

HB 75

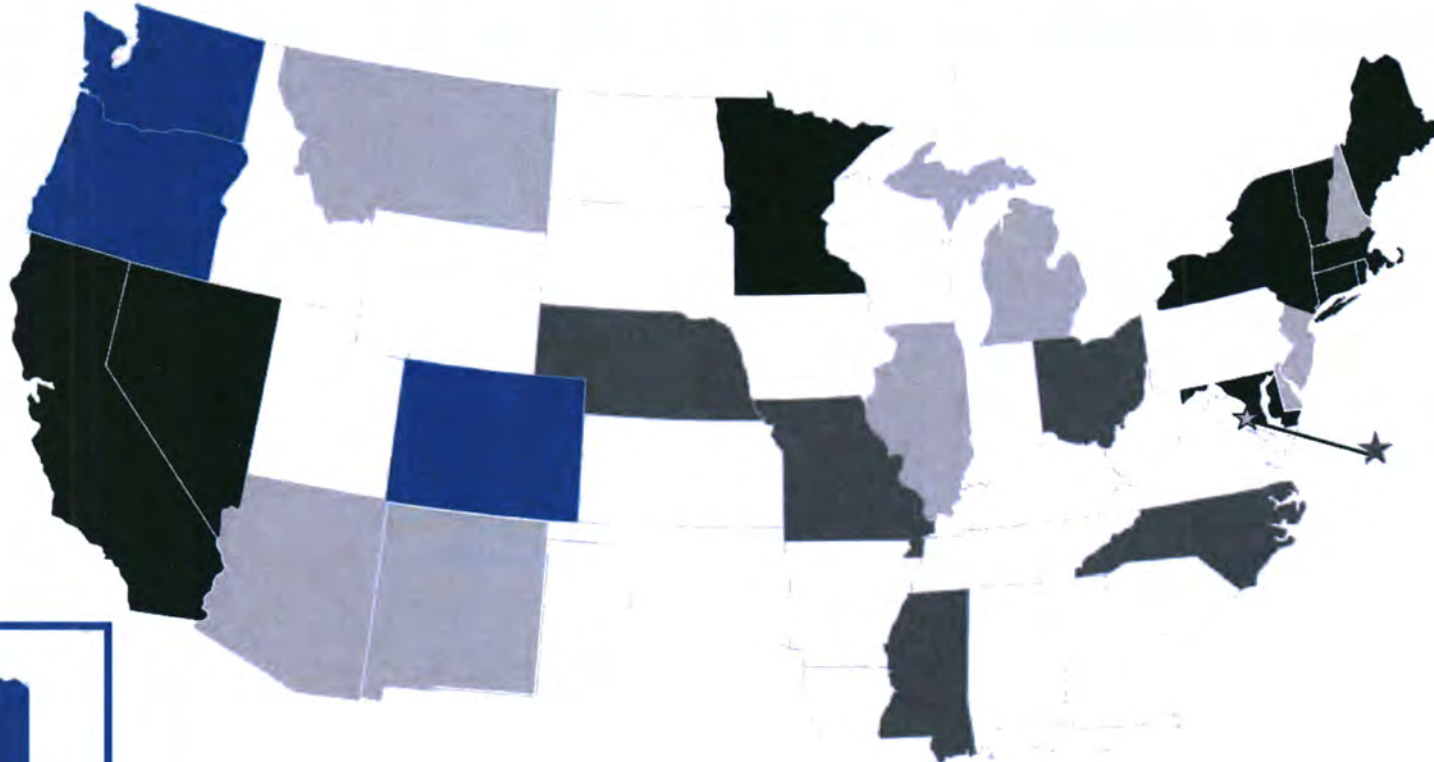
(FILE

2)

<TARGET><BILL>HB 75</BILL><SUBJECT>HB 75 (FILE
2)</SUBJECT><COMM>HCRA29</COMM></TARGET>



Marijuana Policy in the States



- States with medical marijuana laws
- States that have removed jail time for possessing small amounts of marijuana
- States that both have a medical marijuana law and have removed jail time for possessing small amounts of marijuana
- Marijuana is legal for adults and is taxed and regulated similarly to alcohol; state also has a medical marijuana law

★ D.C. voters made it legal for adults to possess and grow marijuana, but the initiative is undergoing Congressional review; D.C. also has a medical marijuana and decriminalization law

NOTE: Some of the state laws are new and have not yet taken effect or been fully implemented.



Marijuana Policy Project
 P.O. Box 77492 • Capitol Hill
 Washington, D.C. 20013
 p: (202) 462-5747 • f: (202) 232-0442
 info@mpp.org • www.mpp.org

Replacing Marijuana Prohibition With Sensible Regulations

An overview of four states' frameworks for regulating marijuana similarly to alcohol

State	Age Limit	Personal Possession, Cultivation, and Purchase Limits	Businesses Allowed and Restrictions on Numbers of Each (if any)	Licensing Timeline	Oversight Agency
Colo. (enacted Nov. 6, 2012)	21 and older	<p>Possession: One ounce; plus, at the grow location, marijuana from the adult's plants</p> <p>Home cultivation: Six marijuana plants (three mature)</p> <p>Purchase: One ounce per transaction for residents; a quarter ounce for non-residents</p>	<p>Cultivation facilities, product manufacturers, testing labs, and retail stores.</p> <p>There are no state limits on the numbers of licenses, but localities may restrict their numbers or ban them.</p>	<p>Medical marijuana business licensees began applying for business licenses on October 1, 2013. Others could begin applying July 1, 2014.</p> <p>The first adult use stores opened on January 1, 2014.</p>	Department of Revenue, Marijuana Enforcement Division
Wash. (enacted Nov. 6, 2012)	21 and older	<p>Possession and purchase limits: Up to an ounce of marijuana, 16 ounces of marijuana-infused solids, and 72 ounces of marijuana-infused liquids</p> <p>Home cultivation is not allowed.</p>	<p>Marijuana producers (growers), processors, and retailers. 334 retail licenses were issued statewide.</p> <p>The rules do not limit the number of growers and processors, but they limit the total square feet of cultivation.</p>	<p>Applications were initially accepted in November and December 2013. The board may reopen the application window at its discretion.</p> <p>The first adult use stores opened in July 2014.</p>	Washington State Liquor Control Board
Oregon (enacted Nov. 4, 2014)	21 and older	<p>Possession: Up to eight ounces in one's home, one ounce in public, 16 ounces of marijuana-infused solids, and 72 ounces of marijuana-infused liquids</p> <p>Home Cultivation: Four marijuana plants</p> <p>Purchase: The Oregon Liquor Control Commission may set purchase limits.</p>	<p>Marijuana producers (growers), processors (extract and product manufacturers), wholesalers, and retailers</p> <p>There are no set limits, but the OLCC may refuse to grant a license if doing so in the locality set out in the application is not demanded by public interest or convenience.</p>	<p>The election results will be certified on December 4, 2014, at which time the OLCC can begin rulemaking. The OLCC will begin accepting applications for marijuana businesses on January 4, 2016.</p>	Oregon Liquor Control Commission
Alaska (enacted Nov. 4, 2014)	21 and older	<p>Possession: Up to one ounce of marijuana in public and all marijuana produced by personal cultivation in the same location where cultivation occurred</p> <p>Home cultivation: Six marijuana plants (three mature)</p> <p>Purchase: Up to one ounce</p>	<p>Marijuana cultivation facilities (growers), product manufacturing facilities, testing facilities, and retail stores.</p> <p>There are no statewide restrictions on the numbers of licenses issued per business type, but localities may restrict their numbers or ban them entirely.</p>	<p>The Alaska Division of Elections anticipates certification will be finalized between November 22 and 29. Rules for marijuana establishments must be drafted later, probably in September 2015.</p>	The Alcoholic Beverage Control Board has initial regulatory authority. However, the legislature may create a Marijuana Control Board at any time to take over.

Detailed summaries of each of the programs are available at MPP's Colorado, Washington, Oregon, and Alaska state webpages: mpp.org/co, mpp.org/wa, mpp.org/or, and mpp.org/ak.

State	Tracking and Security	Testing and Labeling	Tax Rate	Local Role	How Licensees Are Determined
Colo.	Licensed entities must use "seed-to-sale" tracking to prevent diversion. Specific security and video systems must be installed, and the businesses must abide by specific alarm and lock standards.	Marijuana and marijuana products must be tested for potency and labeled with the results; contaminant testing is optional. If contaminant testing is done, the label must state the results; if not tested for contaminants, the label must state that fact. Additionally, certain warning labels are required on all retail marijuana.	Current state and local sales and use taxes apply to all retail sales. Voters approved a 15% excise tax and a separate 10% special sales tax in November 2013.	Cities and counties are allowed to prohibit marijuana establishments or to limit their number. They may also enact ordinances restricting the time, place, and manner of businesses.	Initially, only state-licensed medical marijuana businesses could apply. Any qualified business may be licensed, unless the locality has limited the number of businesses. If it has done so, the department decides whom to license, considering the locality's preference when doing so.
Wash.	Licensed entities must use "seed-to-sale" tracking to prevent diversion. Specific security systems are required, including perimeter alarms and video systems.	Certain analytic tests must be performed on marijuana and the various marijuana products. For example, usable marijuana must be tested for moisture content, potency, foreign matter, and microbes.	25% excise tax on wholesale sales to processors; 25% excise tax on wholesale sales to retailers; and a 25% tax on the retail sale price.	Localities are notified when the board receives an application for licensure. They have 20 days to give their advice, which is given "substantial weight" by the board when they make their decision to grant a license.	If there are more qualified applicants in a city or county than are allotted, the state selects licensees by lottery — as it did with retailer licenses in 2013.
Oregon	To be determined in the rulemaking process	To be determined in the rulemaking process	\$35/ounce excise tax on marijuana flowers; \$10/ounce excise tax on marijuana leaves; and \$5/plant excise tax on immature plants. The state has sole authority to impose a sales tax.	Municipalities may enact reasonable time, place, and manner zoning ordinances if they find that doing so is needed to prevent adverse effects. A locality may completely ban marijuana businesses if the locality's voters elect to do so via a ballot question asked of the voters during a statewide general election.	The OLCC may decide how many licenses to allow in a locality, refusing a license if there is reasonable grounds to believe there are sufficient licenses in the area or if the granting of a license is "not demanded by public interest or convenience."
Alaska	To be determined in the rulemaking process	To be determined in the rulemaking process	\$50/ounce excise tax on marijuana sold at wholesale.	Municipal governments may enact ordinances that govern the time, place, manner, and number of marijuana businesses that can operate. Local governments may also ban licensed marijuana businesses altogether through the enactment of an ordinance or by voter initiative.	To be determined in the rulemaking process

Welcome to
COLORADO



MEANWHILE IN COLORADO..



© 2015 K. J. Venter

2/18/2015

2



2/18/2015

Agenda

- Some History. How we got here.
 - Medical Marijuana
 - Federal Response
- Amendment 64 Basics.
 - Task Force & Working Groups
- Colorado Laws and Rulemaking
 - What they do and do not do
 - Outstanding issues for Alaska
- Questions

Dude, How Did We Get Here?

- Amendment 20 in 2000.
- A patient or primary care giver charged with a violation of the state's criminal laws related to the patient's medical use of marijuana will be deemed to have established an affirmative defense to such allegation where:
 - The patient was previously diagnosed by a physician as having a debilitating medical condition;
 - The patient was advised by his or her physician that the patient might benefit from the medical use of marijuana; and
 - The patient and his or her primary caregiver where collectively in possession of amounts of generally two ounces and six plants.
- No mention of Dispensaries.

Dude, How Did We Get Here?

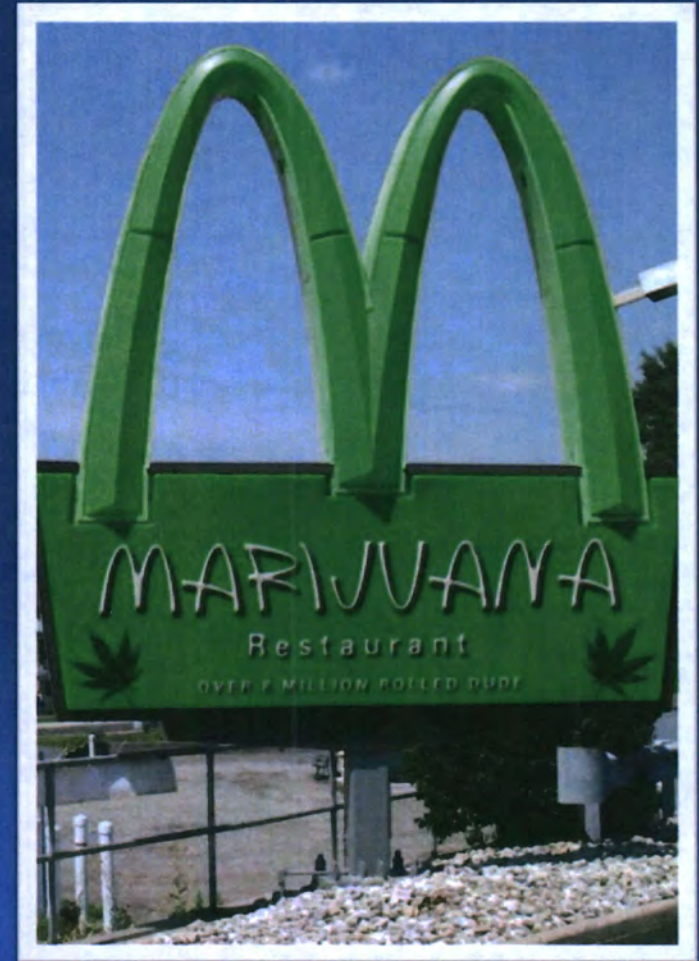
- Gonzales v. Raich, 545 U.S. 1, 29 (2005).
- United States Supreme Court held that under the Supremacy Clause of the US Constitution, where federal law and state law conflict, federal law prevails.
- Challenge to DEA's destruction of 6 marijuana plants in California grown pursuant to California's MMJ laws.
- Court said the Commerce Clause gave the federal government the power to pass and enforce the CSA as "production of the commodity meant for home consumption, be it wheat or marijuana, has a substantial effect on supply and demand in the national market for that commodity."
- "A single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country." O'Connor dissent.
- "This makes a mockery of Madison's assurance that the powers delegated to the Federal Government are few and defined, while those of the States are numerous and indefinite." Thomas dissent.

Dude, How Did We Get Here?

