote No on 2

Against the best interests of our State, Proposition 2 seeks to legalize, commercialize, advertise, and industrialize marijuana and concentrated marijuana products (such as "shatter," "butane hash oil," and marijuana "Ring Pots") in Alaska. The Initiative is costly, extreme, premature, and will unduly harm Alaskan communities, businesses, families, and our youth. We urge you to Vote No on 2 because:

1. **The Initiative is Far Too Costly.** The State of Alaska estimates that this initiative could increase costs to State Government by over \$7 million/year, including increased costs for child neglect and DUIs. Also, the Alaska Association of Chiefs of Police estimates that the initiative will increase costs to small towns and cities by \$6 million. These are just the costs to state government and police. Based on evidence, **for every \$1 of taxes raised, the social, productivity, business, and health costs of substances like marijuana will be \$10.** Costs include: lost productivity, increased accidents, harm to youth, harm to families, and increased health costs.
2. **The Initiative Legalizes the Manufacturing, Advertising, Marketing, Transport and Consumption of Extreme Products like Shatter, Butane Hash Oil and Dangerous, Child-Friendly Edibles.** The Initiative specifically defines marijuana to include all marijuana concentrates and products. This would legalize the manufacturing, advertising, marketing, transport and consumption of such extreme products as 80-90% THC shatter, butane hash oil, and crumble. **We recommend all voters Google shatter and butane hash oil before voting.** Two people have already died in Colorado from child-friendly marijuana edibles, and emergency room visits have increased.
3. **The Initiative Eliminates the local option** for communities in Alaska to be dry on marijuana.
4. **This Initiative Will Not Eradicate the Illegal Trafficking of Marijuana.** If this initiative passes, there will be: illegal sales of marijuana to youth; illegal export of marijuana, and illegal sales to adults (just as there are in Colorado now after legalization).
5. **Do Alaskans Really Want Another Major Industry Promoting the Increased Use of Another Harmful Intoxicant? No.** There is so much evidence that marijuana is harmful to fetuses, developing brains, motivation, judgment (including while driving), mental health, lungs, hearts and more.
6. **Large Outside Interests are Funding the Initiative.** Follow the money. Big marijuana. Big mistake.
7. **Rates of Use by our Youth Will Increase.** Public Health science is very clear. If this initiative passes, youth use rates of marijuana, including shatter, butane hash oil, and edibles will increase.
8. **There is No Reason to Rush into Making a Mistake.** We deserve to see what happens in Colorado and make a more informed decision about what is best for Alaskans. Let's see how the **pervasive advertising of marijuana and marijuana products** works out; how many lawsuits there are from the marijuana industry; and what **marijuana lobbyists** do. Let's examine the increases in emergency room visits and deaths. There is no rush in Alaska to make a mistake.

**The costs of this outside-funded initiative are far too great. Vote No on 2.**

**(Please Visit the Website: <http://www.bigmarijuanabigmistake.org/> for More Information)**

Mike Williams, Akiak, Chair. Big Marijuana. Big Mistake.

Joe Byrnes, Fairbanks, Deputy Treasurer. Big Marijuana. Big Mistake.

Deborah Williams, Anchorage, Deputy Treasurer. Big Marijuana. Big Mistake

*The statement printed on this page is the opinion of the author(s) and is presented as submitted to the Division of Elections.*

# Ballot Measure No. 2

## An Act to Tax and Regulate the Production, Sale, and Use of Marijuana

### FULL TEXT OF PROPOSED LAW

"An Act to tax and regulate the production, sale, and use of marijuana."

#### BE IT ENACTED BY THE PEOPLE OF THE STATE OF ALASKA:

\*Section 1. AS 17 is amended by adding a new chapter to read:

#### Chapter 38. The regulation of marijuana

##### Sec. 17.38.010. Purpose and findings.

(a) In the interest of allowing law enforcement to focus on violent and property crimes, and to enhance individual freedom, the people of the state of Alaska find and declare that the use of marijuana should be legal for persons 21 years of age or older.

(b) In the interest of the health and public safety of our citizenry, the people of the state of Alaska further find and declare that the production and sale of marijuana should be regulated so that:

(1) Individuals will have to show proof of age before purchasing marijuana;

(2) Legitimate, taxpaying business people, and not criminal actors, will conduct sales of marijuana; and

(3) Marijuana sold by regulated businesses will be labeled and subject to additional regulations to ensure that consumers are informed and protected.

(c) The people of the state of Alaska further declare that the provisions of this Act are not intended to diminish the right to privacy as interpreted by the Alaska Supreme Court in *Ravin v. State of Alaska*.

(d) Nothing in this Act proposes or intends to require any individual or entity to engage in any conduct that violates federal law, or exempt any individual or entity from any requirement of federal law, or pose any obstacle to federal enforcement of federal law.

##### Sec. 17.38.020. Personal use of marijuana.

Notwithstanding any other provision of law, except as otherwise provided in this chapter, the following acts, by persons 21 years of age or older, are lawful and shall not be a criminal or civil offense under Alaska law or the law of any political subdivision of Alaska or be a basis for seizure or forfeiture of assets under Alaska law:

(a) Possessing, using, displaying, purchasing, or transporting marijuana accessories or one ounce or less of marijuana;

(b) Possessing, growing, processing, or transporting no more than six marijuana plants, with three or fewer being mature, flowering plants, and possession of the marijuana produced by the plants on the premises where the plants were grown;

(c) Transferring one ounce or less of marijuana and up to six immature marijuana plants to a person who is 21 years of age or older without remuneration;

(d) Consumption of marijuana, except that nothing in this chapter shall permit the consumption of marijuana in public; and

(e) Assisting another person who is 21 years of age or older in any of the acts described in paragraphs (a) through (d) of this section.

# Ballot Measure No. 2

## An Act to Tax and Regulate the Production, Sale, and Use of Marijuana

### **Sec. 17.38.030. Restrictions on personal cultivation, penalty.**

a) The personal cultivation of marijuana described in AS 17.38.020(b) is subject to the following terms:

(1) Marijuana plants shall be cultivated in a location where the plants are not subject to public view without the use of binoculars, aircraft, or other optical aids.

(2) A person who cultivates marijuana must take reasonable precautions to ensure the plants are secure from unauthorized access.

(3) Marijuana cultivation may only occur on property lawfully in possession of the cultivator or with the consent of the person in lawful possession of the property

(b) A person who violates this section while otherwise acting in compliance with AS 17.38.020(b) is guilty of a violation punishable by a fine of up to \$750.

### **Sec. 17.38.040. Public consumption banned, penalty.**

It is unlawful to consume marijuana in public. A person who violates this section is guilty of a violation punishable by a fine of up to \$100.

### **Sec. 17.38.050. False identification, penalty.**

(a) A person who is under 21 years of age may not present or offer to a marijuana establishment or the marijuana establishment's agent or employee any written or oral evidence of age that is false, fraudulent or not actually the person's own, for the purpose of:

(1) Purchasing, attempting to purchase or otherwise procuring or attempting to procure marijuana or marijuana products; or

(2) Gaining access to a marijuana establishment.

(b) A person who violates this section is guilty of a violation punishable by a fine of up to \$400.

### **Sec. 17.38.060. Marijuana accessories authorized.**

Notwithstanding any other provision of law, it is lawful and shall not be an offense under Alaska law or the law of any political subdivision of Alaska or be a basis for seizure or forfeiture of assets under Alaska law for persons 21 years of age or older to manufacture, possess, or purchase marijuana accessories, or to distribute or sell marijuana accessories to a person who is 21 years of age or older.

### **Sec. 17.38.070. Lawful operation of marijuana-related facilities.**

(a) Notwithstanding any other provision of law, the following acts, when performed by a retail marijuana store with a current, valid registration, or a person 21 years of age or older who is acting in his or her capacity as an owner, employee or agent of a retail marijuana store, are lawful and shall not be an offense under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law:

(1) Possessing, displaying, storing, or transporting marijuana or marijuana products, except that marijuana and marijuana products may not be displayed in a manner that is visible to the general public from a public right-of-way;

(2) Delivering or transferring marijuana or marijuana products to a marijuana testing facility;

(3) Receiving marijuana or marijuana products from a marijuana testing facility;

*The text of this bill is presented as submitted by petition sponsors.*

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## An Act to Tax and Regulate the Production, Sale, and Use of Marijuana

- (4) Purchasing marijuana from a marijuana cultivation facility;
- (5) Purchasing marijuana or marijuana products from a marijuana product manufacturing facility; and
- (6) Delivering, distributing, or selling marijuana or marijuana products to consumers.

(b) Notwithstanding any other provision of law, the following acts, when performed by a marijuana cultivation facility with a current, valid registration, or a person 21 years of age or older who is acting in his or her capacity as an owner, employee or agent of a marijuana cultivation facility, are lawful and shall not be an offense under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law:

- (1) Cultivating, manufacturing, harvesting, processing, packaging, transporting, displaying, storing, or possessing marijuana;
- (2) Delivering or transferring marijuana to a marijuana testing facility;
- (3) Receiving marijuana from a marijuana testing facility;
- (4) Delivering, distributing, or selling marijuana to a marijuana cultivation facility, a marijuana product manufacturing facility, or a retail marijuana store;
- (5) Receiving or purchasing marijuana from a marijuana cultivation facility; and
- (6) Receiving marijuana seeds or immature marijuana plants from a person 21 years of age or older.

(c) Notwithstanding any other provision of law, the following acts, when performed by a marijuana product manufacturing facility with a current, valid registration, or a person 21 years of age or older who is acting in his or her capacity as an owner, employee or agent of a marijuana product manufacturing facility, are lawful and shall not be an offense under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law:

- (1) Packaging, processing, transporting, manufacturing, displaying, or possessing marijuana or marijuana products;
- (2) Delivering or transferring marijuana or marijuana products to a marijuana testing facility;
- (3) Receiving marijuana or marijuana products from a marijuana testing facility;
- (4) Delivering or selling marijuana or marijuana products to a retail marijuana store or a marijuana product manufacturing facility;
- (5) Purchasing marijuana from a marijuana cultivation facility; and
- (6) Purchasing of marijuana or marijuana products from a marijuana product manufacturing facility.

(d) Notwithstanding any other provision of law, the following acts, when performed by a marijuana testing facility with a current, valid registration, or a person 21 years of age or older who is acting in his or her capacity as an owner, employee or agent of a marijuana testing facility, are lawful and shall not be an offense under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law:

- (1) Possessing, cultivating, processing, repackaging, storing, transporting, displaying, transferring or delivering marijuana;
- (2) Receiving marijuana or marijuana products from a marijuana cultivation facility, a marijuana retail store, a marijuana products manufacturer, or a person 21 years of age or older; and

*The text of this bill is presented as submitted by petition sponsors.*

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## An Act to Tax and Regulate the Production, Sale, and Use of Marijuana

- (3) Returning marijuana or marijuana products to a marijuana cultivation facility, marijuana retail store, marijuana products manufacturer, or a person 21 years of age or older.
- (e) Notwithstanding any other provision of law, it is lawful and shall not be an offense under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law to lease or otherwise allow the use of property owned, occupied or controlled by any person, corporation or other entity for any of the activities conducted lawfully in accordance with paragraphs (a) through (d) of this section.
- (f) Nothing in this section prevents the imposition of penalties upon marijuana establishments for violating this chapter or rules adopted by the board or local governments pursuant to this chapter.
- (g) The provisions of AS 17.30.020 do not apply to marijuana establishments.

