

By: Lance Roberts
Introduced: January 29, 2015

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2015 - 09

AN ORDINANCE AMENDING FAIRBANKS NORTH STAR BOROUGH CODE TITLE 9
BY ADDING CHAPTER 9.17 ENTITLED MARIJUANA PRODUCTS REGULATION

WHEREAS, on November 26, 2014 the election results passing Alaska
Statute 17.38 were certified; and

WHEREAS, February 24, 2015 will be the effective date of AS 17.38; and

WHEREAS, AS 17.38 authorizes municipal regulation of the commercial
transfer of marijuana, marijuana products, and of marijuana establishments; and

WHEREAS, municipal regulation of marijuana establishments will
additionally be accomplished through zoning regulations within Title 18.

NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks
North Star Borough:

Section 1. This ordinance is of a general and permanent nature and shall
be codified.

Section 2. Title 9, Public Peace, Morals and Welfare, of the Fairbanks
North Star Borough Code of Ordinances is amended to add the following:

Chapter 9.17 MARIJUANA PRODUCTS REGULATION

9.17.010 Purpose and Scope of Authority

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33 A. Purpose. The purpose of this chapter is to provide for the municipal regulation of
34 marijuana establishments as allowed by state law. This chapter and the regulations
35 herein are adopted pursuant to the express authority granted by Alaska Statute
36 17.38.110 and are intended to regulate marijuana establishments to the fullest extent
37 allowed by state statute in order to preserve the public peace, morals, and general
38 welfare.

39 B. Local control of marijuana establishments. The borough may by ordinance
40 exercise local control to the fullest extent allowed by state law, including the following
41 types of local control:

- 42 1. Prohibit the operation of all or any type of marijuana establishments;
- 43 2. Regulate marijuana establishments in a manner more restrictive than state
44 law;
- 45 3. Establish a local registration procedure for marijuana establishments;
- 46 4. Designate a local regulatory authority for the following purposes:
 - 47 i. Receive half of the state registration application fee;
 - 48 ii. Receive a copy of each state registration application and provide
49 input to the state on such application; and
 - 50 iii. Process applications for registration to operate a marijuana
51 establishment within the borough and to issue registrations in the event that the state
52 authority fails to process applications in accordance with AS 17.38.090 and AS
53 17.38.100; provided that, all such applications for registration must be processed within
54 90 days of receipt of the application or resubmitted application unless the application is
55 not in compliance with ordinances and regulations and the applicant is so notified;
- 56 5. Establish a schedule of annual operating fees;
- 57 6. Regulate the time and manner of operations of marijuana establishments;
- 58 7. Regulate the number of marijuana establishments; and
- 59 8. Regulate the manner in which marijuana and marijuana products may be
60 displayed by a retail marijuana store.

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62 **9.17.020 Definitions**

63 The following definitions are set forth by AS 17.38.900 and apply to the terms as used in
64 this chapter:

65 "Local regulatory authority" means the office or entity designated to process
66 marijuana establishment applications by a local government.

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

75 "Marijuana cultivation facility" means an entity registered to cultivate, prepare,
76 and package marijuana and to sell marijuana to retail marijuana stores, to marijuana
77 product manufacturing facilities, and to other marijuana cultivation facilities, but not to
78 consumers.

79 "Marijuana establishment" means a marijuana cultivation facility, a marijuana
80 testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

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

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

88 "Marijuana testing facility" means an entity registered to analyze and certify the
89 safety and potency of marijuana.

90 "Retail marijuana store" means an entity registered to purchase marijuana from
91 marijuana cultivation facilities, to purchase marijuana and marijuana products from

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marijuana product manufacturing facilities, and to sell marijuana and marijuana products
to consumers.

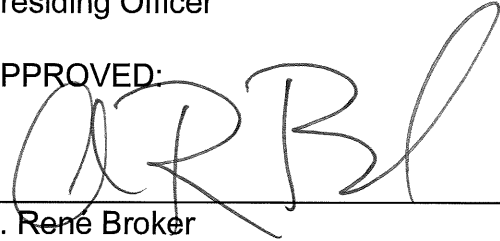
Section 3. Effective Date. This ordinance shall be effective at 5:00 p.m.
of the first Borough business day following its adoption.

PASSED AND APPROVED THIS ____ DAY OF ____, 2015.

Karl Kassel
Presiding Officer

ATTEST:

APPROVED:



Nanci Ashford-Bingham, MMC
Borough Municipal Clerk

A. René Broker
Borough Attorney

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