- Ogden Memo in 2009.
- Deputy US Attorney General David Ogden advised federal law enforcement officials that federal resources should not be used to prosecute those in “clear and unambiguous” compliance with state medical marijuana laws.
- Still a federal crime but would not use its limited prosecutorial resources under this circumstance.
- “We are not at war with the people in this country.” drug czar Gil Kerlikowske.

Dude, How Did We Get Here?

- Dispensaries grow like weeds.
- More dispensaries in Denver than Starbucks and McDonalds combined.
- Legislative response needed.





“Let’s Get Together and Feel Alright”

- Bob Marley

Dude, How Did We Get Here?

- Zone consistently and we will be alright.
- A consistent approach was taken. Counties and Towns put these uses in the right spot and encouraged the State to regulate the industry.
- Counties were very uniform in asking that either the State regulate this business or give us the power to do it locally.
- They delivered a legitimized and regulated industry.
- Set up a dual state and local licensing system.
- Expressly contemplated that counties will adopt their own local licensing requirements that can supplement (be more or less strict) than the State's.
- Allowed local governments to completely opt-out and effectively ban commercial growth, manufacturing, or sale of medical marijuana.

Dude, How Did We Get Here?

- Eagle County MMJ regulations example:
- Allowed in commercial general and commercial limited zone districts as a use-by-right with minimum 200 foot buffers from residences, schools, community centers, etc.
- Development Standards requiring enclosure, security, ventilation, signage limitations, hour of operations limitations, etc.
- Licensing Standards requiring application fee, certification of compliance with building codes, certification of state licensing, certification of zoning compliance, odor mitigation, law enforcement notification, etc.
- 4 or 5 existing MMJ dispensaries.

Dude, How Did We Get Here?

- United States v. Bartkowicz, 10-cr-00118-PAB (D.Colo. 2010).
- United State District Court for the District of Colorado reaffirmed that a state cannot authorize a violation of federal law.
- Bartkowicz was a state-licensed MMJ caregiver who was raided and arrested by DEA in February, 2010.
- Was on 9News the day earlier bragging about his profits.
- DEA agent said they intent to arrest everybody. Colorado Representative Jared Polis writes Attorney General Holder and President Obama requesting them to follow the Ogden memo.
 - "Agent Sweetin's comment that "we arrest everybody" is of great concern to me and to the people of Colorado, who overwhelmingly voted to allow medical marijuana. Coloradans suffering from debilitating medical conditions, many of them disabled, elderly, veterans, or otherwise vulnerable people, have expressed their concern to me that the DEA will come into medical marijuana dispensaries, which are legal under Colorado law, and "arrest everybody" present. Although Agent Sweetin reportedly has backed away from his comments, he has yet to issue a written clarification or resign, thus the widespread panic in Colorado continues."

Dude, How Did We Get Here?

- Cole Memo in 2011.
- "Clarified" the Ogden memo by stating it was limited to individuals with cancer and other serious illnesses and their caregivers. Was never intended to apply to commercial operations cultivating, selling or distributing marijuana.
- "Persons who are in the business of cultivating, selling or distributing marijuana, and those who knowingly facilitate such activities, are in violation of the Controlled Substances Act, regardless of state law."

Dude, How Did We Get Here?

- Subsequent US Attorney letters.
- Stated the U.S. Attorneys do not consider state employees who conduct activities under state medical marijuana laws to be immune from liability under federal law.
- “As the Attorney General has repeatedly stated, the Department of Justice remains firmly committed to enforcing the federal law and the Controlled Substances Act in all States.”
- No subsequent action taken however in Colorado to enjoin or prosecute MMJ dispensaries until last year.



Federal/State Dynamic for Amendment 64

- Amendment 64 passes 55%-45%. More people vote for this question than Presidential race. In Eagle County it passes 66%-34%.
- Rep. Diana DeGette introduces Respect States' and Citizens' Rights Act exempting states from federal laws dealing with adult marijuana usage. Joined by Jared Polis, Mike Coffman, and Ed Perlmutter.
- "Today I am proud to join with colleagues from both sides of the aisle to protect states' rights and immediately resolve any conflict with the federal government." Rep DeGette.
- Died in committee.
- "The voters have spoken and we have to respect their will. This will be a complicated process, but we intend to follow through. That said, federal law still says marijuana is an illegal drug so don't break out the Cheetos or gold fish too quickly." Governor John Hickenlooper.

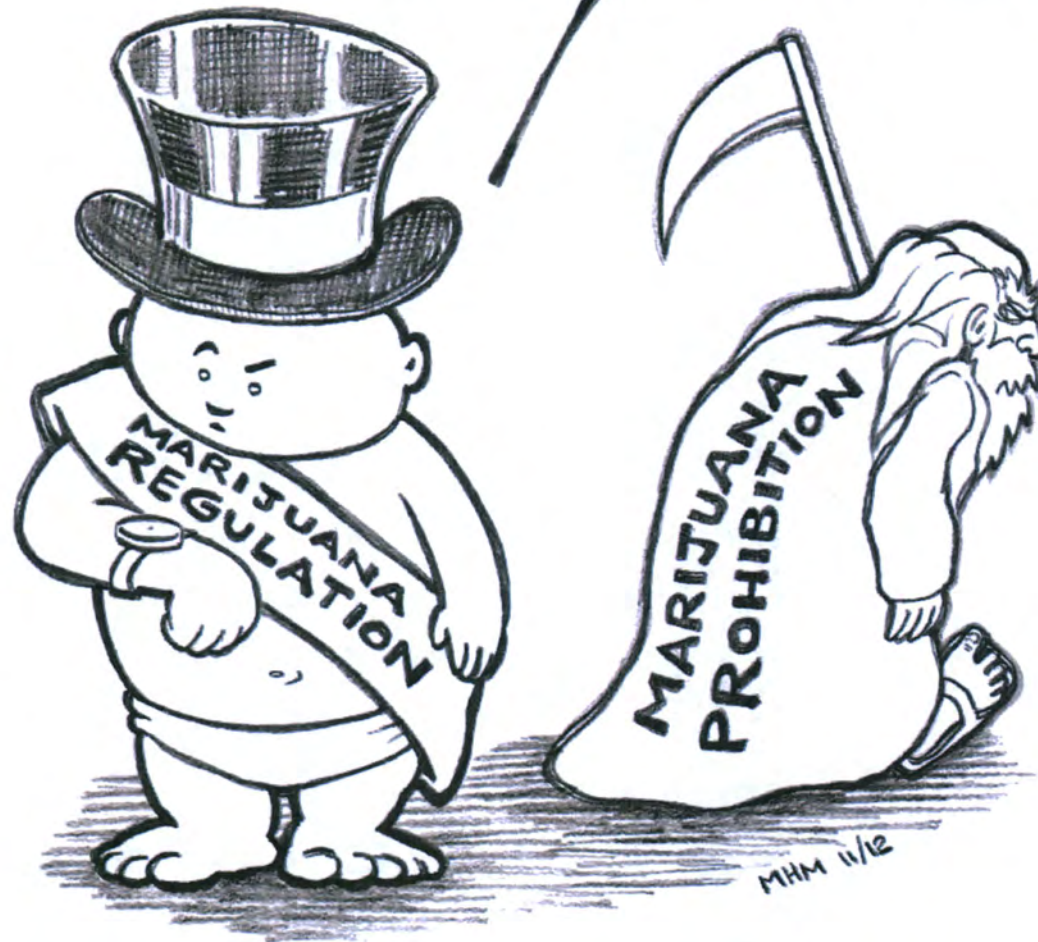


Federal/State Dynamic for Amendment 64

- United States Department of Justice Memo dated August 29, 2013:
 - Clarified that it will continue to enforce the Controlled Substances Act in Colorado, but that it will not challenge Colorado's ability to regulate the Retail Marijuana industry in accordance with State law provided Colorado implements strong and effective regulatory and enforcement systems that address public safety, public health and other law enforcement interests.
 - Federal enforcement priorities include preventing distribution to minors, preventing the diversion to states where it is illegal, preventing revenue to criminal enterprises and cartel, preventing the exacerbation of adverse public health consequences associated with marijuana use.

Amendment 64

WELL, IT'S ABOUT TIME!



Amendment 64 Highlights

- Declares purpose to be in the “interest of the efficient use of law enforcement resources, enhancing revenue for public purposes, and individual freedom.”
- For Individuals:
- May possess, use, show, buy and transport 1 ounce or less of marijuana and marijuana accessories if over 21.
- May possess, grown, and transport up to 6 marijuana plants (3 or fewer flowering) if over 21.
 - Growing must take place in enclosed lock space and not conducted openly and is not made available for sale.
- May not be consumed openly or in public.

Amendment 64 Highlights

- For Commercial Activities:
- Requires anyone manufacturing or selling MJ or MJ products to have a license.
 - MJ Cultivation Facility – an entity licensed to cultivate, prepare, cultivate and package MJ and sell to retail MJ stores, to MJ product manufacturing facilities, and to other cultivation facilities, but not to consumers.
 - MJ Product Manufacturing Facility – an entity licensed to purchase MJ, manufacture, prepare, and package MJ products; and sell other manufacturing facilities and retail MJ stores, but not to consumers.
 - MJ Testing Facility – an entity licensed to analyze and certify the Safety and Potency of Marijuana.
 - Retail MJ Store – an entity licensed to purchase MJ from cultivation facilities and product manufacturing facilities and to sell to consumers.

Amendment 64 Highlights

- For Commercial Activities (Cont):
- Requires the State to adopt regulations for the implementation of this licensing program.
 - Requires rules that do not expressly prohibit or make operation “unreasonably impracticable”.
 - Can set qualifications, security requirements, labeling requirements, requirements preventing sales to minors, health and safety regulations regarding manufacturing, restrictions on advertising, and fees for applications.
 - License Fees capped at \$5000 for new licenses and renewals. Fees capped at \$500 for MMJ license holders applying. Half goes to counties allowing operations.

Amendment 64 Highlights

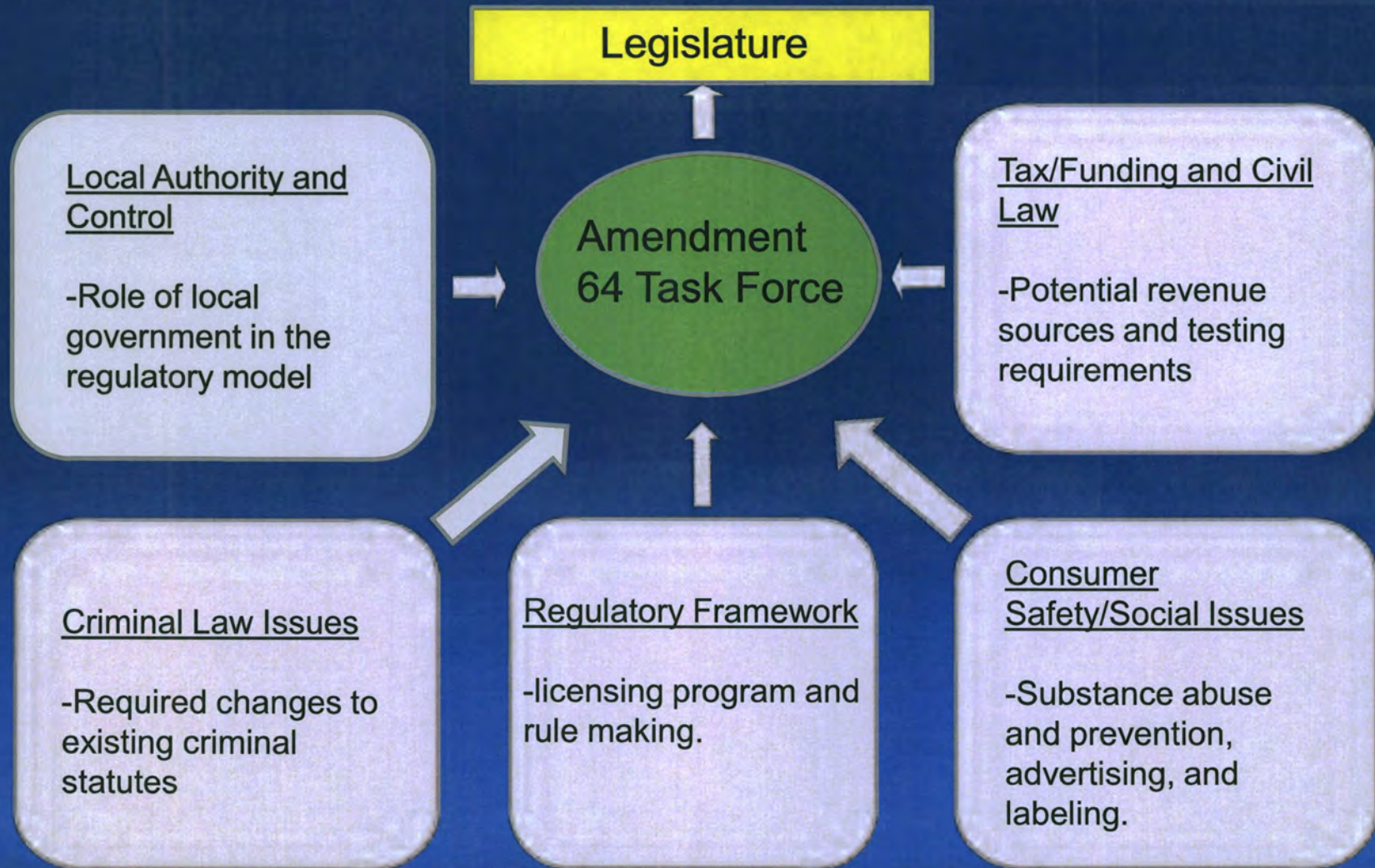
- For Commercial Activities (Cont):
- Requires the State Legislature to enact an excise tax to be levied upon MMJ sold or transferred by a cultivation facility to a retail store at a rate not to exceed 15% with the first 40 million raised annually going to the public school capital construction assistance fund.
TABOR?
- Requires the State to accept applications. If not, local jurisdictions have to.
- Counties may opt out.
- Counties may adopt time, place, and manner restrictions.

Amendment 64 Highlights

- Carve Outs:
- Does not require employer to permit or accommodate use or possession in the workplace.
- Does not allow driving under the influence or while impaired.
- Does not prohibit an employer or person from controls a property from prohibiting or regulating the use or possession on such property. Greenwood Village.
- Does not affect medical MJ laws or establishments.