### **Sec. 17.38.080. Marijuana Control Board.**

At any time, the legislature may create a Marijuana Control Board in the Department of Commerce, Community, and Economic Development or its successor agency to assume the power, duties, and responsibilities delegated to the Alcoholic Beverage Control Board under this chapter.

### **Sec. 17.38.090. Rulemaking.**

- (a) Not later than nine months after the effective date of this act, the board shall adopt regulations necessary for implementation of this chapter. Such regulations shall not prohibit the operation of marijuana establishments, either expressly or through regulations that make their operation unreasonably impracticable. Such regulations shall include:
  - (1) Procedures for the issuance, renewal, suspension, and revocation of a registration to operate a marijuana establishment, with such procedures subject to all requirements of AS 44.62, the Administrative Procedure Act;
  - (2) A schedule of application, registration and renewal fees, provided, application fees shall not exceed \$5,000, with this upper limit adjusted annually for inflation, unless the board determines a greater fee is necessary to carry out its responsibilities under this chapter;
  - (3) Qualifications for registration that are directly and demonstrably related to the operation of a marijuana establishment;
  - (4) Security requirements for marijuana establishments, including for the transportation of marijuana by marijuana establishments;
  - (5) Requirements to prevent the sale or diversion of marijuana and marijuana products to persons under the age of 21;
  - (6) Labeling requirements for marijuana and marijuana products sold or distributed by a marijuana establishment;
  - (7) Health and safety regulations and standards for the manufacture of marijuana products and the cultivation of marijuana;
  - (8) Reasonable restrictions on the advertising and display of marijuana and marijuana products; and
  - (9) Civil penalties for the failure to comply with regulations made pursuant to this chapter.
- (b) In order to ensure that individual privacy is protected, the board shall not require

*The text of this bill is presented as submitted by petition sponsors.*

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a consumer to provide a retail marijuana store with personal information other than government-issued identification to determine the consumer's age, and a retail marijuana store shall not be required to acquire and record personal information about consumers.

### **Sec. 17.38.100. Marijuana establishment registrations.**

- (a) Each application or renewal application for a registration to operate a marijuana establishment shall be submitted to the board. A renewal application may be submitted up to 90 days prior to the expiration of the marijuana establishment's registration.
- (b) The board shall begin accepting and processing applications to operate marijuana establishments one year after the effective date of this act.
- (c) Upon receiving an application or renewal application for a marijuana establishment, the board shall immediately forward a copy of each application and half of the registration application fee to the local regulatory authority for the local government in which the applicant desires to operate the marijuana establishment, unless the local government has not designated a local regulatory authority pursuant to AS 17.38.110(c).
- (d) Within 45 to 90 days after receiving an application or renewal application, the board shall issue an annual registration to the applicant unless the board finds the applicant is not in compliance with regulations enacted pursuant to AS 17.38.090 or the board is notified by the relevant local government that the applicant is not in compliance with ordinances and regulations made pursuant to AS 17.38.110 and in effect at the time of application.
- (e) If a local government has enacted a numerical limit on the number of marijuana establishments and a greater number of applicants seek registrations, the board shall solicit and consider input from the local regulatory authority as to the local government's preference or preferences for registration.
- (f) Upon denial of an application, the board shall notify the applicant in writing of the specific reason for its denial.
- (g) Every marijuana establishment registration shall specify the location where the marijuana establishment will operate. A separate registration shall be required for each location at which a marijuana establishment operates.
- (h) Marijuana establishments and the books and records maintained and created by marijuana establishments are subject to inspection by the board.

### **Sec. 17.38.110. Local control.**

- (a) A local government may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or by a voter initiative.
- (b) A local government may enact ordinances or regulations not in conflict with this chapter or with regulations enacted pursuant to this chapter, governing the time, place, manner and number of marijuana establishment operations. A local government may establish civil penalties for violation of an ordinance or regulation governing the time, place, and manner of a marijuana establishment that may operate in such local government.
- (c) A local government may designate a local regulatory authority that is responsible for processing applications submitted for a registration to operate a marijuana establishment within the boundaries of the local government. The local government may provide that the local regulatory authority may issue such registrations should the issuance by the local government become necessary because of a failure by the board to adopt regulations

*The text of this bill is presented as submitted by petition sponsors.*

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pursuant to AS 17.38.090 or to accept or process applications in accordance with AS 17.38.100.

(d) A local government may establish procedures for the issuance, suspension, and revocation of a registration issued by the local government in accordance with (f) of this section or (g) of this section. These procedures shall be subject to all requirements of AS 44.62, the Administrative Procedure Act.

(e) A local government may establish a schedule of annual operating, registration, and application fees for marijuana establishments, provided, the application fee shall only be due if an application is submitted to a local government in accordance with (f) of this section and a registration fee shall only be due if a registration is issued by a local government in accordance with (f) of this section or (g) of this section.

(f) If the board does not issue a registration to an applicant within 90 days of receipt of the application filed in accordance with AS 17.38.100 and does not notify the applicant of the specific, permissible reason for its denial, in writing and within such time period, or if the board has adopted regulations pursuant to AS 17.38.090 and has accepted applications pursuant to AS 17.38.100 but has not issued any registrations by 15 months after the effective date of this act, the applicant may resubmit its application directly to the local regulatory authority, pursuant to (c) of this section, and the local regulatory authority may issue an annual registration to the applicant. If an application is submitted to a local regulatory authority under this paragraph, the board shall forward to the local regulatory authority the application fee paid by the applicant to the board upon request by the local regulatory authority.

(g) If the board does not adopt regulations required by AS 17.38.090, an applicant may submit an application directly to a local regulatory authority after one year after the effective date of this act and the local regulatory authority may issue an annual registration to the applicant.

(h) A local regulatory authority issuing a registration to an applicant shall do so within 90 days of receipt of the submitted or resubmitted application unless the local regulatory authority finds and notifies the applicant that the applicant is not in compliance with ordinances and regulations made pursuant to (b) of this section in effect at the time the application is submitted to the local regulatory authority. The local government shall notify the board if an annual registration has been issued to the applicant.

(i) A registration issued by a local government in accordance with (f) of this section or (g) of this section shall have the same force and effect as a registration issued by the board in accordance with AS 17.38.100. The holder of such registration shall not be subject to regulation or enforcement by the board during the term of that registration.

(j) A subsequent or renewed registration may be issued under (f) of this section on an annual basis only upon resubmission to the local government of a new application submitted to the board pursuant to AS 17.38.100.

(k) A subsequent or renewed registration may be issued under (g) of this section on an annual basis if the board has not adopted regulations required by AS 17.38.090 at least 90 days prior to the date upon which such subsequent or renewed registration would be effective or if the board has adopted regulations pursuant to AS 17.38.090 but has not, at least 90 days after the adoption of such regulations, issued registrations pursuant to AS 17.38.100.

(l) Nothing in this section shall limit such relief as may be available to an aggrieved party

*The text of this bill is presented as submitted by petition sponsors.*

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under AS 44.62, the Administrative Procedure Act.

### **Sec. 17.38.120. Employers, driving, minors and control of property.**

- (a) Nothing in this chapter is intended to require an employer to permit or accommodate the use, consumptions, possession, transfer, display, transportation, sale or growing of marijuana in the workplace or to affect the ability of employers to have policies restricting the use of marijuana by employees.
- (b) Nothing in this chapter is intended to allow driving under the influence of marijuana or to supersede laws related to driving under the influence of marijuana.
- (c) Nothing in this chapter is intended to permit the transfer of marijuana, with or without remuneration, to a person under the age of 21.
- (d) Nothing in this chapter shall prohibit a person, employer, school, hospital, recreation or youth center, correction facility, corporation or any other entity who occupies, owns or controls private property from prohibiting or otherwise regulating the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in that property.

### **Sec. 17.38.130. Impact on medical marijuana law.**

Nothing in this chapter shall be construed to limit any privileges or rights of a medical marijuana patient or medical marijuana caregiver under AS 17.37.

### **Sec. 17.38.900. Definitions.**

As used in this chapter unless the context otherwise requires:

- (1) "Board" means the Alcoholic Beverage Control Board established by AS 04.06.
- (2) "Consumer" means a person 21 years of age or older who purchases marijuana or marijuana products for personal use by persons 21 years of age or older, but not for resale to others.
- (3) "Consumption" means the act of ingesting, inhaling, or otherwise introducing marijuana into the human body.
- (4) "Local government" means both home rule and general law municipalities, including boroughs and cities of all classes and unified municipalities.
- (5) "Local regulatory authority" means the office or entity designated to process marijuana establishment applications by a local government.
- (6) "Marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. "Marijuana" does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.
- (7) "Marijuana accessories" means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.
- (8) "Marijuana cultivation facility" means an entity registered to cultivate, prepare, and

*The text of this bill is presented as submitted by petition sponsors.*



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package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

(9) "Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

(10) "Marijuana product manufacturing facility" means an entity registered to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

(11) "Marijuana products" means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

(12) "Marijuana testing facility" means an entity registered to analyze and certify the safety and potency of marijuana.

(13) "Retail marijuana store" means an entity registered to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities, and to sell marijuana and marijuana products to consumers.

(14) "Unreasonably impracticable" means that the measures necessary to comply with the regulations require such a high investment of risk, money, time, or any other resource or asset that the operation of a marijuana establishment is not worthy of being carried out in practice by a reasonably prudent businessperson.

\*Sec. 2. AS 43 is amended by adding a new chapter to read:

### Chapter 61. Excise tax on marijuana

#### Sec. 43.61.010. Marijuana tax.

(a) An excise tax is imposed on the sale or transfer of marijuana from a marijuana cultivation facility to a retail marijuana store or marijuana product manufacturing facility. Every marijuana cultivation facility shall pay an excise tax at the rate of \$50 per ounce, or proportionate part thereof, on marijuana that is sold or transferred from a marijuana cultivation facility to a retail marijuana store or marijuana product manufacturing facility.

(b) The department may exempt certain parts of the marijuana plant from the excise tax described in (a) of this section or may establish a rate lower than \$50 per ounce for certain parts of the marijuana plant.

#### Sec. 43.61.020. Monthly Statement and Payments.

(a) Each marijuana cultivation facility shall send a statement by mail or electronically to the department on or before the last day of each calendar month. The statement must contain an account of the amount of marijuana sold or transferred to retail marijuana stores and marijuana product manufacturing facilities in the state during the preceding month, setting out

(1) the total number of ounces, including fractional ounces sold or transferred;

(2) the names and Alaska address of each buyer and transferee; and

(3) the weight of marijuana sold or transferred to the respective buyers or transferees.

