

Alaska State Medical Association

4107 Laurel Street • Anchorage, Alaska 99508 • (907) 562-0304 • (907) 561-2063 (fax)

March 16, 2015

Honorable Bill Stoltze
Alaska State Senate
State Capitol Room 125
Juneau, AK 99801

RE: Senate Bill 62 Version N

Dear Senator Stoltze:

The Alaska State Medical Association (ASMA) represents physicians statewide and is primarily concerned with the health of all Alaskans.

The Alaska State Medical Association (ASMA) appreciates your past efforts and willingness to work with us and values our relationship with you. With the recent enactment of citizen's initiative Proposition 2 legalizing marijuana possession, use and commercialization we are very concerned with the consequences and therefore appreciate the numerous hearings the Senate State Affairs Committee has held to educate Alaskans on the issues surrounding legalization, and in particular the personal attention and leadership you have shown.

From a public health perspective ASMA is very concerned with the legalization of retail and personal use of marijuana in Alaska for a number of reasons. As the Senate State Affairs Committee and the Legislature deliberate the many issues surrounding the recent legalization, ASMA would like to express our concerns, particularly with the regulation of commercial or retail marijuana edible products.

ASMA believes that at a minimum the broad policy objectives involved with regulation of commercial edible marijuana products should be deliberated by, and established through the legislative process. It's important that the legislature prescribe in statute clear guidelines helping to ensure the utmost public health and safety protections. Specific attention should be aimed at assuring that both adults and children are protected from the

unintended consumption and overdose of edible marijuana and marijuana infused products.

The Legislature should define edible marijuana as any and all retail marijuana products intended to be consumed orally, including but not limited to, any type of food, drink, pill, or ointment. ("Liquid Edible Retail Marijuana Product" means an edible marijuana product that is a liquid beverage or food-based product and intended to be consumed orally, such as a soft drink or cooking sauce.")

Marketing: The Legislature should set statutory guidelines for the marketing of marijuana products to ensure products are not advertised directly, or indirectly, to those under age 21. This should include, but not be limited to: in-store advertising, or otherwise publicly visible, web-based ads, or online ads reasonably interpreted to target or appeal to those under age 21.

Packaging and Product: The Legislature should set guidelines to ensure that marijuana products not be packaged or marketed to entice or attract children to those products. In addition, products containing any marijuana, or any amount of marijuana derivatives, should be prohibited from being packaged to appear, intentionally or unintentionally, like a familiar marijuana-free or child-safe product. To this end, the Legislature should require that any food or edible product containing marijuana be stamped or shaped in a distinct, easily recognizable way, both inside and outside of packaging (i.e. a certain color, shape, or stamped with a unique symbol).

The legislature should ensure that the regulatory Board responsible for enforcement has clear direction that all statutory and regulatory rules be strictly enforced.

Serving Size and Packaging: The Legislature should statutorily establish a standard "serving size" consistent with THC potency levels for consumers purchasing or consuming edible products. Additionally, each "serving size" should be individually packaged to reduce the incidence of overdosing. As other states have experienced, this has proven both necessary and effective for consumer protection, health, and safety especially with edibles. Packaging should be child resistant.

Labeling: The Legislature should statutorily establish guidelines for labeling requirements to include: (1) THC content; (2) number of servings contained in a product; (3) a warning that the contents contain marijuana or marijuana derivatives, and at what potency. Additionally products and premises should comply with the same requirements as tobacco for displaying warnings against use of marijuana when pregnant.

Testing: The Legislature should establish clear statutory authority and responsibility for testing of THC levels and a process for such testing to be conducted, and or certified by the Department of Environmental Conservation Food Safety Program.

Regulatory Board: The Initiative grants rulemaking and oversight authority to either the ABC Board or a separate Marijuana Regulatory Board (yet to be established and seated).

ASMA believes the Legislature should ensure that at a minimum a licensed Alaska physician is seated on whichever board is responsible for such rulemaking and oversight.


Strict Product Liability: The Legislature should statutorily require that any individual licensed to sell, distribute, or manufacture edible marijuana products be held strictly liable should the edible marijuana product cause injury or harm to an individual consuming the product.

Insurance Requirements: Insurance should be required by licensees distributing edible marijuana products to provide coverage for bodily injury, negligence.

Additionally, although the legislature cannot repeal an initiative for two years it may make amendments. Currently the initiative, AS 17.38.110 Local Control, only allows for local option in the most basic manner, namely, they can regulate whether there are retail sales or not. ASMA suggests that the legislature could amend the initiative to allow greater flexibility for local control by allowing local communities to further define by ordinance what types of products can be sold. In other words a community should be allowed to make independent decisions with regard to the commercial sale of (1) cannabis in its natural state, (2) marijuana concentrates or (3) edibles. The Alaska Constitution specifically allowed for immediate amendments to an initiative and we believe this change is consistent with that authority and the purpose of the initiative.

Thank you again for your efforts. Please contact me if I can provide any further assistance.

Sincerely,



Michael Haugen
Executive Director
Alaska State Medical Association