Amendment 64 Task Force

- Governor creates task force to make recommendations to legislature on implementing Amendment 64. Comprised of 5 Working Groups.



Amendment 64 Task Force Recommendations

- Dual state/local approval system similar to MMJ (not liquor code). Allows for control through zoning rather than licensing if we so choose.
- Determined funding. Defined operating fees to mean fees charged by local governments to offset costs of administration and enforcement.
- Vertical Integration will remain for at least two years.
- First year or two of licenses limited to existing MMJ holders.
- Sales tax in addition to the 15% excise tax set forth in Amendment 64.
- Per transaction limits lower for visitors than residents.
- Allowing local jurisdictions to adopt stricter signing, marketing and advertising guidelines.
- Precluding combining marijuana with alcohol in manufacture or sale.



2/18/2015

26

State Law Highlights

- What it does:
- Creates 4 types of licenses for RMJ:
 - Retail Marijuana Store
 - Retail Marijuana Cultivation
 - Retail Marijuana products manufacturing
 - Retail Marijuana testing
- Requires compliance with local rules, zoning, and licensing for State approval. Any local jurisdiction may enact regulations governing the time, place, manner, and number of establishments. May opt out of the commercial like MMJ.
- Specifically retains our power to enact ordinance or resolutions concerning matters authorized to local governments (building codes, fire codes, sign codes, etc.)
- Local licensing hearings are permissive but not mandatory.

State Law Highlights

- What it does:
- Provides for a splitting of licensing fees and allows local jurisdictions to charge additional fees for inspection, administration, and enforcement.
- Must be a Colorado resident for two years prior to application.
- Nonresidents limited to ¼ ounce. Residents limited to 1 ounce.
- Adopts the 1000 foot school buffer but allows local jurisdictions to vary the distance restriction.
- Allows MMJ and RMJ to be sold in the same location (dual operation) if allowed by local jurisdiction.
- Makes labeling a matter of statewide concern.
- Adds drug content to DUI or DWAI statutes and creates permissible inference that a defendant is under the influence if the driver's blood contained five nanograms or more of delta 9-tetrahydrocannabinol per milliliter of blood.

State Law Highlights

- What it does:
- Creates state agency to adopt list of banned substances in MJ cultivation and develop good cultivation practices.
- Requires advanced peace officer training for impaired driving.
- Adds MJ to statewide smoking ban.
- Created open container offense similar to alcohol in vehicles.



2/18/2015

30

State Law Highlights

- What it does NOT do:
- Created State Licensing Authority (“Club Med”) and required them to promulgate rules (get into the weeds) on the following subjects:
 - Schedule of fees that may be charged.
 - Qualifications for license holders.
 - Security and surveillance requirements for any licensed premises.
 - Requirements to prevent the sale or diversion to those under 21.
 - Labeling requirements (THC content, pesticides, warnings, etc.).
 - Limitations on advertising and displays.
 - List of prohibited chemicals in cultivation.
 - Health Inspection standards for product manufacturing licenses.
 - Requirement for or child proof container and can’t package in a way that appeals to minors (cartoon characters).
 - Waste disposal standards.

State Law Highlights

- What statutes do NOT do:
 - Preclusion on internet sales. All sales must occur with the licenses premise. No deliveries. No over-the-phone sales.
 - Cannot give away non-MMJ consumable product (cigarettes, alcohol, or food products).
 - Cannot combine nicotine or alcohol in RMJ products.
 - Limits on THC in edibles (100 milligrams) and requirement of serving size labeling.
 - Detailed inventory tracking system requirements.
 - Prohibition on television, radio, print, and internet unless no more than 30 percent of the audience is reasonably expected to be under the age of 21.
 - Cannot have outdoor advertising visible to the public (billboards, vehicle mounted sign, hand held portable sign, leaflets handed out or left on a vehicle, etc.) except for fixed sign for the business.

Other Issues/Unintended Consequences/Foul Pitches

- Social Clubs
- Home Grows
- Butane Extractions
- Employment Law
- Law Enforcement Issues
- Landlord Tenant Law
- Nuisance Cases
- Offspring Industries – 420 rallies, weed tours, parades
- Colorado Current law suits.
- Parallel medical and recreational industries

Bryan Treu
Eagle County Attorney
bryan.treu@eaglecounty.us
(970) 328-8685
Peace Out

Recreational Marijuana in Clark County, Washington

Alaska Municipal League
February 17, 2015

Gordy Euler, Ph.D, AICP
Community Planning, Clark County, Washington



Oliver Orjiako, Director
Community Planning

Recreational Marijuana

■ Purpose

- Present what Clark County did in response to Initiative 502

■ Background

- Marijuana still is illegal under the Federal Controlled Substances Act of 1970
- Federal government maintains right to prosecute state-authorized medical marijuana users
- Federal government may not require states to enforce federal law, but can prosecute for violation or deny grants
- DEA letter to Clark County, January 2012
- DOJ has modified its stance since then



Recreational Marijuana

■ State of Washington

- Initiative 502 adopted by voters in Nov. 2012
- RCW 69.50; codified as Chapter 314-55 WAC
- Requires the Washington Liquor Control Board (LCB) to adopt regulations regarding facilities for the production, processing, and retailing of marijuana and marijuana-related products
- Regulations went into effect Nov. 16, 2013
- LCB licenses production, processing, and retailing facilities
- Limit of 336 retail licenses statewide; no limit on producer or processor licenses, other than a statewide limit on square footage



Recreational Marijuana

- State of Washington

- Local jurisdictions are responsible for siting facilities
- Initial license application period closed Dec. 21, 2013; most local jurisdictions were not ready
- 250 production/processor and 63 retail licenses have been issued



Recreational Marijuana

■ Clark County

- Clark County to receive 15 retail licenses (statewide total of 336):
Six for the county, six for Vancouver, three for smaller cities
- County did not have zoning requirements to allow siting of facilities
- Board adopted six-month emergency moratorium on facilities on Aug. 13, 2013 (expiration: Feb. 13, 2014)
- Board affirmed moratorium in Oct. 2013; directed staff to engage community and prepare draft zoning requirements
- Board extended the moratorium on Feb. 11, 2014 to June 11, 2014



Recreational Marijuana

- Land use options

- Location

- WAC allows both indoor and outdoor growing
 - WAC prohibits facilities within 1,000 feet of schools, child care centers, playgrounds, recreational centers/facilities, parks, transit centers, libraries and game arcades
 - Where to allow production facilities?
 - Where to allow processing facilities?
 - Where to allow retailing facilities?



Recreational Marijuana

- Land use options
 - Hours of operation
 - WAC limits for retailing: 8 a.m. to midnight
 - Signage
 - Ban signage (WAC bans symbols in advertising)
 - Spacing requirements
 - Should there be distance requirements between facilities?
 - Co-location of facilities?
 - Facility operations
 - Requirements for noise, glare, smoke, odor, etc. similar to other industrial operations



Recreational Marijuana

■ Four Open Houses

- Ban signage: no
- Ban symbols: no (required in the WAC)
- Distance between facilities: no
- Co-location of facilities: yes
- Hours of operation, 8:00 a.m. to 12:00 a.m. (WAC limits): yes
- Recommendations for zones for facilities



Recreational Marijuana

- Clark County License Applications (12-31-13)

	TOTAL	CLARK COUNTY
Production	107	71
Processing	82	48
Retail	106	35



Recreational Marijuana

■ Proposal

- New Clark County Code section, Section 40.260.115
- Remove marijuana facilities from the definition of 'agriculture' (Section 40.100.070)
- Producing: FR-40, AG-20, R-5, R-10, R-20; indoor only
- Processing (non-industrial): FR-40, AG-20, R-5, R-10, R-20 (allows for collocation)
- Processing (industrial): IL, IH, IR, BP
- Retailing: GC, C-3, CR-2
- Ban signage: except for retail
- Retail hours: 8 a.m. to 8 p.m.
- Type II land use approval process



Recreational Marijuana

■ Planning Commission

- New Clark County Code section, Section 40.260.115
- Remove marijuana facilities from the definition of 'agriculture' (Section 40.100.070)
- Producing: IL, IH, IR; FR-40, AG-20 (10 acres or more), ~~R-5, R-10, R-20~~; indoor only
- Processing (non-industrial): IL, IH, IR, BP; FR-40, AG-20 (10 acres or more), ~~R-5, R-10, R-20~~ (allows for collocation)
- Processing (industrial): IL, IH, IR, BP
- Retailing: GC, C-3, CR-2
- Ban signage, except for retail
- Retail hours: 8 a.m. to 8 p.m.
- Type II land use approval process



Recreational Marijuana

■ Planning Commission

- Use WAC language for signage and security
- Add 'churches and religious facilities' to the list of entities requiring a 1000' buffer

■ Board of County Commissioners

- Adopt the Planning Commission recommendation
- Includes a ban on I-502 facilities in unincorporated areas until such time as marijuana is no longer illegal at the federal level



Recreational Marijuana

- Clark County Summary

- Public meetings (four) in Nov. 2013
- Presentation to NACCC, Dec. 9, 2013
- Board work session: Jan. 8, 2014
- Washington AG opinion on allowing jurisdictions to ban: Jan. 16, 2014
- Planning Commission work session: March 6, 2014
- Planning Commission hearing: March 20, 2014
- Board hearing: May 27, 2014



Medical Marijuana

■ State of Washington

- Initiative 692 adopted by voters in November 1998
 - Creates affirmative defenses against criminal prosecution for marijuana possession for qualifying patients and their providers and physicians
 - Allows patients and providers to grow at home
- Amended in 2007
 - Broadened to include variety of health care professionals.
 - Designated caregiver amended to qualified provider.
 - Limited regulatory authority to “add terminal or debilitating conditions”
- SB 5073 codified as RCW 69.51A Medical Cannabis in 2011



Medical Marijuana

■ State of Washington

- Personal possession limits of 15 plants and 24 ounces of usable marijuana, deemed to be a 60-day supply allowing patients to meet their medical needs
- Double the limits if both a patient and a provider
- Issue is that the recreational market is highly regulated while the medical market is not

■ Clark County

- Banned collective gardens (dispensaries) as a land use in 2013



Medical Marijuana

■ SB 5052

While medical needs remain, the state is in the untenable position of having a recreational product that is tested and subject to production standards that ensure safe access for recreational users. No such standards exist for medical users and, consequently, the very people originally meant to be helped through the medical use of marijuana do not know if their product has been tested for molds, do not know where their marijuana has been grown, have no certainty in the level of THC or CBD in their products, and have no assurances that their products have been handled through quality assurance measures. It is not the public policy of the state to allow qualifying patients to only have access to products that may be endangering their health.

The legislature, therefore, intends to adopt a comprehensive act that uses the regulations in place for the recreational market to provide regulation for the medical use of marijuana. It intends to ensure that patients retain their ability to grow their own marijuana for their own medical use and it intends to ensure that patients have the ability to possess more marijuana-infused products and marijuana concentrates than what is available to a recreational user..... It further intends that medical specific regulations be adopted as needed and under consultation of the departments of health and agriculture so that safe handling practices will be adopted and so that testing standards for medical products meet or exceed those standards in use in recreational markets.



Recreational Marijuana

- Further information:

http://www.clark.wa.gov/planning/land_use/marijuana_facilities.html

Gordy Euler

Clark County (WA) Community Planning

(360) 397-2280 x4968

Gordon.euler@clark.wa.gov



Recreational Marijuana

- Questions?

- Thank You!





Alaska Municipal League
Local Government At Its Best

For your consideration...

Marijuana Risk Management



Building on Tradition. Protecting Your Future.



Sean Dewalt, ARM Risk Control Specialist, AMLJIA



Gregory A. Russell
Police Professional Liability Consultant
Russell Consulting. LLC



Alaska Municipal League Joint Insurance Association



We are a member-driven pool dedicated to providing stable, cost-effective risk financing and quality loss control services designed to meet the needs of local governments and school districts.

Four Introductory Caveats:



Four Introductory Caveats:

- Marijuana in Alaska is a moving target



Four Introductory Caveats:

- Marijuana in Alaska is a moving target.
- Daily changes may change the playing field



Four Introductory Caveats:

- Marijuana in Alaska is a moving target
- Daily changes may change the playing field
- These are only recommendations



Four Introductory Caveats:

- Marijuana in Alaska is a moving target
- Daily changes may change the playing field
- These are only recommendations
- Consult your attorney



Today's Local Government Risk Menu:

- State of the State



Today's Local Government Risk Menu:

- State of the State
- Human Resources Risk



Today's Local Government Risk Menu:

- State of the State
- Human Resources Risk
- Political Risk



Today's Local Government Risk Menu:

- State of the State
- Human Resources Risk
- Political Risk
- Law Enforcement Liability



Part One: State of the State....