(b) The marijuana cultivation facility shall pay monthly to the department, all taxes, computed at the rates prescribed in this chapter, on the respective total quantities of the

*The text of this bill is presented as submitted by petition sponsors.*

# Ballot Measure No. 2

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## An Act to Tax and Regulate the Production, Sale, and Use of Marijuana

marijuana sold or transferred during the preceding month. The monthly return shall be filed and the tax paid on or before the last day of each month to cover the preceding month.

### **Sec. 43.61.030. Administration and Enforcement of Tax.**

(a) Delinquent payments under this chapter shall subject the marijuana cultivation facility to civil penalties under AS 43.05.220.

(b) If a marijuana cultivation facility fails to pay the tax to the state the marijuana cultivation facility's registration may be revoked in accordance with procedures established under AS 17.38.090(a)(1).

**\*Sec. 3.** The provisions of this Act are independent and severable, and, except where otherwise indicated in the text, shall supersede conflicting statutes, local charter, ordinance, or resolution, and other state and local provisions. If any provision of this Act, or the application thereof to any person or circumstance, is found to be invalid or unconstitutional, the remainder of this Act shall not be affected and shall be given effect to the fullest extent possible.



**CITY OF CRAIG  
ORDINANCE NO. 663**

**An Ordinance Establishing a Limited Moratorium on the Receipt or Processing of Applications, Permits, or Pending Approvals Pertaining to Marijuana Establishments.**

Section 1.     Classification.   This is a non-code ordinance.

Section 2.     Severability If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3.     Effective Date.   This ordinance shall be effective immediately upon adoption.

Section 4.     Action.   The Craig City Council finds the following.

**WHEREAS**, on November 4, 2014, the Alaskan voters approved a ballot measure legalizing the use of marijuana, and, with a State license, the operation of marijuana establishments, defined as cultivation, manufacturing, testing and retail facilities; and

**WHEREAS**, the initiative, which goes into effect on February 24, 2015, requires the State to begin accepting and processing applications for the registration of marijuana establishments within one year of the effective date of the act; and

**WHEREAS**, the initiative authorizes local governments to enact legislation concerning the time, place, and manner related to the operation of registered marijuana establishments, or the prohibition of marijuana establishments; and

**WHEREAS**, it is in the public's best interest that the Craig City Council thoughtfully consider and adopt legislation regulating marijuana establishments within the City of Craig; and

**WHEREAS**, the purpose of this moratorium is to allow the City of Craig a reasonable period of time to consider and enact legislation concerning the operation of commercial marijuana establishments in the Craig city limits.

**NOW, THEREFORE, BE IT ENACTED BY THE CRAIG CITY COUNCIL:**

Moratorium. The City of Craig shall accept no development permit application, proposal, or other documentation for a similar purpose, nor act on pending applications, proposals, or documentation for a similar purpose, pertaining to marijuana establishments, including marijuana cultivation, testing, and product manufacturing facilities and marijuana retail stores. The prohibition imposed by this section shall remain in effect until March 31, 2016.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor Dennis Watson

ATTEST \_\_\_\_\_  
Kassi Bateman, City Clerk

**CITY OF CRAIG  
MEMORANDUM**

To: Craig City Council  
From: Jon Bolling, City Administrator  
Date: January 30, 2015  
RE: Ordinance No. 663

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Attached you will find Ordinance No. 663. The ordinance sets in place a moratorium on the establishment of marijuana cultivation, testing facilities, manufacturing, and retail sales stores until March 31, 2016. The purpose of the proposed moratorium is to allow the city council time to review and assess laws and regulations adopted by the State of Alaska between now and November 24, 2015 regarding marijuana use.

As the council is aware, Alaska voters approved Ballot Measure 2 last November. That ballot measure legalized the production, transport, and sale of marijuana in Alaska. In response to voter approval of the measure, the state's executive branch is facing a deadline of November 24, 2015 to put into place regulations governing the activities approved in Ballot Measure 2. In addition, between now and then, the Alaska Legislature may choose to pass legislation relating to marijuana that impacts the regulations written by the executive branch. All this means that if the State of Alaska uses its full allotted time to write and implement any new laws and rules on this matter, the City of Craig, and other municipalities around Alaska, will at that point decide on what, if anything, they wish to do locally in response to statewide law and regulations. As I have told the council in the past, Ballot Measure 2 gives local government wide latitude to regulate or prohibit marijuana activity, so long as those regulations are not, using the words of the ballot measure, "in conflict" with state statute and regulation.

Should Craig decide to implement rules of its own regulating or prohibiting some of the activities permitted by Ballot Measure 2, and if that decision includes modification of the city's zoning code, then a months-long process will need to occur to put that effort in place. Adoption of Ordinance No. 663 provides the city council and city staff time to respond to the State of Alaska's actions without being subject to statutory deadlines to process applications for commercial production and/or sale of marijuana within the city limits that would likely occur without the moratorium.

**Recommendation**

Approve Ordinance No. 663 at first reading.

**CITY OF CRAIG  
ORDINANCE NO. 664**

**AMENDING SECTION 09.90 OF THE CRAIG MUNICIPAL CODE TO PROHIBIT  
THE CONSUMPTION OF MARIJUANA IN A PUBLIC PLACE, AND ESTABLISHING  
A PENALTY FOR VIOLATION**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRAIG, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and the code sections adopted hereby shall become a part of the code of the City of Craig, Alaska.

Section 2. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance shall be effective immediately upon adoption.

Section 4. Action. The Craig City Council finds the following:

**WHEREAS**, Ballot Measure 2 – An Act to Tax and Regulate the Production, Sale and Use of Marijuana, and codified as Alaska Statutes 17.38, provides for the legalization of marijuana, was passed by the voters in the recent state election and certified on November 28, 2014 by the State of Alaska, Division of Elections; and

**WHEREAS**, newly enacted AS 17.38.040 states “Public consumption banned, penalty. It is unlawful to consume marijuana in public. A person who violates this section is guilty of a violation punishable by a fine of up to \$100”; and

**WHEREAS**, the statute does not define “public”; and

**WHEREAS**, the statute does not discuss or mandate any enforcement mechanism; and

**WHEREAS**, proponents of the effort to legalize marijuana referred to itself as the “Campaign to Regulate Marijuana Like Alcohol”; and

**WHEREAS**, Craig Municipal Code section 5.05 bans the consumption of alcohol in a public, unlicensed place; and

**WHEREAS**, the effective date of the state marijuana statute is February 24, 2015; This ordinance adds a new section to the Craig Municipal Code, Section 09.90.040, as follows:

**09.90.040 Consuming marijuana in a public place.**

A. It is unlawful for any person to knowingly consume marijuana when the person is:

1. On, in or upon any public place, except as permitted by ordinance, regulation, statute or permit; or
2. Outdoors on property adjacent to a public place, and without consent of the owner or person in control thereof.

B. For purposes of this section, the definitions of the words and phrases below shall apply:

1. *Consume* shall have the meaning, in all conjugate forms, of “consumption” set forth in AS 17.38.900.
2. *Marijuana* shall have the meaning set forth in AS 17.38.900.
3. *Public place* means a place to which the public or a substantial group of persons has access and includes, but is not limited to, streets, highways, sidewalks, alleys, transportation facilities, parking areas, convention centers, sports arenas, schools, places of business or amusement, shopping centers, malls, parks, playgrounds, jails, and hallways, lobbies, doorways and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.

C. Violation of this section is a minor offense punishable by a civil fine of \$100.

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor Dennis Watson

ATTEST \_\_\_\_\_  
Kassi Bateman, City Clerk

**CITY OF CRAIG  
MEMORANDUM**

To: Craig City Council  
From: Jon Bolling, City Administrator  
Date: January 30, 2015  
RE: Ordinance No. 664

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Attached you will find Ordinance No. 664. The ordinance defines a public place for the purposes of the personal consumption of marijuana in Craig.

As the council is aware, Alaska voters approved Ballot Measure 2 last November. That ballot measure legalized the possession, commercial production, transport, and sale of marijuana in Alaska. In addition, the measure also prohibits consumption of marijuana in public places, but does not define the term public place.

The attached ordinance, drawing largely from text used in an ordinance adopted recently by the Municipality of Anchorage, defines public place. Establishing a definition will allow Craig Police Department officers the practical definition needed to enforce a ban on public consumption of marijuana, and inform marijuana users of places to avoid when consuming the substance.

The effective date of Ballot Measure 2 is February 24, 2015. As with proposed Ordinance No. 663, the council should consider putting in place measures to predictably implement the ballot measure at the local level.

**Recommendation**

Approve Ordinance No. 664 at first reading.



CITY OF DILLINGHAM, ALASKA

**ORDINANCE NO. 2015-XXX**

**AN ORDINANCE AMENDING DILLINGHAM MUNICIPAL CODE TITLE 8 – HEALTH AND WELFARE BY THE ADDITION OF A NEW CHAPTER PROVIDING REGULATION OF MARIJUANA IN THE CITY OF DILLINGHAM, ALASKA**

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WHEREAS, on February 24, 2015 use and possession of less than an ounce of marijuana by persons over the age of 21 will be permitted by state law;

WHEREAS, use of marijuana in public places threatens the health, welfare, and peace of the City of Dillingham and its residents;

WHEREAS, marijuana possession and use by persons under the age of 21 remains a crime; and

WHEREAS, the City has a compelling interest in regulating intoxicating substances and their use;

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

**Section 1. Classification.** This is a code ordinance.

**Section 2. Amendment to Title 8.** That Dillingham Municipal Code Title 8 – Health and Safety is hereby amended by the addition of a new Chapter 8.30 – Marijuana Regulation to read as follows:

**Chapter 8.30.**

**MARIJUANA REGULATION**

**Sections:**

- 8.30.010 Definitions.**
- 8.30.020 Local regulatory authority.**
- 8.30.030 Violations and remedies.**
- 8.30.040 Marijuana use in public prohibited.**
- 8.30.050 Marijuana use in vehicles prohibited.**
- 8.30.060 Marijuana possession and use under the age of 21 prohibited.**

**8.30.010. Definitions.**

“Marijuana” means all parts of the plant of the genus cannabis whether grown or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds, or its resin, including marijuana concentrate.

“Public place” means in or upon any city-owned property, as well as any area to which the public is invited or in which the public is permitted, including, but not limited to, banks, educational facilities, health care facilities, laundromats, public transportation facilities, reception areas, restaurants, bars, clubs, retail food production and marketing establishments, retail service establishments, theaters, waiting rooms, hallways, lobbies and common areas of hotels and multi-unit buildings, shorelines, waterways, and tidelands.

#### **8.30.020. Local Regulatory Authority.**

The city council is designated as the “local regulatory authority” as that term is used in Alaska Statutes Chapter 17.38 and any implementing legislation or rule-making.

#### **8.30.030 Violations and remedies.**

A. It is unlawful for any person who operates any restaurant, eatery, bar, hotel or other lodging, or retail establishment to permit marijuana use in violation of this chapter.

B. It is unlawful for any person to consume or use marijuana in violation of this chapter.

C. Any person aggrieved by a violation of this chapter or the city may bring a civil action against a person who violates this chapter and may recover a civil penalty not to exceed three hundred dollars per violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy.