A TIMELINE OF MARIJUANA'S LEGAL HISTORY IN ALASKA

KEY: ■ = move towards legal possession ■ = move towards criminalizing possession
🔨 = court decision ☑ = statewide election ballot initiative § = legislative changes to the state law

1970 Federal law classifies marijuana as a Schedule 1 drug.	1971 President Nixon declares War on Drugs.	1972 § State constitution amended to protect privacy.	1972 Irwin Ravin arrested for marijuana possession.	1973 Federal Drug Enforcement Agency formed.
1975 § Possession of 1 oz. or less decriminalized.	1975 🔨 A week later, <i>Ravin v. State</i> is decided. Marijuana possession now legal in Alaska.	1982 § Legal possession set at 4 oz. Cocaine now a bigger concern.	1989 State Troopers seize over 5,000 plants in multiple raids.	1990 All possession criminalized.
1999 ☑ Medical marijuana legalized.	2000 ☑ Decriminalization vote fails.	2002 High-school senior in Juneau suspended for "BONG HITS 4 JESUS" sign.	2003 🔨 Donald Noy acquitted of possession in challenge to 1990 law, Ravin upheld.	2004 ☑ Another decriminalization vote fails.
2006 Attorney general says he won't enforce criminal possession of less than 4 oz.	2006 Governor makes possession of 1-4 oz. a misdemeanor.	2008 🔨 State Supreme Court refuses to hear ACLU challenge to 2006 law.	2010 Irwin Ravin dies at 70.	2014 ☑ 1 oz. possession and regulated sale legalized.

adn.com

Proposition 2 timeline:

- **Nov. 4, 2014: Voters statewide approve Ballot Measure 2, 53 percent to 47 percent.**
- **Nov. 24, 2014: Vote certified by Division of Elections, begins the 90 day countdown until the measure goes in to effect.**
- **Jan. 20, 2015: Alaska Legislature gavels in. Two bills related to marijuana are pre-filed leading up to the opening day of session, with more expected.**
- **Feb. 24, 2015: Ballot Measure 2 becomes law. Personal-possession portions of the measure are effective immediately. The Alcoholic Beverage Control Board, unless another board is created by the legislature, can begin crafting marijuana regulations. Under the initiative, the board has nine months to complete them.**
- **April 19, 2015: Legislature scheduled to adjourn. Legislation will likely impact the creation of marijuana rules.**

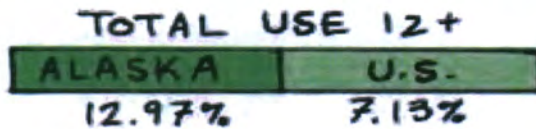
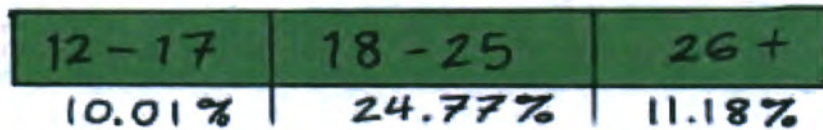
Proposition 2 timeline:

- **Nov. 24, 2015: Deadline for the board to adopt marijuana regulations. If not adopted by this date, local governments have the option of establishing their own rules. The final regulations package will be submitted to the governor's office and Department of Law for review and approval.**
- **Feb. 24, 2016: Board must start accepting applications for marijuana businesses and must act on them within 90 days. If the board has not adopted regulations, applications may be submitted directly to local regulatory authorities.**
- **March 26, 2016: Tentative effective date of regulations; effective date will be 30 days after the Lt. Governor's Office files the approved regulations.**
- **May 24, 2016: Initial marijuana industry licenses expected to be awarded. Marijuana businesses will be able to legally begin operations.**
- **Feb. 24, 2017: Per Alaska's constitution, the state legislature can repeal the ballot**

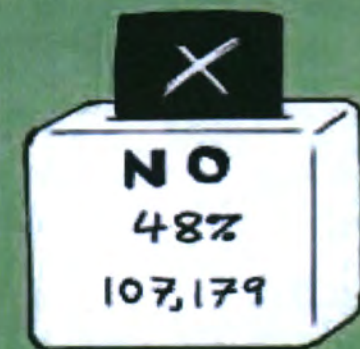
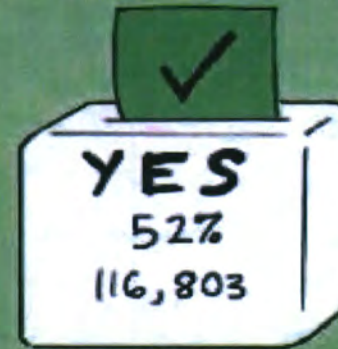
adn.com

According to the 2012 National Survey on Drug Use and Health, Alaskans are among the top users of marijuana in the country. Alaskans older than 26 smoke more weed per capita than in any other state.

ALASKA MARIJUANA USE
IN THE PAST MONTH BY AGE



This may explain the recent ballot initiative's victory. In February, Alaskans will be able to possess or transport one ounce and six plants under state law. There will still be charges for minors, intoxicated driving, and possessing more than an ounce. Now the legislature must build a legal framework for the marijuana trade.



However, since 1975, *Ravin v. State* has allowed adults to possess a small amount of marijuana in the privacy of home. So even though this vote might seem to change everything, it actually changed very little:



Every statute criminalizing possession since 1975 has been a "dead letter." *Ravin* is the law of the land. Possession cases were dismissed on appeal, and Alaska has avoided enforcing the possession laws since 2006.

Not only that, but because of *Ravin*, Alaskans may be better protected from federal drug laws than other Americans.

Jason Brandeis writes:

It is well established that state constitutions can provide greater protection for individual rights than the United States Constitution.



What happened?



- **State of Alaska did just the minimum**
- **Patients: no access to plants, seeds, clones, flowers**
- **Allowed less than *Ravin*: 2 oz v 4 oz**

“Went from ‘A’ to ‘C’ without going through ‘B’

Part One Bottom line(s):

- ✓ Remember it's a *moving target*. Stay informed.
- ✓ Don't rely on the State to solve every legal issue . (e.g. borough area-wide powers, definitions)
- ✓ Don't become a test case
- ✓ Consult your attorney(s)
- ✓ Remember the initiative and intent
- ✓ Talk to your insurer
- ✓ Learn about Local option: not like alcohol
- ✓ Continue to have town hall meetings



Part Two: Human Resources Risk

Part Two: Human Resources Risk



- **Testing: especially random drug testing***
- **Review and update your personnel policies**
- **Safety sensitive, DOT 49/40**
- **41 US Code Chapter 81 Drug-Free Workplace Act**
- **Do not be a test case for wrongful termination**
- **Use progressive discipline**

Part Three: Political Risk

Part Three: Political Risk

VOTE



- Citizens Initiative
- Numbers varied by district
- Action *and* inaction risk
- Right to privacy
- Executive branch: directives



Legalized Marijuana from the Local Perspective

*Public Safety must be
a critical consideration
for and by everyone that will be affected by
these law changes.*

Speaker

Gregory A. Russell



- Soldotna Police Department – 17 years
 - Sgt. 14 years (Patrol, Investigations, Administration)
- Kotzebue Police Department – 3 years
 - Chief of Police
- Consultant / Trainer / Investigator
 - AMLJIA Police Professional – 13 years



BALKING

**Push past the
denial stage and
get to the
ACCEPTANCE
stage**



Denial, Anger, Bargaining, Depression, Acceptance

TALKING

Are we speaking
the same
language as the
industry folks?



TALKING

- **BHO / 710 / Dabbing**
- **Edibles**
- **Medicinal v.
Recreational**



WALKING

**Provide the
leadership to our
communities that
is EXPECTED.**



WALKING

- **Local cross-agency collaborative approach**
- **Base it on real science**
- **Avoid emotional knee-jerk reactions to pseudo-science, exaggerations, false information, hype**





Barbed Wire

Building – Work being done without permits, overloaded electrical panels and open wiring, blocking of egress corridors and exit doors

Neighborhood – Not having the appropriate type of zoning permit for use for the activity happening at the site, more than the allowed 12 marijuana plants in a residential unit

Issues with marijuana extraction

Inspections

- All commercial occupancies at least once
- High hazard occupancies at least twice
- Marijuana occupancies
 - Grow facilities
 - Extraction processes
 - Kitchen and MIPs
 - Dispensaries
 - Testing facilities
 - Other hazardous processes twice/year



Local Fire Department

Red Flags

- Extraction Processes
 - By far the most hazardous
- Improper electrical installations
 - Poses dual hazards: ignition source and electrocution
- Impaired means of egress
 - Life safety concern for both occupants and emergency responders
- Fumigation processes
 - Utilizing sulphur burners or by means of carbon dioxide flooding





2013. 5. 7



Environmental Health

Food safety

- Regulations are applied to marijuana food business
- Includes extraction operations if consumed via “non-smoking oral consumption”
- All applicable MJ manufacturers & retailers receive at least 2 full inspections annually



Environmental Health

Inspection Challenges

- Understanding extraction processes and health/safety concerns
- Unapproved equipment
- Industry lacks food safety expertise
- Establishing clear policies that prioritize inspector safety





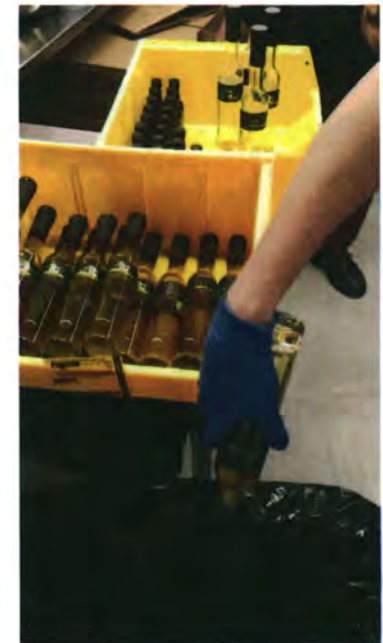


it must have been
something I ate . . .

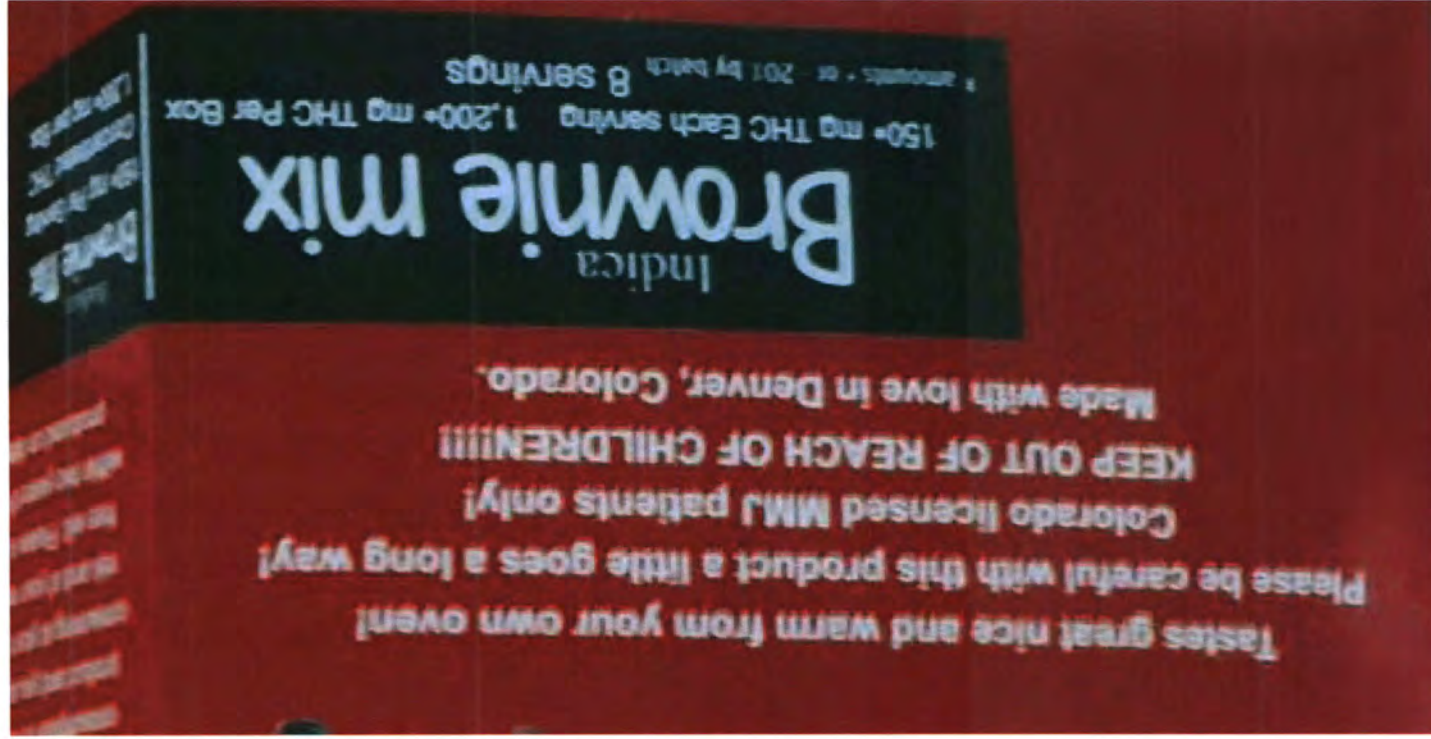
Environmental Health

Enforcement Tools

- Importance of consistent use of enforcement tools to achieve compliance
- Administrative citations assessed for repeat violations
- Food disposals, facility closures where imminent health hazards exist
- First ever recalls of marijuana food product conducted in 2014



Please be careful with this product
A little goes a long way!





Helpful Hints:

- For super high altitude baking (above 10,000 feet) add one extra egg-white for best results.

Leadville, CO **10,152' – highest incorporated city in U.S.**

Quito, Ecuador **10,000'**

Lhasa, Tibet **12,002'**

Potosi, Boliva **13,420'**

El Alto, Bolivia **13,615'**

Namache Bazaar, Nepal **11,482'**

Cuzco, Peru **10,800'**

Villa Mills, Costa Rica **10,170'**

Hushe Village, Pakistan **10,006'**

Apartaderos, Venezuela **11,502'**

Helpful Hints:

- Also please be sure to **drink plenty of water** while medication to avoid that dry mouth feeling while you are under the effects of our edible and **realize that alcohol will increase the strength and effects of our edibles so be careful** if you choose to medicate and drink alcohol at the same time.

Helpful Hints:

- If you **feel anxious or stressed when enjoying your experience** just relax in a comfortable place and listen to some of your favorite music. If you would like to eat some candy or drink some soda to lessen the amount of time you will be affected but **stay away from dairy or mango which may extend or enhance the THC experience.**

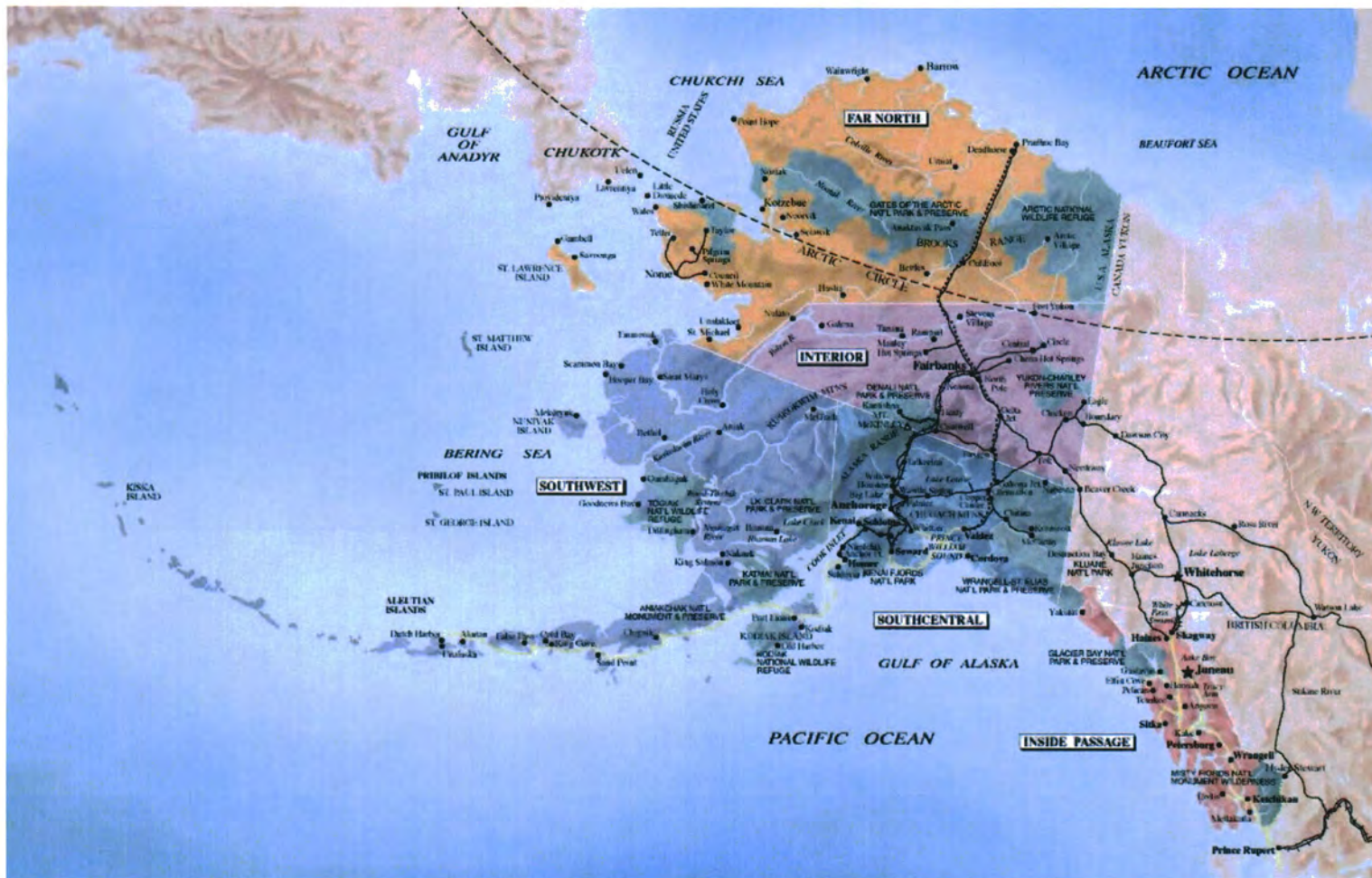
WALKING



- **Expect that you will be dealing with a moving, constantly evolving issue, so critical focus must include an eye to:**

Public Safety

Discussion?



Alaska Dispatch News

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

[Home](#) > New Assembly committee will look at legal marijuana sales in Anchorage

Suzanna Caldwell ^[1]
December 19, 2014

The Anchorage Assembly has formed a committee whose sole focus is to consider the implementation of marijuana sales.

Assembly Chair Dick Traini announced Friday that the committee will look at regulation and taxation of the cultivation, manufacture and commercial sale of marijuana in Anchorage. Assemblyman Ernie Hall will chair the committee, which also includes Assembly members Pete Petersen, Amy Demboski and Paul Honeman.

It's the latest move by the city in response to Ballot Measure 2, the initiative that legalized recreational marijuana in Alaska. ^[2] Creation of the committee comes days after the Assembly heard four hours of public testimony on an ordinance ^[3] that would have banned commercial marijuana in the municipality. The measure, introduced by Demboski ^[4] and co-sponsored by Honeman and Traini, was defeated 9-2.

Following public testimony on that proposal, members of the Assembly indicated they wanted a committee created to deal with marijuana.

Traini said the new committee will advise the Assembly on how to move forward with potential legislation.

"There's a lot of things we need to discuss ...," Traini said. "This is a whole new creature."

Hall said first up will be figuring out the city's role in the rulemaking process. The state has nine months to craft regulations after the initiative goes into effect Feb. 24. Currently, the state Alcoholic Beverage Control Board is tasked with writing those rules, though the Legislature has the authority to create a separate marijuana control board.

The Legislature also has the authority to amend the initiative, in effect giving further guidance to whichever board is in charge of writing regulations.

But the city will have its own responsibilities in dealing with marijuana, including how to deal with conditional-use permits in a manner similar to the way the city handles alcohol.

"We have to follow the regulations the way it's written but that doesn't mean we can't get more stringent," Hall said.

With at least a year before even the first marijuana business licenses could be applied for, Hall appeared confident in the work the city will do on the issue.

"We really have a lot of time here to do this and do it right," Hall said, "as well as learn from any mistakes that may have been made in Washington or Colorado and what we need to do to help deal with things they've seen as problems."

The first meeting of the committee is set for noon Dec. 23 at City Hall, Room 240.

Source URL: <http://www.adn.com/article/20141219/new-assembly-committee-will-look-legal-marijuana-sales-anchorage>

Links:

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

[2] <http://www.adn.com/article/20141104/alaskans-vote-legalize-marijuana>

[3] <http://www.adn.com/article/20141216/residents-brings-concerns-anchorage-assembly-over-possibly-limiting-commercial>

[4] <http://www.adn.com/article/20141117/hoping-get-out-ahead-assemblywoman-and-mayoral-candidate-wants-anchorage-opt-out>

Alaska Dispatch News

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

[Home](#) > Alaska Bar Association weighs in on ethics of attorneys and pot

[Laurel Andrews](#) ^[1]

December 24, 2014

Main Image:

[Alaska week](#) ^[2]

Is it ethical for an Alaska attorney to smoke marijuana? The Alaska Bar Association's Ethics Committee has weighed in with an informal opinion on that question and two other key ethical issues surrounding attorneys and soon-to-be legalized recreational marijuana in Alaska.

The ethics committee examined the issues in an analysis posted to the [Alaska Bar Association](#) ^[3]'s website, "particularly in light of the conflict between state and federal law," the analysis states. Though recreational marijuana will become legal Feb. 24 in Alaska, it remains illegal under federal law.

The analysis stresses it is not a formal opinion, nor a ruling from the Bar Board of Governors, which will meet in late January and discuss ethical issues related to marijuana, bar counsel Steve Van Goor said. The board may propose amendments to the Alaska Rules of Professional Conduct -- which include rules outlining attorneys' ethical conduct -- given the changes to state law. Any changes to the rules must be adopted by the Alaska Supreme Court, according to Van Goor.

The analysis does let attorneys "know what direction the wind is going to blow," Van Goor said, as they navigate the new frontier of legalized recreational marijuana.

Is it ethical for attorneys to use marijuana?

The first issue raised is whether it is ethical for an attorney to use marijuana. In this regard, nothing has changed, the analysis states.

"It has always been an individual decision for a lawyer to use marijuana privately," Van Goor said.

The analysis points to the Alaska Supreme Court's [1975 *Ravin v. State* decision](#) ^[4], which extends Alaskans' right to privacy to include possessing small amounts of marijuana in the home. The analysis also notes the conflict with federal law, under which marijuana use is prohibited.

Van Goor said there was a "lack of a clear black and white answer," as to the conflicts between federal and state law. However, since the *Ravin* decision, the choice has been a "personal one" that "hasn't really been an issue," Van Goor said.

The analysis notes "no Alaska lawyer has ever been disciplined for (discreet) and private use of marijuana."

However, overusage of marijuana that affects an attorney's practice could be a basis for action against the attorney, Van Goor said. Engaging in activity such as dealing drugs would be both a felony and "likely ... unethical as well," the analysis states.

Attorneys subject to drug testing through their employers may still be prohibited from using marijuana.

Can attorneys ethically advise clients on how to operate a business while complying with state law?

In a nutshell, the analysis found that yes, an attorney can ethically advise clients on how to operate a marijuana business, so long as the attorney also advises federal law still prohibits the sale of marijuana.

Colorado and Washington attorneys have grappled with the same ethical dilemma of advising a client on conduct that is illegal federally, Van Goor said. Those states have said "look, if it's a legal business ... then lawyers should be able to advise clients," Van Goor said.

Can an attorney ethically get involved in a marijuana business?

The last question the analysis addresses is whether an attorney can ethically get involved with a marijuana business. Can an attorney draft documents, or invest financially in a marijuana venture?

"It's a sensitive area," Van Goor said, the trickiest question of the three, and one the Board of Governors will need to consider.

In terms of drafting business documents and providing business law services, the analysis states that an attorney "probably could" ethically provide a marijuana business the same services as any other legal business.

But to actually participate in a marijuana business is more complex, ethically speaking, the analysis states. It's too early to tell how the Board of Governors may decide on that, Van Goor said.

The final say? Until rules are adopted, an attorney should "exercise caution and not become directly involved in operating a business that remains illegal under federal law."

Source URL: <http://www.adn.com/article/20141224/alaska-bar-association-weighs-ethics-attorneys-and-pot>

Links:

[1] <http://www.adn.com/author/laurel-andrews>

[2] <http://www.adn.com/image/alaska-week>

[3] <https://www.alaskabar.org/>

[4] <http://www.adn.com/article/20141025/everything-you-wanted-know-about-legalizing-marijuana-werent-sure-you-could-ask>

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 ^[1]
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 ^[2] 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 ^[3], 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>

[2] <http://www.adn.com/article/20150113/anchorage-assembly-ordinance-defining-public-consumption-faces-backlash>

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

[4] <http://www.adn.com/article/20141216/residents-brings-concerns-anchorage-assembly-over-possibly-limiting-commercial>

Alaska Dispatch News

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

[Home](#) > Anchorage police arrest marijuana delivery driver in sting operation

[Devin Kelly](#) ^[1]

January 31, 2015

Anchorage police have arrested and charged a delivery driver for a company that said it was openly selling marijuana in anticipation of Alaska's new legal possession law.

Birchie Walter, 35, who works for the company Discreet Deliveries, was arrested on Wednesday when he delivered marijuana to an undercover police officer, according to police communications director Jennifer Castro. He was charged with a misdemeanor, she said.

The company had been advertising marijuana deliveries to customers in Anchorage and the Mat-Su.

"Technically we are acting (rogue) ... but look forward to being legal soon," the company's site said in early January.

This week, the company's website had a new message: "We are now closed (due) to an Anchorage police sting on one of our drivers."

The message included an apology to customers and a pledge to "open again soon."

Recreational marijuana use will be legal in Alaska on Feb. 24, the result of November's ballot initiative. People will be able to possess and transport up to an ounce of marijuana under the language of Ballot Measure 2. But marijuana businesses won't legally be able to operate until 2016, after regulations governing commercial marijuana operations are in effect and the state has issued licenses.

The owner of the company, Rocky Burns, said in early January he wasn't worried about the risks of publicizing a marijuana business before selling pot is legal, and said his goal was to get ahead of Outside competition for an Alaska customer base.

Police and the head of the Alcoholic Beverage Control Board had said what the company was doing wasn't legal.

In a statement Saturday, Castro said police are "working to charge those who are violating current state and municipal laws by selling marijuana."

Court records show that Walter was released on bail Thursday. He is scheduled to make his first court appearance on March 6.

Source URL: <http://www.adn.com/article/20150131/anchorage-police-arrest-marijuana-delivery-driver-sting-operation>

Links:

[1] <http://www.adn.com/author/devin-kelly>

Alaska Dispatch News

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

[Home](#) > Ketchikan assembly to consider ban on commercial pot

Associated Press
February 2, 2015

KETCHIKAN -- The Ketchikan Gateway Borough Assembly is considering whether or not to pursue a ban on commercial marijuana while regulations are developed by the state.

The assembly is set to discuss the issue Monday, the [Ketchikan Daily News reported](#) [1].

Recreational marijuana becomes legalized this month under a ballot initiative approved by voters in November. Ballot Measure 2 decriminalizes the possession, use and non-sale transfer of up to an ounce of marijuana when the new law takes effect Feb. 24. The initiative also set in motion the legalization and permitting of marijuana sales.

For now, the sale of marijuana remains illegal, with the state not accepting business applications until February 2016.

In Ketchikan, assembly member John Harrington requested the discussion, saying residents worried that local regulation would be showing consent for marijuana use.

Similar local proposals have been considered, but not adopted, by the Anchorage Assembly and the North Pole City Council.

In Ketchikan, there has been little discussion among assembly members. Most have been either silent on prohibition or would opt for regulation.

"It's not a good idea to have something so powerful underground," said assembly member Bill Rotecki, who favors closely regulating marijuana sales.

"Let's assume we do have the sale of marijuana in the borough," Rotecki said. "I would like to ensure the products are safe and labeled — just like alcohol."

Regardless of decisions by local government, limited personal use and growth of marijuana will remain legal after Feb. 24. So will the sale and possession of drug paraphernalia, which until now has been banned in the borough.

Source URL: <http://www.adn.com/article/20150202/ketchikan-assembly-consider-ban-commercial-pot>

Links:

[1] <http://is.gd/LE3iNq>

Alaska Dispatch News

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

[Home](#) > Alaska lawmakers to hear from community officials on marijuana regs

Molly Dischner
February 3, 2015

JUNEAU -- Lawmakers are scheduled to hear from local government officials on community concerns as the date for legalization of recreational marijuana nears.

The House Community and Regional Affairs Committee will hear from representatives of the Matanuska-Susitna Borough and Municipality of Anchorage on marijuana regulations Tuesday.

Alaska voters decided in November to legalize possession of up to an ounce of marijuana for adults 21 years and older. The law takes effect Feb. 24. Another provision of the measure said individual communities have the right to prohibit commercial activity associated with the drug and to set their own regulations regarding consumption.

Local governing bodies in Anchorage, Fairbanks, Ketchikan, Kenai Peninsula, Matanuska-Susitna and Sitka are considering, or have already implemented, regulations regarding where marijuana can be consumed and commercial activity associated with the drug.

Source URL: <http://www.adn.com/article/20150203/alaska-lawmakers-hear-community-officials-marijuana-regs>

Alaska Dispatch News

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

[Home](#) > Can I sell cannabis clones to home growers after Alaska's legalization date?

[Scott Woodham](#) ^[1]

February 6, 2015

Main Image:

[Marijuana_Wenatchee10.JPG-1413321966](#) ^[2]

Main Image Caption:

Pots with one of several strains of marijuana grow at Monkey Grass Farms, an indoor marijuana growing company operating in East Wenatchee, Washington, on Friday, Sept. 19, 2014.

A reader wonders if he'll be able to make a little green on the side once Ballot Measure 2 takes effect on Feb. 24, the day personal gardens containing six cannabis plants, three mature, will be allowed for Alaskans over 21 years of age.