#### **8.30.040. Marijuana use in public places prohibited.**

Use or consumption of marijuana in a public place is prohibited. This section is not intended to restrict a property owner from further restricting use of marijuana.

#### **8.30.050. Marijuana use in or on motor vehicles prohibited.**

Marijuana use in or on motor vehicles, on the deck or in the wheelhouse of a watercraft, or in an aircraft is prohibited.

#### **8.30.060. Marijuana possession and use under the age of 21 prohibited.**

Possession and consumption of marijuana by persons less than 21 years of age are prohibited.

**Section 3. Amendment to Title 1, Chapter 1.20, Section 1.20.040.** That Dillingham Municipal Code 1.20.040 – Minor Offense Fine Schedule is hereby amended by the addition of new language to read as follows:

<b>Code Section</b>	<b>Offense</b>	<b>Penalty/Fine</b>
8.30.030(A)	Permitting unlawful marijuana use	100 first offense 500 second offense Must appear – 3 <sup>rd</sup> offense
8.30.030(B)	Unlawful marijuana use	100 first offense 100 second offense Must appear – 3 <sup>rd</sup> offense
8.30.060	Under-age Marijuana use or possession	100 first offense 200 second offense Must appear – 3 <sup>rd</sup> offense

**Section 4. Effective Date.** This ordinance is effective upon passage.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council  
on \_\_\_\_\_.

\_\_\_\_\_  
Alice Ruby, Mayor

ATTEST:

[SEAL]

\_\_\_\_\_  
Janice Williams, City Clerk

CITY OF DILLINGHAM, ALASKA

**ORDINANCE NO. 2015-XXX**

**AN ORDINANCE AMENDING DILLINGHAM MUNICIPAL CODE CHAPTER 8.10, PROHIBITION OF SMOKING IN PUBLIC PLACES, SECTION 8.10.010 DEFINITIONS**

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WHEREAS, on February 24, 2015 use and possession of less than an ounce of marijuana by persons over the age of 21 will be permitted under state law;

WHEREAS, use of electronic cigarettes and vaporizers for the consumption of tobacco and marijuana is increasing;

WHEREAS, these devices give off fumes and vapors containing chemicals omitted when tobacco and marijuana are smoked; and

WHEREAS, the public health risk posed by second-hand inhalation of these fumes and vapors is unknown;

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

**Section 1. Classification.** This is a code ordinance.

**Section 2. Amendment to Section 8.10.010.** That Dillingham Municipal Code Section 8.10.010 – Definitions is hereby amended to read as follows (Additions are underlined and emboldened and deletions are shown as strikethrough.):

**8.10.010 Definitions.**

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

“Bar” means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges and cabarets.

“Business” means a person (as defined in Sections 4.20.020 and 1.16.010) providing goods or services within the city for profit.

“Employee” means any person who is employed by any employer in the consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services for a non-profit entity.

“Employer” means any person, partnership, corporation, including a municipal corporation, non-profit entity, business, association and trust, which employs the services of one or more individual persons.

“Enclosed area” means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of doors or passage ways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, office landscaping or similar structures.

“Health care facility” means an office or institution providing care or treatment of diseases whether physical, mental, or emotional, or other medical physiological, or psychological conditions, including but not limited to hospitals, or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

“Places of employment” means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including but not limited to work areas, employee lounges and restrooms, conference and class rooms, employee cafeterias, hallways and vehicles. A private residence is not a place of employment unless it is used as a childcare, adult day care or health care facility.

“Public place” means any enclosed area to which the public is invited or in which the public is permitted, including but not limited to banks, educational facilities, health care facilities, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, theaters and waiting rooms. A private residence is not a public place unless it is used as a childcare, adult day care or health care facility.

“Restaurant” means any coffee shop, cafeteria, sandwich stand, private and public school cafeteria, and any other eating establishment which gives or offers for sale food to the public, guests, or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities. The term restaurant shall include a bar area within a restaurant. Smoking would still be permissible in stand-alone bars.

“Retail tobacco store” means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

“Service line” means any indoor line at which one or more persons are waiting for or receiving service of any kind, whether or not service involves the exchange of money.

“Smoking” means inhaling, exhaling, burning or carrying any lighted tobacco, ~~product and lighted cigar, cigarette, or pipe.~~ **nicotine, marijuana, or herbal product as well as the use of any vaporizer, electronic cigarette, or other device used to produce inhalable fumes or vapors from tobacco, nicotine, marijuana, or herbal product, or oils produced from these products.**

“Sports arena” means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

**Section 3. Effective Date.** This ordinance is effective upon passage.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on \_\_\_\_\_.

\_\_\_\_\_  
Alice Ruby, Mayor

ATTEST:

[SEAL]

\_\_\_\_\_  
Janice Williams, City Clerk

**From:** [Laurie Sica](#)  
**To:** ["Cathy Bremner"](#); ["Kacie Paxton"](#); ["Katy Suiter"](#); ["Johanna Kinney"](#); ["Ann Cornell"](#)  
**Cc:** [clfreas@acsalaska.net](#); [dsharrah@adak-ak.gov](#); [tanderson@aeboro.org](#); [eaglecty@aptalaska.net](#); [kasaancityclerk@aptalaska.net](#); [sptcity@arctic.net](#); [tschoneman@bbbak.us](#); [kring@borough.kenai.ak.us](#); [clerk@ccalaska.com](#); [pwhite@ci.delta-junction.ak.us](#); [ddsnyder@ci.fairbanks.ak.us](#); [jjhovenden@ci.fairbanks.ak.us](#); ["Tanya C. Clooten"](#); [shuntington@ci.galena.ak.us](#); [jjohnson@ci.homer.ak.us](#); [mjacobsen@ci.homer.ak.us](#); [rkrause@ci.homer.ak.us](#); [Beth McEwen](#); [ctriana@ci.soldotna.ak.us](#); ["Shellie Saner"](#); [cityclerk@ci.unalaska.ak.us](#); [kpilande@ci.unalaska.ak.us](#); [ahendrickson@ci.valdez.ak.us](#); [smcmillen@ci.valdez.ak.us](#); [spierce@ci.valdez.ak.us](#); [ksmithers@ci.wasilla.ak.us](#); [swhiteley@ci.wasilla.ak.us](#); ["Kim Stanker"](#); [cperkins@city.kodiak.ak.us](#); [dmarlar@city.kodiak.ak.us](#); [mshuravloff-nelson@city.kodiak.ak.us](#); [klwagner@cityofakp.org](#); [Lele.samuelu@cityofbarrow.org](#); ["Lori Strickler"](#); [cityclerk@cityofcordova.net](#); [cityclerk3@cityofcordova.net](#); [awilliams@cityofhoonah.org](#); [office@cityofkaktovik.org](#); [cityclerk@cityofkiana.org](#); [sybilg@cityofklawock.com](#); [cityclerk@cityofseldovia.com](#); ["Collen Ingman"](#); ["Melissa Henshaw"](#); [sara@cityofsitka.com](#); [cityclerk@craigak.com](#); [gail\\_pieknik@denaliborough.com](#); [cityclerk@dillinghamak.us](#); [abenn@fnsb.us](#); [atrickey@fnsb.us](#); [nashford-bingham@fnsb.us](#); [rvalenti@fnsb.us](#); [akutan@gci.net](#); [bcjamieson@gci.net](#); [cityofshhclerk@gci.net](#); [smaccounting@gci.net](#); [beckyregula@gmail.com](#); ["Jeri Alakayak"](#); ["City of Nuiqsut"](#); [emkcitcity@gmail.com](#); ["Fannie Moore"](#); ["Stacia Miller"](#); ["Jennie Peter"](#); [lena.gravelle@gmail.com](#); [ms.michellewebb@gmail.com](#); [nulatoclerk@gmail.com](#); [Shagelukcity2010@gmail.com](#); [tfahning@gmail.com](#); [wainwrightcity@gmail.com](#); [lori.ewing@gustavus-ak.gov](#); [jcozzi@haines.ak.us](#); [kkielsmeier@haines.ak.us](#); [City.of.togiak-alaska@hotmail.com](#); [cityofnewstuyahok@hotmail.com](#); [jessicahuntercityclerscm@hotmail.com](#); [kathryn\\_kristi1@hotmail.com](#); [cmixson@houston-ak.gov](#); [rrein@houston-ak.gov](#); [sdukes@houston-ak.gov](#); [amcglasson@kenai.city](#); [smodigh@kenai.city](#); [alishag@kgbak.us](#); [deannag@kgbak.us](#); [cityclerk@kingcoveak.org](#); [Angela MacKenzie](#); [Jessica Kilborn](#); [Nova Javier](#); [Sheila Smith](#); [bhavrilla@kpb.us](#); [jblankenship@kpb.us](#); ["Michele Turner"](#); [cityclerksaxman@kpunet.net](#); [kateconley@lakeandpen.com](#); [cityofnapaskiak@live.com](#); ["Amy Bohmbach"](#); ["Brenda Henry"](#); ["Debra Wetherhorn"](#); ["Elaine Flagg"](#); ["Hilary Schwaderer"](#); ["Jamie Newman"](#); ["Joell Church"](#); ["Lonnie McKechnie"](#); [coaclerk@mtaonline.net](#); [jonesBAR@muni.org](#); [moserak@muni.org](#); [schleusnerDF@muni.org](#); [JNederhood@nomealaska.org](#); [tmoran@nomealaska.org](#); [elaineb.solomon@north-slope.org](#); [jeannie.brower@north-slope.org](#); [michelle.leavitt@north-slope.org](#); [tonya.fereti@north-slope.org](#); ["Tricia@northpolealaska.com"](#); ["Kathy Weber"](#); [mhenry@nwabor.org](#); [satoruk@nwabor.org](#); [cityofouzinkie@ouzinkie.org](#); ["Janette Bower"](#); [srife@palmerak.org](#); [dthompson@petersburgak.gov](#); [korear@petersburgak.gov](#); ["E.Deach@Skagway.org"](#); ["Michelle Gihl"](#); [cityclerk@thornebay-ak.gov](#); [cclerk@whittieralaska.gov](#); ["Jennifer Rogers"](#); ["Kim Flores"](#); [cclerk56@yahoo.com](#); [citycheifornak@yahoo.com](#); [cityofnewhalen@yahoo.com](#); [cityofnunap@yahoo.com](#); [copp\\_clerk@yahoo.com](#); [mayor\\_kts@yahoo.com](#); [russianmissioncityof@yahoo.com](#)  
**Subject:** RE: Marijuana Resolutions  
**Date:** Monday, February 09, 2015 8:48:20 AM  
**Attachments:** [Ord2014-50-Final\\_Marijauna\\_Establishment\\_Moratorium.pdf](#)  
[Ord2014-51c-Final\\_Second\\_Hand\\_Smoke\\_Control\\_Code\\_re\\_Marijuana.pdf](#)

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Here are two, a third is coming at our next meeting...the first was a moratorium on accepting applications for marijuana related retail establishments until October 19 – to allow time for the state to do their thing and our marijuana committee ( 4 Assembly 3 planning commissioners) to work out the details of how those retail establishments will be permitted in code (zoning, etc.)

The second one adds marijuana to our second hand smoke control code (no smoking in public places...)

The third to come is a fine schedule for above and including marijuana in the open container laws for vehicles...

More later! Laurie

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**From:** Cathy Bremner [<mailto:yakclerk@yakutatak.us>]  
**Sent:** Friday, February 06, 2015 4:04 PM  
**To:** 'Kacie Paxton'; 'Katy Suiter'; 'Johanna Kinney'; 'Ann Cornell'  
**Cc:** [clfreas@acsalaska.net](#); [dsharrah@adak-ak.gov](#); [tanderson@aeboro.org](#); [eaglecty@aptalaska.net](#); [kasaancityclerk@aptalaska.net](#); [sptcity@arctic.net](#); [tschoneman@bbbak.us](#); [kring@borough.kenai.ak.us](#); [clerk@ccalaska.com](#); [pwhite@ci.delta-junction.ak.us](#); [ddsnyder@ci.fairbanks.ak.us](#); [jjhovenden@ci.fairbanks.ak.us](#); ["Tanya C. Clooten"](#); [shuntington@ci.galena.ak.us](#); [jjohnson@ci.homer.ak.us](#); [mjacobsen@ci.homer.ak.us](#); [rkrause@ci.homer.ak.us](#); [Beth McEwen](#); [Laurie Sica](#); [ctriana@ci.soldotna.ak.us](#); ["Shellie Saner"](#); [cityclerk@ci.unalaska.ak.us](#); [kpilande@ci.unalaska.ak.us](#); [ahendrickson@ci.valdez.ak.us](#); [smcmillen@ci.valdez.ak.us](#); [spierce@ci.valdez.ak.us](#);

ksmithers@ci.wasilla.ak.us; swHITELEY@ci.wasilla.ak.us; 'Kim Stanker'; cperkins@city.kodiak.ak.us; dmarlar@city.kodiak.ak.us; mshuravloff-nelson@city.kodiak.ak.us; klwagner@cityofakp.org; Lele.samuelu@cityofbarrow.org; 'Lori Strickler'; cityclerk@cityofcordova.net; cityclerk3@cityofcordova.net; awilliams@cityofhoonah.org; office@cityofkaktovik.org; cityclerk@cityofkiana.org; sybilg@cityofklawock.com; cityclerk@cityofseldovia.com; 'Collen Ingman'; 'MelissaHenshaw'; sara@cityofsitka.com; cityclerk@craigak.com; gail\_pieknik@denaliborough.com; cityclerk@dillinghamak.us; abenn@fnsb.us; atrickey@fnsb.us; nashford-bingham@fnsb.us; rvalenti@fnsb.us; akutan@gci.net; bcjamieson@gci.net; cityofshhclerk@gci.net; ksmaccounting@gci.net; bekyregula@gmail.com; 'Jeri Alakayak'; 'City of Nuiqsut'; emkcity@gmail.com; 'Fannie Moore'; 'Stacia Miller'; 'Jennie Peter'; lena.gravelle@gmail.com; ms.michellewebb@gmail.com; nulato clerk@gmail.com; Shagelukcity2010@gmail.com; tfahning@gmail.com; wainwrightcity@gmail.com; lori.ewing@gustavus-ak.gov; jcozzi@haines.ak.us; kkielsmeier@haines.ak.us; City.of.togiak-alaska@hotmail.com; cityofnewstuyahok@hotmail.com; jessicahuntercityclerscm@hotmail.com; kathryn\_kristi1@hotmail.com; cmixson@houston-ak.gov; rrein@houston-ak.gov; sdukes@houston-ak.gov; amcglasson@kenai.city; smodigh@kenai.city; alishag@kgbak.us; deannag@kgbak.us; cityclerk@kingcoveak.org; amackenzie@kodiakak.us; jkilborn@kodiakak.us; njavier@kodiakak.us; ssmith@kodiakak.us; bhavrilla@kpb.us; jblankenship@kpb.us; 'Michele Turner'; cityclerksaxman@kpunet.net; kateconley@lakeandpen.com; cityofnapaskiak@live.com; 'Amy Bohmbach'; 'Brenda Henry'; 'Debra Wetherhorn'; 'Elaine Flagg'; 'Hilary Schwaderer'; 'Jamie Newman'; 'Joell Church'; 'Lonnie McKechnie'; coaclerk@mtaonline.net; jonesBAR@muni.org; moserak@muni.org; schleusnerDF@muni.org; JNederhood@nomealaska.org; tmoran@nomealaska.org; elaineb.solomon@north-slope.org; jeannie.brower@north-slope.org; michelle.leavitt@north-slope.org; tonya.fereti@north-slope.org; 'Tricia@northpolealaska.com'; 'Kathy Weber'; mhenry@nwabor.org; satoruk@nwabor.org; cityofouzinkie@ouzinkie.org; 'Janette Bower'; srife@palmerak.org; dthompson@petersburgak.gov; korear@petersburgak.gov; 'E.Deach@Skagway.org'; 'Michelle Gihl'; cityclerk@thornebay-ak.gov; cclerk@whittieralaska.gov; 'Jennifer Rogers'; 'Kim Flores'; cclerk56@yahoo.com; citychefornak@yahoo.com; cityofnewhalen@yahoo.com; cityofnunap@yahoo.com; copp\_clerk@yahoo.com; mayor\_kts@yahoo.com; russianmissioncityof@yahoo.com

**Subject:** Marijuana Resolutions

Hello Fellow Clerks!

Hope this email finds you well and warm. We are snowless and the winds have picked up today. As it is on everyone's agenda or upcoming agenda the topic of Marijuana regulations for our local municipalities. If you have a draft resolution you would care to share with me I would appreciate it. Our Police Chief did get me the City of North Pole but it was requested to see more . In advance thank you so much for your time.

Stay warm and safe.

**Cathy Bremner, CMC Borough Clerk**  
**City & Borough Of Yakutat**  
**PO Box 160**  
**Yakutat, AK 99689**  
**907 784 3323 ext 104**  
**[www.yakutat.ak.us](http://www.yakutat.ak.us)**



Presented by: The Manager  
Introduced: 12/22/2014  
Drafted by: A. G. Mead

## ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2014-51(c)

### **An Ordinance Amending the Second-hand Smoke Control Code to Regulate the Use of Marijuana.**

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

**Section 2. Amendment of Section.** CBJ 36.60.005 Definitions, is amended to read:

#### **36.60.005 Definitions.**

In this chapter:

...

*Enclosed public place* means an enclosed area or portion thereof to which the public or a substantial group of persons has access, including:

...

(16) Bars, private clubs, and any other enclosed place where marijuana or alcoholic beverages are sold, or food is offered for sale.

...

*Marijuana* has the same meaning as in Alaska Statute 17.38.900.

...

*Smoking* means inhaling or exhaling tobacco or marijuana smoke, or burning or carrying any lighted tobacco product or marijuana, or the use of any noncombustible product that provides a vapor of liquid nicotine or marijuana to the user, or relies on vaporization of any liquid or solid nicotine or marijuana. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name, but shall not include a tobacco substitute prescribed by a licensed physician, or a tobacco

product that has been approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes, and which is being marketed and sold solely for that approved purpose.

**Section 3. Amendment of Section.** CBJ 36.60.010 Smoking prohibited, is amended to read:

**36.60.010 Smoking prohibited.**

(a) Smoking is prohibited in:

...

(6) Private clubs that are licensed by the State of Alaska to sell marijuana or alcoholic beverages, or that offer food for sale, regardless of the number of employees; and

...

**Section 4. Amendment of Section.** CBJ 36.60.030 Exceptions; areas where smoking is not prohibited, is amended to read:

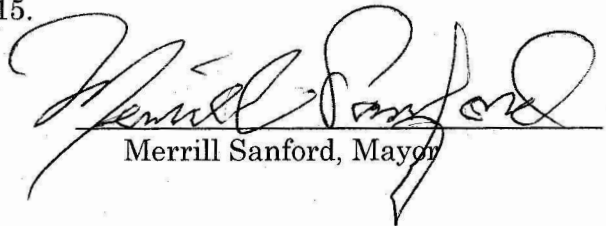
**36.60.030 Exceptions; areas where smoking is not prohibited.**

(a) Unless otherwise prohibited by State or Federal law, smoking is not prohibited in the following places:

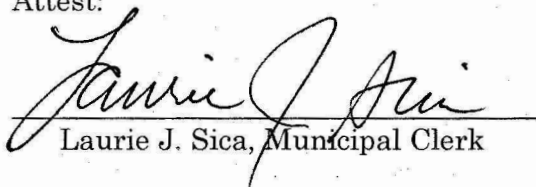
...

**Section 5. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this 2<sup>nd</sup> day of February, 2015.

  
Merrill Sanford, Mayor

Attest:

  
Laurie J. Sica, Municipal Clerk

Presented by: The Manager  
Introduced: 12/22/2015  
Drafted by: A. G. Mead

## **ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2014-50**

### **An Ordinance Imposing a Limited Moratorium on the Receipt or Processing of Applications, Permits, or Pending Approvals Pertaining to Marijuana Establishments.**

WHEREAS, on November 4, 2014, the Alaskan voters approved a ballot measure legalizing the use of marijuana, and, with a State license, the operation of marijuana establishments, defined as cultivation, manufacturing, testing and retail facilities; and

WHEREAS, the initiative, which goes into effect on February 24, 2015, requires the State to begin accepting and processing applications for the registration of marijuana establishments within one year of the effective date of the act; and

WHEREAS, the initiative authorizes local governments to enact legislation concerning the time, place and manner related to the operation of registered marijuana establishments; and

WHEREAS, it is in the public's best interest that the CBJ thoughtfully consider and adopt land use regulations that ensure the orderly development and regulation of marijuana establishments within the CBJ; and

WHEREAS, the purpose of this moratorium is to allow the CBJ a reasonable period of time to consider and enact legislation concerning the operation of marijuana establishments in the CBJ.

NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

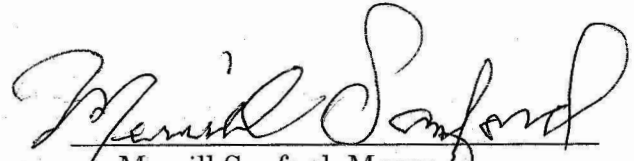
**Section 1. Classification.** This is a non-code ordinance.

**Section 2. Moratorium.** Notwithstanding CBJ 49.25.300 or any other section of the Land Use Code, no development permit application shall be accepted, or pending applications approved, pertaining to marijuana establishments, including marijuana cultivation, testing, and product manufacturing facilities and marijuana retail stores.

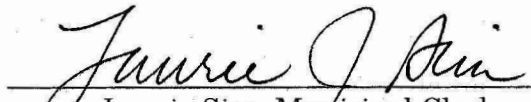
**Section 3. Moratorium Period.** The prohibition imposed by Section 2 shall be in effect through October 19, 2015.