Larry asks, "I am wondering after the law takes effect, will I be able to grow and sell clones to those folks who won't be able to get seeds or plants of their own?"

For folks who may not know the lingo, a "clone" is a cutting taken from a larger marijuana plant, known as the "mother." The cutting then goes through a process to make it grow roots and eventually become its own plant, a genetic duplicate of mom. Among other advantages, it's a way to accelerate the growing process because it gives a head-start compared to starting from seed.

Unfortunately for you or your potential customers, Larry, the answer is no. Because the law allows personal gardens, you will be able to grow a small number of clones for personal purposes, but you won't be able to sell them. You also won't have a way to legally purchase starters for any mother plants.

Sales of marijuana plants or buds or anything else will not be permitted until the state sets up a regulatory framework for retail sales. State officials have said that commercial transactions involving marijuana will remain illegal until the system is set up and permitted stores open their doors, which regulators say should be before May 24, 2016 ^[3]. But between Feb. 24 and then, it will be illegal to purchase or sell marijuana, including clones, even though limited possession and personal growing will be legal.

Until the initial regulatory process finishes, it will also be unknown what criminal or civil penalties will be for unlicensed sales or which agencies will be responsible for enforcement.

The new law does allow ^[4] people over 21 to give each other up to an ounce of marijuana, and up to six immature plants, but giving stuff away without remuneration doesn't seem like a sustainable business practice.

Naturally people are free to take their own risks, and running headlong into legal contradictions is what marijuana's quasi-legal status in Alaska has asked people to do for quite some time. But for some businesses, the risk may be too great.

Have a question about marijuana news or culture in Alaska? Send it to cannabis-north@alaskadispatch.com ^[5] with "Highly Informed" in the subject line.

Source URL: <http://www.adn.com/article/20150206/can-i-sell-cannabis-clones-home-growers-after-alaskas-legalization-date>

Links:

[1] <http://www.adn.com/author/scott-woodham>

[2] <http://www.adn.com/image/marijuana-wenatchee10jpg-1413321966>

[3] <http://www.adn.com/article/20150203/alaska-marijuana-legalization-nears-concern-arises-over-possible-delay-sales-rules>

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

[5] <mailto:cannabis-north@alaskadispatch.com>

Alaska Dispatch News

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

[Home](#) > Alaska lawmakers hear need to offer marijuana opt-out ability for villages

Molly Dischner | Associated Press
February 12, 2015

JUNEAU — Marijuana advocates said Thursday that all communities, including villages, should be able to prohibit a local marijuana industry.

Voters approved a ballot issue legalizing possession of up to an ounce of marijuana for adults 21 years and older. That goes into effect Feb. 24. It also directed the state to write regulations for a commercial marijuana industry.

The initiative specifies that local governments can prohibit marijuana sales and production.

Cynthia Franklin, the executive director of the Alcoholic Beverage Control Board, told the House Community and Regional Affairs Committee Thursday that the initiative's language would not allow established villages to ban sales and production, unless the Legislature acts to include them in the definition of local governments that can opt-out.

Initiative sponsor Tim Hinterberger said he supported a change allowing villages to prohibit the industry, and that such a change would be aligned with voter intent in the initiative.

Hinterberger, from the Campaign to Regulate Marijuana like Alcohol, said the initiative had not meant to exclude any communities from opting out.

Lawrence Blood from the state Department of Commerce, Community and Economic Development said that the community opt-out allowances for alcohol allow a community to do so within five miles of the post office or other central facility.

Blood said defining a community can be challenging, but that the definition for the size of community allowed to opt-out of alcohol sales or otherwise limit them is a group of 25 or more people living in a social unit. Aside from prohibiting marijuana businesses, Blood noted that unincorporated communities would not have the power to develop other related regulations, such as taxes, but that the Legislature could do so for them acting as the Unorganized Borough.

Franklin also talked about the licensing options that may be available to communities.

The state's Alcoholic Beverage Control Board is responsible for writing the rules for a marijuana industry, unless the Legislature creates a separate marijuana board. Franklin has said that a separate board sharing staff with the ABC board is the preference of the governor.

Franklin said the ABC board was meeting Thursday to discuss marijuana, and that she believed the board would develop a general outline of possible licensing structures after it met.

Franklin said she believed the board would say it is considering a menu of local options, similar to the choices that communities have in regulating alcohol businesses. Communities may wind up with the ability to choose which types of licenses to allow, Franklin said.

Source URL: <http://www.adn.com/article/20150212/alaska-lawmakers-hear-need-offer-marijuana-opt-out-ability-villages>

Board to meet on possible emergency pot regulation

Becky Bohrer, Associated Press | Posted: Monday, February 16, 2015 1:40 pm

JUNEAU, Alaska - The Alcoholic Beverage Control Board plans to meet next week to decide whether to consider an emergency regulation defining what constitutes a public place for purposes of the new marijuana law.

The board plans to meet Feb. 24, the day the voter-backed initiative to legalize recreational use of pot takes effect.

The initiative bans public consumption but does not define "public." The board's executive director, Cynthia Franklin, said the board reviewed the initiative to see if any other area absolutely needed to be addressed to avoid confusion or chaos as the law takes effect. She said that issue stood out.

The board will decide if that constitutes an emergency for writing a rule that would be in effect for 120 days, she said. If it decides that, she said she expects the board will look at the definition for public that's already included in state law for criminal offenses.

Under the initiative, the Alcoholic Beverage Control Board is in charge of writing regulations for the industry unless the Legislature creates a new board. Franklin said the alcohol board doesn't have the technical authority to make rules related to marijuana until Feb. 24.

Lawmakers have been working on legislation to update state laws in line with the initiative, but Senate Majority Leader John Coghill, R-North Pole, said he didn't see a bill passing both houses by Feb. 24. A rewrite of a bill is expected this week in the Senate Judiciary Committee, he said Monday during the Senate majority's weekly news conference.

Forum crowd pro-pot, pro-regulation

Posted: Saturday, January 17, 2015 8:13 pm

PALMER — Residents and local government officials appear cautiously optimistic about the future of marijuana in the Mat-Su Valley, based on discussion at Thursday's meeting.

Some of the commentary heard during Thursday's informal mayoral forum — which involved mayors of Wasilla, Palmer, Houston, and the Mat-Su Borough — focused on specific policy recommendations, like the suggestion that a limited number of licenses be offered, and be initially awarded via lottery. Other recommendations, like a speaker who urged officials to adopt specific regulations only as specific problems arose, were more general.

For example, MEA project manager and power investigator Yukon Tanner said any approach to legalized marijuana should include provisions allowing for inspections based on power use.

Because marijuana is often grown indoors, it has in the past required large amounts of power, which law enforcement agencies, including the Alaska State Troopers, have often used as probable cause to raid marijuana-growing operations. That, in turn, often leads growers to steal electricity using wiring shunts around meters and other measures.

"We have collected as much as \$278,000 from one individual," he said. "We would like you to consider some provision for utility inspection or utility oversight of these operations so we're assured that whatever power used is paid for."

"We certainly want to sell some," Tanner added. "We have a new power plant we want to pay for."

Another specific proposal by Walter Christolear was to set a total number of nontransferable permits, then void and add to the permit pool as business owners leave the industry. Christolear also suggested a set number and range of hours of operation, and that scales used to measure



Marijuana forum

Wasilla Mayor Bert Cottle, left, Palmer Mayor Delena Johnson, Houston Mayor Virgie Thompson, and Mat-Su Borough Mayor Larry DeVilbiss participate in a marijuana forum Thursday evening in the borough assembly chambers. Participants were generally enthusiastic about marijuana's potential as an economic boon.

product should be inspected by the Office of Measurement Standards and Commercial Vehicle Enforcement's Weights and Measures section.

"I think the state should have a marijuana control board, and not have it regulated by the alcohol control board, because they are inundated with alcohol problems," he said. "I think if you had two separate entities, it would work a lot simpler."

Others, like Bill Fikes, suggested a more unregulated industry would maximize potential economic benefits.

"I think you need to look at minimalistic regulations," he said. "Give us the opportunity to self-regulate. When you see a problem come up, then approach regulation."

"For over 3,000 years, marijuana's lived perfectly peacefully with mankind," Fikes added. "There has never been a death reported from marijuana use, until about 80 years ago, we made regulations about it and we started shooting each other over it."

While specific proposals abounded, some specifics about the law are presently unknown. For example, the ballot measure states that the bill legalizing marijuana should take effect 90 days after the election's certification by the Lieutenant Governor, though officials think that means a range of dates, from Feb. 24 to Feb. 26, are the dates personal use provisions could go into effect, according to borough attorney Nicholas Spiropoulos.

Enthusiasm for the measure varied considerably among the borough's three incorporated municipalities. In the two precincts within the Palmer city limits, voters narrowly voted to approve the legalization of marijuana, 52 percent to 48 percent. In the lone City of Houston precinct, voters approved the measure 57 percent to 43 percent. Of the borough's three cities, Wasilla alone rejected the measure, 53 percent to 47 percent. More broadly, Valley voters as a group rejected the measure.

The tone of mayoral enthusiasm for the debate largely reflected these measures. Wasilla Mayor Bert Cottle pledged the city would hold it's own open forum on the subject.

Palmer Mayor Delena Johnson publicly campaigned against the measure during her unsuccessful bid against Rep. Bill Stoltze for a Senate seat, but said she would reflect voter's wishes going forward.

"I'm thankful that this issue offers so much control to local government," she said. "I stand by the quote 'The government closest to the people governs best.'"

At least two state legislators listened to a portion of the meeting via teleconference. Stoltze was unavailable for comment Friday, because he was travelling back from Colorado. Rep. Shelley Hughes said she had listened to large portions of the meeting. While Hughes is uncertain how the

legislature could or should approach the issues surrounding recreational use, the measure may create political room for legislators to address needed reforms to the medical marijuana statutes, she said.

“A lot of votes were won and moved in the yes column on this bill believing it solved the medical marijuana problems,” Hughes said.

Even if the Alcohol Control Board ended up taking point on the issue, it would need to add experts in marijuana, Hughes said.

Speakers at the Thursday forum appeared to pin a lot of economic hope on marijuana’s potential, like Daniel Palmer.

“This has great potential of becoming a major industry within the state of Alaska, funding a lot of projects and other issues within the state. How many of you have noticed gas prices are down?” he said. “This might be the one thing that saves us, because people are going to be out of work with the North Slope companies.”

“This has great potential to be abused or of great benefit to taxpayers and our voters,” Palmer added.

Contact Brian O’Connor at 352-2269 or brian.oconnor@frontiersman.com.

Wasilla considers weed ban

Posted: Saturday, February 14, 2015 9:29 pm

WASILLA — The city council will consider a ban on the production of marijuana concentrates Feb. 23.

An ordinance introduced by council member Stu Graham would also limit the use of marijuana to within a home, and set a two-ounce limit for both possession and transportation with the city limits. The measure also stipulates that marijuana use must not disturb residents inside the home or in neighboring homes. The measure also lays out a series of fines for violations, roughly \$300 for manufacture, and \$100 each for violations of the possession, transportation, and nuisance use sections of the resolution.

If adopted, the measure would make Wasilla the first city in the Mat-Su Borough to address the question of marijuana possession legislatively since the November 2014 passage of the ballot initiative legalizing recreational marijuana. Palmer officials say a previously enacted smoking ban — the measure covers “burning plant material” — covers smoking marijuana in public places. Houston has not yet addressed the issue. The borough government is awaiting clarification from the Legislature as to whether they can address the issue legislatively.

The approaches in each city are largely driven by the will of voters. Houston passed the initiative by the widest margin, at about 14 percent. Palmer approved it by a much narrower margin, about four percent. Voters rejected the marijuana initiative in Wasilla by about six percent. Overall, borough voters opposed the measure.

The resolution introduced Feb. 9 is no different, according to Graham.

“The city has a responsibility to push forward the will of the voters, which was to not allow commercialization of marijuana within the city limits of Wasilla,” he said. “The will of the voters is that we not allow this to become mainstream. If we don’t take action, it’s going to become mainstream, and once you’re in the fast current, it’s hard to get out of it.”

Graham timed the initiative to be considered ahead of legalized possession measure, which takes effect at the end of February, though the actual date of legalization is still a matter of interpretation of



Marijuana plant

The city of Wasilla is considering legislation that could greatly restrict the use of soon-to-be-legal marijuana in the city.

the measure itself, with dates given ranging from Feb. 24 to Feb. 26. The Feb. 23 meeting is the last scheduled meeting before that range of dates.

The ordinance is targeted at getting rules on the books to amend as potential problems arise, Graham said.

“The reason that I addressed edibles, extracts, concentrates that sort of thing is because the state hasn’t acted to define anything on that, and while I empathize with those who said I’d rather eat a cookie than smoke a joint, I empathize with that, but do you have any idea what your eating, or does the police officer who’s trying to enforce the law have any idea what was used to make that cookie or make that brownie?” he said. “Did they take a pound of marijuana to make an ounce of concentrate to make those two-dozen brownies?”

That particular portion of the ordinance isn’t intended to exclude personal use, Graham said.

“Until we can find figure that out, it’s probably better to say just don’t do it, because if we say don’t do it and you’re a brownie eater, chances are you’re still going to make your brownies at home, but you’re not going to be making them for your neighbors, and that would be kind of the intent there,” he said.

While the primary focus of public comment is reserved for public hearings, a few hopeful entrepreneurs attended the meeting to voice concerns about the proposed measure.

Sarah Williams intends to start a seed-to-sale greenhouse and smoking parlor named Midnight Greenery in the borough, and objected to several portions of the law on the grounds that government was interfering with consumers unreasonably.

“Adding edibles to the list provides significant government overreach into the home of the individual who wants to make brownies for medicine,” she said.

The proposition would also run contrary to the spirit of the ballot initiative without an amendment allowing each adult to possess up to an ounce of marijuana in the home, Williams said.

Williams reserved her strongest criticism for the proposed limitation of smoking marijuana in the home.

“First, confining marijuana use to a domicile treats cannabis users like second-class citizens,” she said. “In an attempt to regulate this like alcohol, we need to allow businesses to apply for permits to allow smoking clubs, social clubs.”

“Otherwise, consumers will speak with their dollars and they’ll go elsewhere,” Williams added. “At the same time, if social clubs are not wanted because the assumption is that Wasilla didn’t really want this in the first place, won’t the consumer speak with their dollars and not go to them either? So why not allow the opportunity for the free market to decide for itself?”