**Section 4. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this 12<sup>th</sup> day of January, 2015.

  
Merrill Sanford, Mayor

Attest:

  
Laurie Sica, Municipal Clerk

Introduced by:	Mayor
Date:	12/09/14
Hearing:	01/06/15
Action:	Enacted
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2014-40**

**AN ORDINANCE AMENDING KPB 3.04.030, EMPLOYEE CONDUCT  
REQUIREMENTS, TO ADDRESS THE PASSAGE OF BALLOT MEASURE NO. 2  
LEGALIZING MARIJUANA, AND TO REFERENCE THE USE OF, OR IMPAIRMENT  
BY, CONTROLLED SUBSTANCES**

**WHEREAS,** KPB 3.04.030 was adopted in 1967 and sets forth basic borough employee conduct requirements; and

**WHEREAS,** in 1989, KPB 3.04.030 was amended to specifically prohibit employees and volunteers from using, or being impaired by the use of, alcohol or illegal drugs at the workplace; and

**WHEREAS,** it is necessary to update this section of code to account for other types of drug use that may impair an employee's ability to conduct themselves in a manner fitting of a government employee; and

**WHEREAS,** specifically, Alaska Ballot Measure No. 2, An Act to Tax and Regulate the Production, Sale, and Use of Marijuana, was passed by the voters in the November 4, 2014 statewide election, making the use and possession of marijuana legal within certain limits; and

**WHEREAS,** the Kenai Peninsula, like many other areas of the state and the nation, has seen a rise in the abuse of prescription drugs and other controlled substances, and employee impairment by such substances is not addressed under the current version of KPB 3.04.030; and

**WHEREAS,** impairment by drugs or alcohol in the workplace can result in an increased safety risk to employees, their co-workers, and the public; and

**WHEREAS,** updating KPB 3.04.030 to appropriately address the range of substances that may cause impairment and impact an employee's conduct and ability to perform their job duties will bring the code into alignment with the current legal landscape regarding legal, controlled, and illegal drugs;

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI  
PENINSULA BOROUGH:**

**SECTION 1.** That KPB 3.04.030 is hereby amended as follows:

**3.04.030. Employee conduct requirements.**

Borough employees are required at all times to conduct themselves in an exemplary manner befitting the public service in which they are employed. Employees and volunteers shall not use or be impaired by the use of marijuana, alcohol, controlled substances or illegal drugs at the workplace. Employees or volunteers who are prescribed marijuana or other controlled substances by a physician as part of a medical treatment plan may work unless impaired by their use.

**SECTION 2.** That this ordinance takes effect immediately upon its enactment.

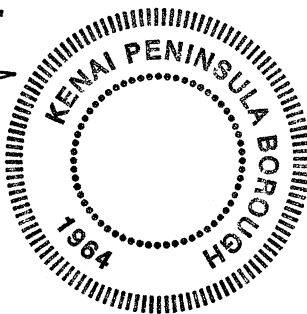
**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6TH DAY OF JANUARY, 2015.**

*Dale L Bagley*

Dale Bagley, Assembly President

ATTEST:

*Johni Blankenship*  
Johni Blankenship, MMC, Borough Clerk



Yes: Cooper, Haggerty, Gilman, Johnson, McClure, Ogle, Welles, Wolf, Bagley  
No: None  
Absent: None

Introduced by: Wolf  
Date: 01/20/15  
Hearing: 02/24/15  
Action: Introduced and Set for  
Public Hearing on 02/24/15  
Date:  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2015-02**

**AN ORDINANCE ENACTING KPB CHAPTER 10.14 PROHIBITING THE  
OPERATION OF MARIJUANA CULTIVATION FACILITIES IN THE AREA OF THE  
KENAI PENINSULA BOROUGH OUTSIDE OF THE CITIES, SUBJECT TO VOTER  
APPROVAL**

**WHEREAS**, during the November 4, 2014, general election the voters approved the initiative in ballot measure no. 2 (initiative) which was an act to tax and regulate the production, sale and use of marijuana; and

**WHEREAS**, the initiative at AS 17.38.110(A) authorizes local governments to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores within their boundaries through the enactment of an ordinance or by a voter initiative; and

**WHEREAS**, residents of the borough should have the opportunity to vote on whether to have marijuana cultivation facilities for the intent of resale within the borough boundaries; and

**WHEREAS**, as the initiative grants all local governments including cities and boroughs the authority to regulate or prohibit the operation of marijuana cultivation facilities it is appropriate for the cities to decide for themselves whether to exercise this authority within their own boundaries; and

**WHEREAS**, as this would not apply within the incorporated cities only borough residents outside of the cities may vote on this question;

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That the Kenai Peninsula Borough Code of Ordinances is hereby amended by adding a new chapter to be numbered KPB 10.14 which shall read as follows:

## CHAPTER 10.14 MARIJUANA CONTROL

**10.14.010. Prohibition.** The operation of marijuana cultivation facilities is prohibited in the area of the borough outside the cities.

**10.14.020. Definitions.** The terms used in this chapter have the same meaning as defined in AS 17.38.900 as now enacted or may be amended.

**SECTION 2.** That a proposition shall be placed before the voters of the Kenai Peninsula Borough for the regular election to be held on October 6, 2015, which reads as follows:

PROPOSITION No. \_\_\_\_\_

Shall Ordinance 2015-\_\_\_\_\_, which establishes a new chapter in the Kenai Peninsula Borough Code of Ordinances entitled *Chapter 10.14 – Marijuana Control* prohibiting the operation of commercial marijuana cultivation facilities in the area of the Kenai Peninsula Borough outside of the cities be enacted?

Yes \_\_\_\_\_

A “yes” vote means marijuana cultivation facilities will be prohibited in the area of the borough outside of the cities.

No \_\_\_\_\_

A “no” vote means marijuana cultivation facilities will not be prohibited in the area of the borough outside of the cities.

**SECTION 3.** That Section 2 of this ordinance takes effect immediately upon its enactment. Section 1 of this ordinance shall take effect upon certification of the election approving the proposition.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY OF \* 2015.**

\_\_\_\_\_  
Dale Bagley, Assembly President

ATTEST:

\_\_\_\_\_  
Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:



By: Mayor DeVilbiss  
Amended: 01/20/15  
Adopted: 01/20/15

**MATANUSKA-SUSITNA BOROUGH  
RESOLUTION SERIAL NO. 15-006**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY TO REQUEST CLARIFICATION FROM THE STATE OF ALASKA ON BALLOT MEASURE 2, THE LEGALIZATION OF MARIJUANA.

---

WHEREAS, in the primary election, registered Alaskan voters voted in favor of Ballot Measure 2, *An Act to tax and regulate the production, sale, and use of marijuana*; and

WHEREAS, some clarification is needed to properly evaluate the regulations to put in place; and

WHEREAS, clarification is needed regarding the powers granted to borough's and the cities within those boroughs; and

WHEREAS, clarification is needed on the "one-ounce" for personal and recreational use and if it will include the liquid concentrate; and

WHEREAS, international transport and shipping is illegal, the State must consider prohibiting non-Alaskan produced marijuana to curb the black market sales and support Alaskan agriculture and business; and

WHEREAS, it is not clear if the per person rules are for each adult over the age of 21, or if that the maximum limit is per household; and

WHEREAS, we also request to restrict certain packaging that is enticing to minors; and

WHEREAS, a large number of people were concerned about access to medicinal cannabis, there is currently no differentiation between recreational marijuana high in Tetrahydrocannabinol (THC), medicinal cannabis high in Cannabinoids (CBD), and Industrial hemp or the State should consider differentiation by both definition and distinct regulations; and

WHEREAS, there is currently no control of contaminants or potency in marijuana products, minimum standards need to be established and appropriate labeling required to include both THC and CBD levels; and

WHEREAS, please clarify by law whether a passenger vehicle is considered a non-public place and whether "public" for purposes of the prohibition on consumption of marijuana in "public" include things such as private baseball fields, smoking clubs or standing on the edge of your private property; and

WHEREAS, will there be an agricultural farm use tax exemption for locally produced marijuana; and

WHEREAS, it is suggested that a percentage of the marijuana initiative authorized taxation be put toward prevention, treatment, testing, enforcement, and security; and

WHEREAS, one possibility for the control of marijuana has been using the Alcohol Control Board we recommend, based on corroborating testimony, the State should set up a separate board for the regulation of marijuana; and

WHEREAS, unanswered questions have arisen pertaining to marijuana production, processing and sales outside municipalities in the unorganized borough and the State should address these issues; and

WHEREAS, other states have found infused edible products to be problematic and their regulation should be addressed very clearly in Alaska; and

WHEREAS, licensing for commercial production, processing, and sales should not disallow or limit the number of small (which needs to be defined) local, vertically integrated operations that are suitable for many other of Alaska's agricultural products; and

WHEREAS, the Alaska landlord/tenant act needs to be clear on what rights both the landlord and tenant have, with respect to personal marijuana use, production and the right to evict; and

WHEREAS, whether any public advertising for marijuana and related products should be prohibited; and

WHEREAS, the State should consider regulation of business hours; and


WHEREAS, the State should consider allowing permits for cultivation facilities three to four months before retail sales and consider how people would obtain seeds and original cuttings.

NOW, THEREFORE, BE IT RESOLVED, the Matanuska-Susitna Borough Assembly approves of this draft for legislative and regulatory issues.

ADOPTED by the Matanuska-Susitna Borough Assembly this 20 day of January, 2015.

  
LARRY DEVILBISS, Borough Mayor

ATTEST:

  
LONNIE R. McKECHNIE, CMC, Borough Clerk  
(SEAL)

YES: Sykes, Beck, Arvin, Colligan, Mayfield

NO: Halter

By: Assemblymember Sykes  
Amended: 01/20/15  
Adopted: 01/20/15

**MATANUSKA-SUSITNA BOROUGH  
RESOLUTION SERIAL NO. 15-007**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY  
ESTABLISHING A MARIJUANA ADVISORY COMMITTEE.

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WHEREAS, on November 4, 2014, Ballot Measure 2 was approved  
statewide by the voters; and

WHEREAS, Ballot Measure 2 generally legalizes marijuana and  
adopts a new chapter in the Alaska Statutes found at Alaska  
Statute 17.38; and

WHEREAS, Ballot Measure 2 provides the framework for  
legalization of marijuana but there are many laws and  
regulations that remain to be addressed by the state of Alaska;  
and

WHEREAS, Ballot Measure 2 also allows for the Borough to  
prohibit and/or implement regulations governing the number,  
time, place and manner of marijuana cultivation facilities,  
manufacturing facilities, retail stores and testing facilities;  
and

WHEREAS, there is uncertainty about what regulations or  
laws the state of Alaska may pass; and

WHEREAS, the Borough needs to consider possible comments to  
the State Legislature as well as the control committee regarding  
laws and regulations governing marijuana; and

WHEREAS, there are many issues and factors to be considered by the Borough in deciding all the local issues associated with the legalization of marijuana; and

WHEREAS, the Assembly is creating an advisory committee, known as the Marijuana Advisory Committee, to advise the Assembly and Administration on any and all aspects, impacts and concerns related to the legalization of marijuana; and

WHEREAS, it is the intent of this resolution that the scope of review by the advisory board include, but not be limited to, considering input from the public, research on aspects of marijuana legalization faced by other municipalities, such as land use, regulatory compliance, law enforcement, taxes and revenue, health, education, cultivation, transportation, testing, and retail sales, become aware of legislative developments and those of other Alaska municipalities and states where marijuana is legal, and offer advice and recommendations to the Assembly and administration on both the upsides and downsides of any issue related to or impacted by the legalization of marijuana deems necessary to consider; and

WHEREAS, the board has no authority to act on behalf of the Borough or communicate on the Borough's behalf other than to make recommendations to the Assembly and Administration.

NOW, THEREFORE, BE IT RESOLVED, the Assembly hereby establishes the Marijuana Advisory Committee to be provided

secretarial and staff support principally from the Clerk's department.

BE IT FURTHER RESOLVED, the Marijuana Advisory Committee will advise the Assembly and Administration on any and all impacts of the legalization of marijuana and any issues to consider including, but not limited to, impacts on commerce, law, health, safety, education, planning, land use, and implementation of Alaska Statute 17.38.

BE IT FURTHER RESOLVED, that the Marijuana Advisory Committee shall include, but not be limited to, research on aspects of marijuana legalization faced by other municipalities, such as land use, regulatory compliance, law enforcement, taxes and revenue, health, education, cultivation, transportation, testing, and retail sales, become aware of Alaska legislative developments and those of other Alaska municipalities and states where marijuana is legal, and offer advice and recommendations to the Assembly and administration on both the upsides and downsides of any issue related to or impacted by the legalization of marijuana the board deems necessary to consider; and

BE IT FURTHER RESOLVED, the Marijuana Advisory Committee will advise and recommend how the Borough Assembly and/or Administration should comment to the state of Alaska regarding

the implementation of Alaska Statute 17.38, and report at least quarterly to the Assembly.

BE IT FURTHER RESOLVED, the Marijuana Advisory Committee will advise and recommend how the Assembly and/or Administration should implement Alaska Statute 17.38 at the local level.

BE IT FURTHER RESOLVED, the Marijuana Advisory Committee may advise and recommend how the Assembly and/or Administration should act with regards to any issue or matter affected or impacted or related to marijuana and the implementation of Alaska Statute 17.38,

BE IT FURTHER RESOLVED, in order to gather input and consider all sides of all issues, the Marijuana Advisory Committee will be comprised of 17 members who, as feasible, shall be drawn from the following broad categories:


- One from a potentially interested marijuana grower
- One from non marijuana farming operation
- One from a potentially interested marijuana retailer
- One from financial community
- One from a local business organization, (i.e. Chamber of Commerce)
- One from law enforcement
- One from health community
- One from education community




- One from planning and zoning type experience
- One from sales/marketing advertising
- Three citizens of the Matanuska-Susitna Borough who do not live in city limits
- One member representing the city government of Houston
- One member representing the city government of Palmer
- One member representing the city government of Wasilla
- One member representing the Matanuska-Susitna Borough at the Department Director or equivalent level.

BE IT FURTHER RESOLVED, the Marijuana Advisory Committee will exist until June 30, 2018.

ADOPTED by the Matanuska-Susitna Borough Assembly this 20 day of January, 2015.

  
LARRY DEVILBISS, Borough Mayor

ATTEST:

  
LONNIE R. McKECHNIE, CMC, Borough Clerk  
(SEAL)

PASSED UNANIMOUSLY: Sykes, Beck, Arvin, Colligan, Mayfield, and Halter



Submitted by: Chair of the Assembly at the  
Request of the Mayor  
Prepared by: Dept. of Law  
For reading: January 13, 2015

**ANCHORAGE, ALASKA**  
**AO No. 2015-7**

**AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 8.35 WITH A NEW SECTION TO PROHIBIT THE CONSUMPTION OF MARIJUANA IN A PUBLIC PLACE; AND AMENDING THE MINOR OFFENSE FINE SCHEDULE AT AMC SECTION 8.05.025A. ACCORDINGLY.**

---

**WHEREAS**, Ballot Measure 2 – An Act to Tax and Regulate the Production, Sale and Use of Marijuana, and codified as Alaska Statutes 17.38, provides for the legalization of marijuana, was passed by the voters in the recent state election and certified on November 28, 2014 by the State of Alaska, Division of Elections; and

**WHEREAS**, newly enacted AS 17.38.040 states:

**Public consumption banned, penalty.**

It is unlawful to consume marijuana in public. A person who violates this section is guilty of a violation punishable by a fine of up to \$100.

; and

**WHEREAS**, the state statute does not define “public”; and

**WHEREAS**, the state statute does not discuss or mandate any enforcement mechanism; and

**WHEREAS**, proponents of the effort to legalize marijuana referred to itself as the “Campaign to Regulate Marijuana Like Alcohol”; and

**WHEREAS**, Anchorage Municipal Code section 8.35.400 bans the consumption of alcohol in a public place; and

**WHEREAS**, the effective date of the state marijuana statute is February 24, 2015; now, therefore,

**THE ANCHORAGE ASSEMBLY ORDAINS:**

**Section 1.** Anchorage Municipal Code chapter 8.35, Alcohol and Drug Offenses, is hereby amended by adding a new section to read as follows:

**8.35.300 Consuming marijuana in a public place.**

- 1 A. It is unlawful for any person to knowingly consume marijuana when  
2 the person is:  
3  
4 1. On, in or upon any public place, except as permitted by  
5 ordinance, regulation, statute or permit; or  
6  
7 2. Outdoors on property adjacent to a public place, and without  
8 consent of the owner or person in control thereof.  
9
- 10 B. For purposes of this section, the definitions of the words and phrases  
11 below shall apply:  
12  
13 1. *Consume* shall have the meaning, in all conjugate forms, of  
14 “consumption” set forth in AS 17.38.900.  
15  
16 2. *Marijuana* shall have the meaning set forth in AS 17.38.900.  
17  
18 3. *Public place* means a place to which the public or a  
19 substantial group of persons has access and includes, but is  
20 not limited to, streets, highways, sidewalks, alleys,  
21 transportation facilities, parking areas, convention centers,  
22 sports arenas, schools, places of business or amusement,  
23 shopping centers, malls, parks, playgrounds, prisons, and  
24 hallways, lobbies, doorways and other portions of apartment  
25 houses and hotels not constituting rooms or apartments  
26 designed for actual residence.  
27
- 28 C. Violation of this section is a minor offense punishable as set forth in  
29 the minor offenses fine schedule.  
30  
31

32 **Section 2.** Anchorage Municipal Code section 8.05.025 is hereby amended to read  
33 as follows (*the remainder of the section omitted is not affected and therefore not set*  
34 *out*):  
35

36 **8.05.025 Minor Offense Fine Schedule; Misdemeanor penalty**  
37 **reference table; and state surcharge.**  
38

- 39 A. *Minor Offense Fine Schedule.* In accordance with AS 29.25.070(a),  
40 citations for the following offenses may be disposed of as provided in  
41 AS 12.25.195-.230, without a court appearance, upon payment of the  
42 fine amounts listed below plus the state surcharge required by AS  
43 12.55.039 and AS 29.25.074, if applicable. The Rules of Minor Offense  
44 Procedure in the Alaska Rules of Court apply to all offenses listed  
45 below. Citations charging these offenses must meet the requirements  
46 of Minor Offense Rule 3. If a person charged with one of these  
47 offenses appears in court and is found guilty, the penalty imposed for  
48 the offense may not exceed the fine amount for that offense listed  
49 below. Reduction of the scheduled fine amount is prohibited pursuant  
50 to Alaska Rules of Minor Offense Procedure 10(a). If an offense is not

listed on this fine schedule or another fine schedule, the defendant must appear in court to answer to the charges. A person must respond to the citation within 30 days. Reduction of the scheduled fine amount is prohibited pursuant to Alaska Rules of Minor Offense Procedure 10(a).

Title	Section	Fine amount
Impersonating paramedic or emergency medical technician	8.30.075	300.00
<u>Consuming marijuana in public place</u>	<u>8.35.300</u>	<u>100.00</u>
Consuming alcoholic beverage in public place.	8.35. <u>400</u> [300]	100.00
Intoxicated persons on roadway	8.35. <u>410</u> [310]	500.00
*** ** *	*** ** *	*** ** *

B. *Misdemeanor offenses reference table.*

\* \* \* \* \*  
(AO No. 2014-42, § 1, 6-21-14)

**Section 3.** This ordinance shall be effective on February 24, 2015.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Chair of the Assembly

ATTEST:

\_\_\_\_\_  
Municipal Clerk

**MUNICIPALITY OF ANCHORAGE**  
**Summary of Economic Effects -- General Government**

AO Number: 2015-7

Title: **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 8.35 WITH A NEW SECTION TO PROHIBIT THE CONSUMPTION OF MARIJUANA IN A PUBLIC PLACE; AND AMENDING THE MINOR OFFENSE FINE SCHEDULE AT AMC SECTION 8.05.025A. ACCORDINGLY.**

Sponsor: **MAYOR**  
Preparing Agency: Department of Law  
Others Impacted: APD

CHANGES IN EXPENDITURES AND REVENUES:		(In Thousands of Dollars)				
	FY15	FY16	FY17	FY18	FY19	
Operating Expenditures						
1000 Personal Services						
2000 Non-Labor						
3900 Contributions						
4000 Debt Service						
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -	\$ -	
Add: 6000 Charges from Others						
Less: 7000 Charges to Others						
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -	\$ -	
REVENUES:						
CAPITAL:						
POSITIONS: FT/PT and Temp						
PUBLIC SECTOR ECONOMIC EFFECTS:						

The economic effects are speculative and cannot be reasonably estimated because of the changing status of marijuana laws and its use. There is no basis on which to realistically estimate the revenue from this new minor offense fine.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

None.

Prepared by: Department of Law

Telephone: 343-4545

# Alaska Dispatch News

Published on *Alaska Dispatch News* (<http://www.adn.com>)

[Home](#) > Ordinance to ban public marijuana consumption in Anchorage passes unanimously

Suzanna Caldwell <sup>[1]</sup>

January 27, 2015

With legal possession of recreational marijuana only four weeks away, the Anchorage Assembly unanimously approved an ordinance making it illegal to consume it in a public place.

The ordinance Tuesday established rules on consuming the substance <sup>[2]</sup> in a public place, a provision outlined in Ballot Measure 2 which made such an act strictly illegal and subject to fines.

The ordinance -- a blend of the city's alcohol and tobacco prohibitions -- made clear the definition of a public place and stipulated the fines associated with violating the law. Those caught consuming marijuana in public will face a fine of \$100 under the ordinance, the same fee outlined in Ballot Measure 2. Anchorage Police Chief Mark Mew noted that the fee was a civil, not criminal citation, similar to a traffic ticket.