Larry Clark, CEO of Valkyrie Security and Asset Protection Inc., said his company is particularly concerned about restrictions on transportation. Established security firms won't accept marijuana for secure transport, creating a market opening for his firm, the staff of which is largely comprised of former law enforcement officials and veterans, according to Clark.

"If those parties that are in business are north of Wasilla, what limitations or amendments can be made for us to transport larger amounts to their dispensary locations in Anchorage or Eagle River?" he said. "Are we going to be held to the same standard as the general public? Because we are a licensed business, and that is what we are in business to do is to provide a safe transport so that we can work with law enforcement to keep the criminal element out of this."

Wasilla's location between the northern valley agricultural areas and the markets could pose a problem, because there are few safe alternate routes to the south, Clark pointed out.

Mayor Bert Cottle, who has served on the state alcoholic Beverage Control Board, said the local regulation likely wouldn't affect traffic along the state-maintained Parks Highway, which would be the primary conduit for agricultural traffic. The board has resolved similar disputes involving alcohol transportation in the past, Cottle added.

In other business, a resolution laying out a timetable for the possible sale of the Meta Rose building was postponed indefinitely. Council members had sought to amend the timeframe to match ongoing events. An appraisal estimating the building's worth at about \$1.6 million without an "anchor" or main business was delivered Monday, several months behind schedule.

Some council members — Deputy Mayor A. Clark Buswell and Graham — said they wanted to wait and see whether a proposed downtown overlay district would affect the sale.

The overlay district received a 4-1 recommendation from the city planning commission at that body's Tuesday meeting.

Contact Brian O'Connor at 352-2269 or brian.oconnor@frontiersman.com or on Twitter [@reporterbriano](https://twitter.com/reporterbriano).

Senators take first crack at pot rules

Juneau attorney: 'Public use' must be defined

Posted: January 23, 2015 - 12:08am

By KATIE MORITZ

JUNEAU EMPIRE

Members of the Senate State Affairs Committee took a first crack Thursday at Alaska's new marijuana initiative. After Feb. 24, marijuana use and possession will be legal in the state.

Some lawmakers have said the initiative leaves important areas open to interpretation, such as where marijuana can be smoked or ingested and legal dosage size, and that either the Legislature or municipalities will have to fill in.

Initiative sponsor Tim Hinterberger spoke via speakerphone before the committee and asked them to "avoid considering legislation that might violate the intent of the initiative and the will of the voters."

Nearly 53 percent of Alaska voters were in favor of legalization during the November election.

The crafters of the ballot measure want municipalities, the Alcohol Beverage Control Board or a marijuana board created by the Legislature to make the rules, not legislators, he said.

Committee Chair Sen. Bill Stoltze, R-Chugiak, pointed out that the ABC board is directed by the Legislature.

Stoltze said the panel won't introduce a bill of its own, but will try to provide information and look at bills introduced by others. Next, Senate State Affairs will hear from the departments of Revenue and Public Safety on marijuana.

Committee member Sen. Lesil McGuire, R-Anchorage, said the idea that the Legislature would stay out of marijuana discussions this session "is fairly naive." She pointed out that during almost every session she has been a part of, a bill has been introduced related to changing alcohol regulations, which the ABC board has been compelled to uphold.

The crafters of the initiative would prefer municipalities create most of the marijuana regulations, rather than the Legislature, Hinterberger said. He addressed the issue of public use of the drug specifically. As it stands now, neither smoking marijuana nor ingesting it in a different way — such as eating a pot brownie, for example — is allowed in public. What "public" means is still up for interpretation, however.

City and Borough of Juneau attorney Amy Mead said she will speak with the Assembly on Monday about its interpretation of the initiative, and whether the city's ordinance should mirror the initiative when it comes to using marijuana in public.

Once she has direction from the Assembly on that, she will craft a draft ordinance that includes a definition of "public use" and get Assembly members' feedback on the definition she comes up with.

Besides defining public use, there are some other important conversations for the city to have, she said, such as whether smoking marijuana in a car should be treated the same way as having an open container of alcohol in a car.

"I might also be asking (the Assembly) whether they want to regulate or address minors in possession or minors using marijuana," Mead said.

Although by state law it will be illegal for anyone under 21 to use the drug, "the enforcement piece (of the state initiative) is not as flushed out."

There are several places within the state law that could use more detail, Mead said, including the part that addresses fines for using marijuana in public. Right now, it's capped at \$100 per violation, but doesn't go into any more detail than that.

"I don't think everybody understands that because there's no fine schedule set, it's a mandatory court appearance," she said. "Everyone receiving a ticket for smoking in public would need to go to court to be arraigned."

The city could wait for the Legislature to build more rules into the initiative, but until then Juneau citizens are beholden to what's in the initiative now. That's why it behooves the city to act sooner rather than later, Mead said.

"The state might come right behind us and do something different and require us to change our ordinance," she said. "Those things we can address locally and it might be the state addresses it after the session, but right now we're stuck. ... There's no gap where someone can smoke in public without consequence (but) we might be able to enact a cleaner enforcement process."

• Contact reporter Katie Moritz at 586-1821 or at katherine.moritz@juneauempire.com. Follow her on Twitter @katecmoritz. AP reporter Molly Dischner contributed to this report.

Legalization timeline

- Feb. 24, 2015 — Marijuana use and possession is legalized and the state's nine-month window to create a commercial sales structure begins.
- Nov. 24, 2015 — Alcoholic Beverage Control Board must adopt regulatory structure. If it does not, local governments have the option to create their own regulations.
- Feb. 24, 2016 — Board must begin accepting applications for marijuana selling and growing business licenses.
- May 24, 2016 — Marijuana business licenses will begin to be awarded.

Source: Alaska Department of Commerce website.

[Comment](#)

[Follow This Article](#)

[Back to Top](#)

Juneau Empire ©2015. All Rights Reserved. [Terms of Service](#) [Privacy Policy](#) / [About Our Ads](#)



CLOSE ✕

Interior Alaska entrepreneurs, policymakers prepare for marijuana boom

By Amanda Bohman abohman@newsminer.com | Posted: Saturday, January 17, 2015 11:40 pm

FAIRBANKS — Alaska's marijuana laws begin to get a lot more permissive in about five weeks: Recreational marijuana use will be legal for people older than 21 on Feb. 24.

Voters statewide made that choice in November when they approved a broad state initiative that also allows for the legalized but regulated sale of marijuana, marijuana products and marijuana accessories beginning next year, following the required adoption of regulations later this year.

But the new law allows local governments to ban or limit marijuana businesses such as retailers and smoking clubs. That has led to discussions in Fairbanks, North Pole and elsewhere in the state about where people ought to be allowed to buy, sell, grow, process and consume marijuana.

Entrepreneurs, meanwhile, are busy thinking about ways to capitalize on the new industry.

Getting ready to cash in

Charlie Lester, a 48-year-old heavy equipment operator and general foreman on the North Slope, said opening a marijuana club and eventually a retail store are part of his retirement plan. The Delta Junction resident said he has a name picked out, a Facebook page up and is having a logo designed so he can have T-shirts and sweatshirts made.

Lester said he has lined up locations inside and outside of Delta Junction city limits to open a private club where people will be able to smoke pot. He said he would prefer to establish his club within the city but he's waiting to see if the City Council will allow it. His goal is to open by May.

His plan for a retail store will have to wait until state lawmakers decide how to regulate marijuana sales.

In Fairbanks, some real estate agents have been receiving calls from people looking for warehouse space for marijuana-related businesses.

Kelli Powers, an associate broker with Century 21 Gold Rush, said she has had a couple of calls and showed a space to someone looking for a location for a marijuana-related business.

David Pruhs, owner of Pruhs Real Estate Group, said he has fielded some calls about commercial space for marijuana-related businesses. But he has a message for prospective buyers: "Do not buy a location until you see the statutes out of the state of Alaska."

Pruhs is also a member of the Fairbanks City Council and the borough Planning Commission. He said people should pick out a site but do a lease option, which means leasing a property but having an option to buy it. That way buyers are not stuck with a building that turns out to have the wrong zoning for a marijuana business.

Local laws in the works

The Fairbanks North Star Borough Assembly will see its first ordinance related to the new state marijuana law at the end of the month. The ordinance doesn't do much policy-wise, but it does set up a framework in borough code for future marijuana policy decisions.

Assemblyman Lance Roberts sponsored the measure, which is scheduled to be introduced on Jan. 29.

"There are no teeth," Roberts said. "All that it does is that it creates a title section and it lists purposes and definitions. I am trying to make sure this is organized well in the code."

Borough Mayor Luke Hopkins said he is putting together an advisory panel to help draft an ordinance about where marijuana can be grown, processed, bought, sold and consumed in the borough. The panel will begin its work by taking a close look at zoning, he said.

"Before we have our laws from the state, what's important to our community?" Hopkins said.

The advisory panel is scheduled to hold its first meeting at 10 a.m. Jan. 28.

Hopkins will draw from multiple sectors of the community, including the business sector, education and the military, to round out the panel. He will invite some Borough Assembly members and representatives of the cities of Fairbanks and North Pole, he said.

Brandon Emmett, of the Coalition for Responsible Cannabis Legislation, said he wants to help draft local policy dealing with marijuana. He believes marijuana should be regulated like alcohol.

"Something we are working on right now is to make sure that there are avenues for people to consume cannabis responsibly," Emmett said. "There have to be areas where people can not only purchase marijuana but where they can use it as well."

The new voter-approved marijuana laws prohibit smoking marijuana in public. But one of the issues that remains unclear is the definition of a public space.

Hopkins said he has asked for a legal analysis from the borough attorney about what defines a public space.

Other communities are formulating their responses to the legalization of marijuana. Locally, the North Pole City Council soon will consider a measure prohibiting the sale of marijuana in city limits.

City officials in Sitka will hold a town hall meeting Monday to hear from residents about how or whether to regulate marijuana use.

The Juneau Assembly voted last week to not consider issuing any land use permits for marijuana farms or documentation related to marijuana businesses until Oct. 19, or six months after the legislative session ends, according to the Juneau Empire newspaper. The Legislature will be writing regulations for marijuana businesses this session, which begins Tuesday.

The municipality of Anchorage is considering an ordinance that would ban marijuana use in public, fining offenders \$100. The Anchorage measure defines public places to include streets, sidewalks, parking areas, sports arenas, places of business, shopping centers, playgrounds, schools, prisons, lobbies and certain areas of apartment buildings.

Contact staff writer Amanda Bohman at 459-7587.

Daily News-Miner Get our news for your **Mobile Device!**

- BlackBerry
- iPhone
- Android
- Other

[Jobs](#) [Real Estate](#) [Autos](#)

7°
Broken
Clouds
[View Forecast](#)

[Advanced Search](#)

[Home](#) [Arctic Cam](#) [News](#) [Obituaries](#) [Opinion](#) [Photos](#) [Features](#) [Sports](#) [Classifieds](#) [Marketplace](#) [Subscribe](#) [Contact Us](#) [Submission Forms](#)

Welcome to the site!
Login or Signup below.

[Login](#) | [Signup](#)

[Home](#) [Marijuana](#)

North Pole mayor proposes restrictions on marijuana use

[Story](#) [Comments](#)

[Print](#) [Font Size:](#)

[Recommend](#) 288 [Tweet](#) 11 [G+](#) 2 [3](#)

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

Amanda Bohman, 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.

Alaska Rubber & RIGGING SUPPLY

- Industrial Hoses
- Hydraulic Hoses
- Fittings, Accessories
- Rigging Supplies
- Rubber Products
- Petroleum Handling Equip.
- Custom-made Products

www.alaskarubber.com
907-451-0200 • 888-919-9299

Anchorage • Fairbanks • Wasilla • Kenai

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.

Daily News-Miner Get our news for your **Mobile Device!** choose your platform...

- BlackBerry
- iPhone
- Android
- Other

mobile local news

Where do you want to be?

San Diego

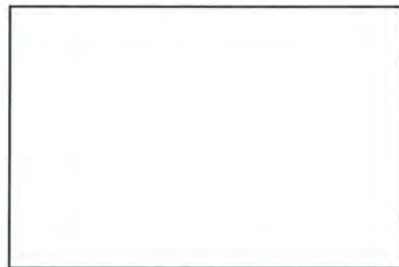
As low as \$229+
one-way

Uncover fun in the sun.

Alaska

*Restrictions apply

ADVERTISEMENT



Madden Real Estate with Wes Madden - Barbara Corcoran

Shark Tank's Barbra Corcoran endorsing Madden Real Estate

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.

More about Marijuana Regulation

- ARTICLE: Fairbanks City Council rejects firefighter grant proposal
- ARTICLE: Marijuana, ANWR top legislative agenda for this week
- ARTICLE: Rewrites of marijuana bills on Monday committee agendas
- ARTICLE: Marijuana, the gas line, budget and oil taxes on the Legislature agenda this week

More about North Pole

- ARTICLE: Wolf pack reported in North Pole area Monday
- ARTICLE: Man wielding machete involved in North Pole fight
- ARTICLE: Patriots, Wolfpack start state hockey early
- ARTICLE: Lathrop hoops sweeps North Pole
- ARTICLE: Rogers thriving on North Pole wrestling squad after drop in weight class

Recommend 288 Tweet 11 G+1 2 3

Discuss

Print

Posted in Marijuana, Local news on Monday, February 2, 2015 1:38 pm. Updated: 5:40 pm. | Tags: Marijuana Regulation, North Pole, Home Use Only, Mayor Bryce Ward

More From This Site

- Juneau police say heroin, meth seizures up in 2014
- Extreme cold leads to King's decision to scratch from Yukon Quest
- Musher strategies and abilities — and the unknown
- Alaska bill would let terminally ill make decision to die
- One dead, one arrested in North Pole vehicle crash

From Around The Web

- 11 Things You Should Never Do Again After 50 (AARP)
- Selfies likely the cause of deadly plane crash (Fox News)
- 15 Cats Who Got Caught By Their Owners (Pics) (PopFotos)
- #StopWhitePeople Is A Thing And The Pictures Are Hilarious (ViratWorld)
- Causes of Death You Won't Want on Your Death Certificate (Ancestry)

Recommended by

More Top Jobs

31 comments

Add a comment



Steve McEireath · 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



Madden Real Estate with Wes Madden - Barbara Corcoran

Shark Tank's Barbra Corcoran endorsing Madden Real Estate



Open House, Sunday, 2/22, 1-3 pm

Catholic Schools of Fairbanks - 2014 Creed

Flyerboard



Local display advertising by PaperG

TOP JOBS

Mortgage Loan Officer Denali State Bank has a variety of

Updated: 12:01 am

THE SURGERY CENTER OF FAIRBANKS

Updated: 12:01 am

Quality Assurance Specialist The Quality Assurance Specialist will be the

Updated: 12:01 am

EMPLOYMENT OPPORTUNITIES for complete listings and to apply BANNERHEALTH.COM/CAREERS

Updated: 12:01 am



The Resource Center for Parents and Children is currently hiring

Updated: 12:01 am

Calendar

February 2015						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7

Daily News-Miner Get our news for your **Mobile Device!**

- BlackBerry
- iPhone
- Android
- Other

[Jobs](#) [Real Estate](#) [Autos](#)

7°
Broken
Clouds
View Forecast

[Advanced Search](#)

[Home](#) [Arctic Cam](#) [News](#) [Obituaries](#) [Opinion](#) [Photos](#) [Features](#) [Sports](#) [Classifieds](#) [Marketplace](#) [Subscribe](#) [Contact Us](#) [Submission Forms](#)

Join us for
Valentine's Day

Saturday, Feb. 14
8pm to 11pm
Live Music by Pete Norshaw
11pm to 2am
Music by DJ Springs
Free Admission, Cash Bar Available

HOT SPRINGS
chenahotspots.com
Or call 451-8104 x 0

Join us for
MEET THE BOSS

Saturday, Feb. 21
8pm to 2am
Music by DJ Springs
Pool Pass Prizes for
Creative Masks and Costumes!
Free Admission, Cash Bar Available

Welcome to the site!
Login or Signup below.