Personal use provisions of the initiative go into effect Feb. 24. On that day it will be legal to possess up to one ounce of marijuana and six plants <sup>[3]</sup>, three of which can be mature. Sales will still be prohibited until the state sets up a permitting system through the regulation, a nine-month process that begins when the initiative goes in to effect.

Mew testified to the Assembly that it was important to get the law on the books before the ballot measure goes in to effect and before the state completes its own rules.

"Trying to cure it down the road will be much worse unless we set the standard from the beginning," he said. "We don't want to educate (the) public that we can't enforce it by our inaction and try to get it back six months from now."

Despite the clear provisions in the initiative, the measure drew testimony mostly in opposition. Many had concerns over what constituted a public place and whether that would effect consumption in "cannabis cafes" or other businesses hoping to sell marijuana.

Joanne Henning, representing the Alaska Cannabis Association, had concerns over where people would go to use the substance, specifically tourists. If there cannot be cannabis cafes, similar to bars, she wondered where people would go to use it?

"We voted to control it like alcohol; we want a safe place to consume it like alcohol," she testified.

But under the proposed ordinance, permitted facilities could allow patrons to consume marijuana.

Confusion stemmed from groups who voiced concerns that the issue of "public" was too broad. Bruce Schulte, spokesman for the Coalition for Responsible Cannabis Legislation, noted concerns over a specific section of the city's alcohol laws allowing permitted facilities to be exempt from the public consumption prohibition.

When asked during Assembly debate why that portion was left out, Municipal Attorney Dennis Wheeler said it was intentionally left out because his office felt the issue was covered in another section of the ordinance. He said his office did not think having it reiterated was “good drafting.”

Assemblyman Patrick Flynn suggested adding the section back in to parallel the alcohol laws in an effort to not add any additional confusion. He said not having it could lead to inconsistencies from the courts.

The Assembly approved the amendment, though Wheeler maintained his position.

“It’s redundant and unnecessary, but legally speaking it does no good or no harm,” Wheeler said.

After its passage, Schulte admitted the issue of public consumption was a tough one, but that he was pleased with the Assembly’s outcome and pleased they had lined up the marijuana provisions with alcohol.

“It’s an excess of caution,” he said. “But let’s have parity.”

The ordinance is the second to come through the Anchorage Assembly since Ballot Measure 2 passed in November. Just weeks after the measure passed, Assemblywoman Amy Demboski introduced an ordinance that would have banned commercial marijuana sales in Anchorage, another provision allowed under the initiative. After four hours of testimony largely against the measure [4], the ordinance was voted down 9-2.

**Source URL:** <http://www.adn.com/article/20150127/ordinance-ban-public-marijuana-consumption-anchorage-passes-unanimously>

**Links:**

[1] <http://www.adn.com/author/suzanna-caldwell>

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[3] <http://www.adn.com/article/20141108/weed-really-legal-and-other-things-you-need-know-about-marijuana-alaska>

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## North Pole mayor proposes restrictions on marijuana use

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Posted: Monday, February 2, 2015 1:38 pm | Updated: 5:40 pm, Thu Feb 5, 2015.

Amanda Bohman, [abohman@newsminer.com](mailto:abohman@newsminer.com)

FAIRBANKS — North Pole Mayor Bryce Ward introduced legislation on Monday effectively restricting marijuana use outside of the home.

The ordinance is part of a package of measures dealing with the regulation of marijuana in North Pole. The ordinances were advanced for a vote on Feb. 17.

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The new voter-approved state law, which goes into effect on Feb. 24, decriminalizes cannabis but prohibits using it in public. What is a public place was left undefined.

Here is how Ward proposes to define a public place: streets, highways, sidewalks, alleys, transportation facilities, parking areas, convention centers, sports arenas, schools, places of business or amusement, shopping centers, malls, parks, playgrounds, prisons and other portions of apartment houses and hotels not

constituting rooms or apartments designed for actual residence such as hallways, lobbies and doorways.

"We are saying that the only place it's allowed, if this ordinance passes, is in your home," Ward said.

City Councilman Thomas McGhee attempted to amend the ordinance by defining public places as those places funded with public money. His amendment failed.

If approved, the fine for using marijuana in public in North Pole would be \$100.

The measure would leave the door open to the possibility of North Pole allowing establishments to apply for a permit to allow marijuana consumption.

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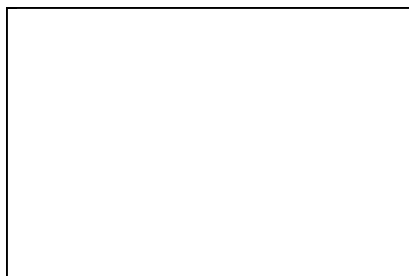
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Brandon Emmett, executive director of the Coalition for Responsible Cannabis Legislation, said he supports the ordinance because it allows for permitted establishments to authorize marijuana use.

"This could open the door to establishments, such as cannabis-themed coffee shops, being allowed to have marijuana consumed on premises," Emmett said in an email.

Another measure by Ward outlaws marijuana oil extraction using flammable substances. The punishment, if approved by the City Council, is a \$1,500 fine.

Ward also sponsored a resolution asking the state to clarify a variety of issues surrounding the new cannabis laws, approved by voters statewide in the November election.

Among the issues are whether limits for personal use apply to each person or to each household.

Ward also wants to ask the state to clarify whether a passenger vehicle is considered a public or non-public place.

Contact staff writer Amanda Bohman at 459-7587.

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**Steve McElreath** · Top Commenter · Rockdale County High School

it is against my religious beliefs, personal hygiene, and exhaled smoke in my home. to smoke marijuana (cannabis) inside my cabin, I always smoke outside, How can a government force me to violate my personal/religious beliefs? I live on my property, my



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## North Pole grapples with marijuana laws at City Council workshop

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Posted: Friday, January 23, 2015 12:02 am | Updated: 11:37 am, Fri Jan 23, 2015.

By Amanda Bohman [abohman@newsminer.com](mailto:abohman@newsminer.com)

**NORTH POLE** — The City Council is divided over whether to allow marijuana to be sold here.

The panel agreed at a workshop on Thursday to deal with personal use of pot first.



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"I think the first thing is public consumption, defining that, narrowing it down," North Pole Mayor Bryce Ward said.

The North Pole City Council is the first municipal lawmaking body in the Fairbanks North Star Borough to take up the issue of local marijuana regulation.

The panel held a workshop to discuss Councilwoman Sharron Hunter's proposal to ban the sale of marijuana in the Christmas-themed community.

The workshop was held for discussion purposes. No vote was made.

Starting Feb. 24, people 21 and older can have, grow, trade and transport limited amounts of marijuana. Pot sales are down the road after the state creates regulations. It is unlawful to consume marijuana in public.

Leaders in North Pole agreed for a need to define what is a public space so marijuana users will know where they are allowed to partake.

Councilwoman Elizabeth Holm suggested the definition of a public space include restaurants, waiting rooms, malls, education facilities, libraries, medical facilities, theaters, auditoriums and waiting rooms.

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Holm is the chief opponent on the council of allowing marijuana to be sold in North Pole.

She said she is concerned about her child getting the impression that using pot is OK after seeing marijuana stores in the community.

Councilman Thomas McGhee, who argued in favor of inviting the marijuana industry to North Pole, said he's been going around asking people about it.

McGhee said he asks residents if they would mind if an empty bank on Santa Claus Lane, the main drag, became a marijuana dispensary. Most have been supportive of the idea, he said.

McGhee said there's a misleading stereotype of marijuana users propagated by the news media.

"The truth of the matter is it's the doctors, the teachers, the university educators, the lawyers. I know these people. They indulge."

McGhee said North Pole needs the tax revenues to deal with an increased demand on public services anticipated because of the new marijuana laws.

"I feel if we prohibit the retail sales within the city limits, we are cutting ourselves out of a share of the revenues," McGhee said.

North Pole Police Chief Steve Dutra said he is concerned about edible marijuana products, such as pot tarts, which are packaged to look like Pop-Tarts, getting into the hands of children.

Dutra recently attended a conference dealing with law enforcement and government issues since Colorado legalized marijuana.

"We have to urge our legislators to regulate these products," he said. "The kids will get them."

Contact staff writer Amanda Bohman at 459-7587.

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**Mike Starkey** · Top Commenter · North Pole, Alaska

The kids are getting pot now. It's readily available. Any high school kid who wants it knows where and how to get it. It's probably in the Middle School too. This concern that the kids will get it is the ultimate denial of reality. Those who want it already get it. Thomas McGhee is a refreshing breath of fresh air on what is predominantly a conservative, nanny-state, we know what's best for everyone council. Keep representing us Mr. McGhee. I find it ironic that a city themed on an imaginary magic man with an army of toy making elves and flying reindeer is concerned about a little marijuana. It seems to me to be the perfect fit!

[Reply](#) · [Like](#) · 11 · January 23 at 4:41am



**Frank Turney** · Top Commenter · OSP

You mean 'Cannabis' don't you?

[Reply](#) · [Like](#) · 1 · January 23 at 11:49am



**Ralph Peterson** · Top Commenter · Trenton, Florida

Its the parents job to teach their children about cannabis, its the parents job to keep edibles or anything else out of the hands of their children.In short,,,ITS THE PARENTS JOB!!!!!!

[Reply](#) · [Like](#) · 5 · January 23 at 8:27am



**Charlotte Morris Perry** · University of Alaska Fairbanks

Excellent points Mr. McGhee! Education of minors as a deterrent until they are of age to make their own decisions.

[Reply](#) · [Like](#) · 4 · January 23 at 2:13am



**Bill Ralston** · Juneau, Alaska

Maybe the best solution is to not create another layer of bureaucracy and just make it another product sold in liquor stores. Liquor stores are already highly regulated and cannot be within certain distances of schools and churches. The real job is going to be regulating the processors that deliver the product to the stores in pre-packaged quantities with barcodes already attached.

[Reply](#) · [Like](#) · 3 · January 23 at 7:42am



**Jennifer Kennedy** · North Pole, Alaska

It's funny that they are afraid of the kids getting edibles and other marijuana products when the kids are getting alcohol and getting drunk... They see their parents doing it. They see it on tv where it looks fun... REALLY??

[Reply](#) · [Like](#) · 3 · January 23 at 2:34am



**Michael Albertson** · Top Commenter

Councilwoman Sharron Hunter would like to ban pot because it isn't Christmas themed? I guess she is OK with Alcohol, you know the most commonly cited factor in domestic violence, Fetal Alcohol Syndrome in children and DUIs? How about Flint Hills and the destroyed North Pole water table, pollution, fast food and sales taxes?

I didn't realize North Pole was such a strong Santa economy, seeing as how you have a local year round tax on everything in town. Councilman Thomas McGhee has the logical and sensible approach to this issue. Be smart folks. MJ use is illegal in public, around schools and playgrounds. All you need to do is regulate a business selling marijuana. Of course, people in North Pole can always go to Fairbanks or perhaps Salcha and buy legal product, then go back to North Pole and smoke it at home.

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**ClaudioTheresa Gomes** · Top Commenter · Fairbanks, Alaska

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