[Login](#) | [Signup](#)

[Home](#) [News](#) [Local News](#)

North Pole grapples with marijuana laws at City Council workshop

[Story](#) [Comments](#)

[Print](#) [Font Size:](#)

[Recommend](#) 128
 [Tweet](#) 17
 [G+](#) 5
 [9](#)

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

By Amanda Bohman 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.

ARG Alaska Rubber & RIGGING SUPPLY

- Industrial Hoses
- Hydraulic Hoses
- Fittings, Accessories
- Rigging Supplies
- Rubber Products
- Petroleum Handling Equip.
- Custom-made Products

www.alaskarubber.com
907-451-0200 • 888-919-9299

Anchorage • Fairbanks • Wasilla • Kenai

"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.

Daily News-Miner Get our news for your **Mobile Device!** choose your platform...

- BlackBerry
- iPhone
- Android
- Other

[mobile local news](#)

Where do you want to be?

*Restrictions apply

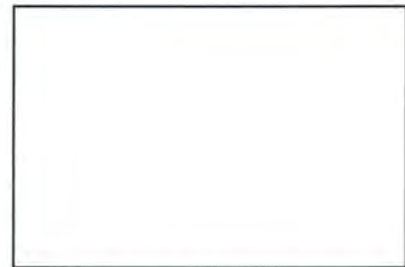
San Diego

As low as

\$229*

Uncover fun in the sun.

ADVERTISEMENT



Madden Real Estate with Wes Madden - Barbara Corcoran

Shark Tank's Barbra Corcoran endorsing Madden Real Estate

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.

More about North Pole

- ARTICLE: Wolf pack reported in North Pole area Monday
- ARTICLE: Man wielding machete involved in North Pole fight
- ARTICLE: Patriots, Wolfpack start state hockey early
- ARTICLE: Lathrop hoops sweeps North Pole
- ARTICLE: Rogers thriving on North Pole wrestling squad after drop in weight class

More about Marijuana

- ARTICLE: Drugs often present in Alaska violent deaths
- ARTICLE: Fairbanks Borough officials to testify about commercial pot
- ARTICLE: Alaska marijuana crime bill delayed until next week
- ARTICLE: Another stab at marijuana laws: Legislature has three and a half weeks to get the new laws right
- ARTICLE: Anchorage Assembly approves pot public consumption ban

Recommend 128 Tweet 17 g+1 5 9

Discuss

Print

Posted in Local news, Marijuana on Friday, January 23, 2015 12:02 am. Updated: 11:37 am. | Tags: North Pole, Marijuana, Pot Laws, City Council, Person Pot Use

More From This Site

- Man wanted in Fairbanks shooting arrested
- Beyond bunny boots: Army leaders get a look at next-gen Arctic gear

From Around The Web

- 11 Things You Should Never Do Again After 50 (AARP)
- See The Deer? Watch What She Does With The Dog! (LittleBudha.com)



Madden Real Estate with Wes Madden - Barbara Corcoran

Shark Tank's Barbra Corcoran endorsing Madden Real Estate



Open House, Sunday, 2/22, 1-3 pm

Catholic Schools of Fairbanks - 2014 Creed

Calendar

February 2015						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
today's events		browse		submit		

Marketplace

Orions Belt School O...
Fairbanks, AK
907-456-2358

- 1 2 3 4 5
- 6 7

Find Local Businesses

Search GO

Popular Searches | Browse By Category

- **Drunk driver sentenced to 32 years for deaths of 2 teens**
- **Selfies likely the cause of deadly plane crash** (Fox News)
- **Bob Shefchik leaves Interior Gas Utility to lead Interior Energy Project**
- **Causes of Death You Won't Want on Your Death Certificate** (Ancestry)
- **Dangers of e-cigarettes overstated**
- **Little Girl Who Lived for 6 Years in Closet Grows Up to Inspire Us All** (Stirring Daily)

Recommended by

23 comments

Add a comment



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 Raiston · 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.

Reply · Like · 2 · Edited · January 23 at 1:14pm



ClaudioTheresa Gomes · Top Commenter · Fairbanks, Alaska

Does the councilwoman children think it is ok for them to

Daily News-Miner Get news for your

Mobile Device!

Choose your device:

- BlackBerry
- Android
- iPhone
- Others

mobile local news

HOMES AND REAL ESTATE

FOR SALE

NHN Driven Trail #512
Fairbanks
\$39,900
13.33 Acres

homes.newsminer.com

SPECIAL SECTIONS

- How-To Guide
 - Winter 2014 Homes magazine
 - 2014 Last-Minute Gift Ideas
 - 2014 General Election
 - 2014 Winter Survival Guide
 - 2014 Women in Business
 - ATIA: Tourism Works for Alaska
 - 2014 Fall Homes magazine
 - 2014 Hunting Guide
 - 2014 Primary Election
 - 2014 Back to School
 - 2014 Readers Choice
 - 2014 Visitors Guide
 - Building and Home Improvement
 - Nonprofit Resource Guide
 - Homes and Real Estate - Spring 2014
 - Health and Wellness: Diet and Nutrition
 - Alaska Miners Association: 75 Years of Progress
 - Fairbanks Community Guide
 - 2014 Go Red for Women
 - Hockey Week in Fairbanks
 - Making Local Work
- For more special sections, visit the Fairbanks Daily News-Miner's bookshelf on Issuu.

FAIRBANKS FEATURES

Motown Cabaret approaching

posted: February 03

Film club readying for Thaw Out movie festival

posted: February 03

Symphony announces concerto contest winners

Updated: January 27

Bill Berry exhibit opening at Rasmuson Library

posted: January 26

More Fairbanks Features

CONNECT WITH US

Facebook

Twitter

RSS

Pinterest

CONNECT WITH US

Facebook

Twitter

RSS

Pinterest

TODAY'S FRONT PAGE



Daily News-Miner
THE VOICE OF INTERIOR ALASKA SINCE 1901

Inside Today: Nome's hockey stars preparing for final home weekend games, covers p. 1

Iditarod starting in Fairbanks

By [Name] [Date]
The Iditarod Trail Sled Dog Race is set to begin in Fairbanks on Monday, Feb. 23. The race is one of the most grueling and iconic events in Alaska, covering a distance of approximately 1,000 miles over a period of several weeks.

Sass first to Dawson

By [Name] [Date]
A sled dog named Sass was the first to reach Dawson, Alaska, during the Iditarod race. The dog, owned by musher [Name], completed the final leg of the race in record time, showcasing the incredible endurance and loyalty of sled dogs.

State defends election fine against Fairbanks mayor

By [Name] [Date]
The state of Alaska is defending a \$10,000 election fine levied against Fairbanks Mayor [Name]. The fine was imposed for alleged irregularities during a recent municipal election, and the state is currently in court to challenge the penalty.

Law makers propose to end Alaska daylight saving time

By [Name] [Date]
Alaska lawmakers have introduced a bill to end daylight saving time in the state. The proposal aims to align Alaska's time zone with the rest of the continent, eliminating the need for twice-yearly clock changes.

Open House Sunday, Feb. 22 1-3 p.m. Catholic Schools Call 414-2950

Sections

- Home
- Arctic Cam
- News
- Opinion
- Photos
- Features
- Sports
- Classifieds
- Marketplace
- Subscribe
- Videos
- Online Features
- Weather

More Inside

- RSS Feeds
- Special Sections
- Submissions
- Newsminer.com Search
- Archives 2001-present
- Visitor's Guide
- Summer Camps
- Add Search Toolbar

Contact us

newsminer.com
newsminer.com
Phone number: 907-456-6661
E-mail: digital@newsminer.com
Address: 200 N. Cushman St.
Fairbanks, AK 99707
[Staff Directory](#)

Search

Search in:

<input checked="" type="checkbox"/> All	<input type="checkbox"/> Features	<input type="checkbox"/> Video
<input type="checkbox"/> News	<input type="checkbox"/> Opinion	
<input type="checkbox"/> Sports	<input type="checkbox"/> Photos	

© Copyright 2015, Fairbanks Daily News-Miner, Fairbanks, AK. Powered by BLOX Content Management System from TownNews.com. [Terms of Use | Privacy Policy]

Panel discusses marijuana businesses, zoning for Fairbanks

By Amanda Bohman abohman@newsminer.com | Posted: Friday, February 13, 2015 11:26 pm

FAIRBANKS — Just where in the Fairbanks North Star Borough marijuana businesses should be allowed and under what conditions continued to be discussed Friday by a special panel convened by Mayor Luke Hopkins

It was the second meeting of the marijuana working group. Hopkins is working on a new zoning ordinance, dealing with pot businesses, that is expected to be introduced in the coming weeks.

Borough planners presented ideas via PowerPoint, offering a glimpse into the kind of zoning ordinance the mayor is crafting.

Possible zones compatible with marijuana facilities are agricultural, commercial, industrial and general use, according to borough planner Kellen Spillman.

But just what types of businesses — cultivation, manufacturing, testing or retail sales — should be allowed where is what needs to be puzzled out.

Leaders in the business, law enforcement, military, education and health sectors discussed issues such as whether buffer zones around schools should be 500 feet or 1,000 feet and what to do about the Badger Road area.

Residential development has ballooned in the Badger Road corridor, but the area mostly has general-use zoning, the most permissive in the borough.

“We might want to have additional regulations,” Spillman said, “just because of the neighborhoods that have developed.”

An estimated 90 percent of the borough is zoned as general use. Just about anything is allowed except for correctional facilities and communication towers, according to the borough’s code of ordinances.

If Hopkins’ anticipated zoning ordinance is anything like the slide show, all manner of marijuana businesses would be allowed in general-use zoning, though most businesses would need to be vetted through a public process that includes a public hearing.

Industrial and commercial zoning were identified as the most compatible with marijuana businesses. Marijuana cultivation was identified as a possible land use under agricultural zoning.

Brad Johnson, deputy chief at the Fairbanks Police Department, questioned treating marijuana

growing like an agricultural operation.

Johnson said from what he has seen, marijuana cultivation is carried out indoors.

“Some of our zoning perspective may be slightly obsolete,” he said. “All of the cultivation operations in Colorado that I am aware of, at least in the Denver metro area, are indoor.”

University of Alaska Fairbanks Chancellor Brian Rogers said that, while cannabis is prohibited at the university, he wants cannabis testing to be a permitted activity.

Mike Bork, director of borough parks and recreation, said he anticipates marijuana use at parks facilities to continue after the decriminalization of marijuana on Feb. 24.

“I think we are still going to have a lot of public use in parks,” he said.

Bork urged local leaders to decide who would confront people caught using marijuana in public. Will it be law enforcement or a borough code enforcement officer?

The panel also discussed what sorts of places in addition to schools might need a buffer zone. Churches, libraries, youth centers, child-care facilities, pools and public housing were identified as possible “sensitive receptors.”

The panel was also asked to weigh in on standards for the size of pot facilities.

Hopkins’ anticipated zoning ordinance will be reviewed by the borough Planning Commission and the Borough Assembly.

Among the local leaders to attend the marijuana working group meeting were Assembly members Diane Hutchison, Guy Sattley and John Davies, North Pole Mayor Bryce Ward and Fairbanks city Mayor John Eberhart.

The borough is responsible for establishing zoning rules.

Contact staff writer Amanda Bohman at 459-7587.

North Pole to vote on marijuana policy

By Amanda Bohman abohman@newsminer.com | Posted: Monday, February 16, 2015 11:43 pm

FAIRBANKS — The first local legislation dealing with marijuana comes up for a vote today in North Pole.

The City Council is taking up two ordinances. One outlines where marijuana will be allowed to be used in North Pole and the second prohibits using flammables to extract oils from the marijuana plant.

Mayor Bryce Ward sponsored both measures.

A voter-approved state law decriminalizing marijuana goes into effect on Feb. 24, though using marijuana in public remains prohibited.

North Pole Ordinance 15-02 creates a definition for public place and sets a \$100 penalty for violating the prohibition on public marijuana consumption.

“The ordinance as presented and as modified does not restrict someone’s right to consume on their private property,” Ward said in an email.

The ordinance defines public place as “a place to which the public 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, prisons, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence such as hallways, lobbies and doorways.”

If approved, North Pole residents could use marijuana on private property with the permission of the owner. That includes indoors or outdoors, Ward said.

A provision of the ordinance states that a “person who consumes marijuana must take reasonable precautions to ensure consumption is not a nuisance to neighboring properties.”

The second ordinance was drafted to deal with a potential public safety issue. A method of extracting hash oil from marijuana involves using flammables such as butane. The technique has been known to cause explosions.

Ordinance 15-01 prohibits using flammables to extract hash oil and sets a \$1,500 fine. Non-flammable methods of extraction would still be allowed, according to the ordinance.

Hash oil extraction using butane is blamed for an explosion at a North Pole home on Dec. 8. No one

was injured, but a rented home sustained an estimated \$40,000 in damage.

Contact staff writer Amanda Bohman at 459-7587.