



2020

**State of Alaska Cannabis
Policies and Regulations:
*A Summary for the
Prevention Workforce***

Prepared by SAMHSA'S Northwest
Prevention Technology Transfer Center



Northwest (HHS Region 10)

PTTC

Prevention Technology Transfer Center Network

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Preface

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This resource is not meant to be exhaustive, but instead serve as a starting place for prevention practitioners and community coalition members interested in cannabis policy and regulation. As cannabis policies and regulation change, The Northwest PTTC will periodically review and update this resource. Additional Northwest PTTC resources on this topic are listed at the end of this document.

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Purpose

This document provides a summary of Alaska's rules and laws to regulate cannabis, and provides the prevention workforce in Alaska with information that supports:

- Prevention of youth cannabis use
- Prevention of adult cannabis misuse (heavy use and/or risky behaviors)

The information is organized into six sections. First, a description of the regulatory bodies that create and oversee the regulatory system; then regulatory components organized as "5 Ps for Prevention." These elements of regulation are most relevant to preventing any cannabis use by youth and unsafe use by adults.

| Symbol | Regulatory Components | Description of Regulatory Components |
|---|---------------------------|--|
|  | Public Health and Safety | Requirements that prevent diversion and protect customers |
|  | Placement and Access | Factors affecting individual possession and use; licensing and operations; placement of businesses; expanded privileges |
|  | Products and Potency | Factors affecting what products are allowed, including by potency; packaging and labeling; and purchase limits for specific products |
|  | Promotion and Advertising | Factors affecting design and content, or placement of any advertising |
|  | Pricing | Taxes and other factors related to the cost of products |

The information in this tool is intended to support capacity development specifically within the prevention workforce by increasing understanding of cannabis regulatory frameworks and policies that can affect the prevention of youth cannabis use and harms. More detailed information defining cannabis regulations, as well as policies within and across HHS Region 10 states (Alaska, Idaho, Oregon, and Washington) is provided in the documents listed at the end of this summary.

State Regulatory Structure

Agencies

The State of Alaska Alcohol and Marijuana Control Office (AMCO) Marijuana Control Board, within the Department of Commerce, Community, and Economic Development, is a regulatory and quasi-judicial agency for the control of cultivation, manufacture, and sale of cannabis in the state. This agency leads implementation and oversight of Alaska's cannabis regulations and related activities. For more information visit the [State of Alaska Alcohol and Marijuana Control Office website](#).

The State of Alaska Department of Health and Human Services (DHHS) Marijuana Education Program was created to diminish adverse health consequences due to the use of cannabis in Alaska, and also advises AMCO regulations around cannabis. The principal goals of the program are to prevent youth initiation and use, prevent impaired driving, eliminate accidental ingestion, reduce secondhand cannabis smoke exposure in public workspaces, support treatment, inform ongoing policymaking, and educate the public. For more information please visit the [State of Alaska Marijuana Education Program](#).

Governing Body/Board

AMCO Board members are appointed by the governor and confirmed in a joint session of the legislature. The board consists of five voting members as follows: 1) one from the public safety sector, 2) one from the public health sector, 3) one currently residing in a rural area, 4) one actively engaged in the cannabis industry, and 5) one who is either general public or actively engaged in the cannabis industry. Not more than two members may be engaged in the same business, occupation, or profession. A board member representing the general public, the public safety sector, the public health sector, or a rural area, or the member's immediate family member may not have a financial interest in the cannabis industry.

Local Authority

Local government may prohibit the operation of cannabis cultivation facilities, product manufacturing facilities, testing facilities, or retail stores through ordinance or by voter initiative. An established village may also do so via an election. A local government may enact ordinances or regulations governing time/place/manner and number of cannabis establishment operations as long as they are not in conflict with the state statute or regulations. May impose local taxes (see later sections). Special rules apply for areas without local government, depending on whether license applicant is <50 miles or ≥50 miles outside of a local government jurisdiction. Local home grows and personal possession in accordance with possession limits is allowed as outlined later in this document.

You can sign up for [AMCO's Marijuana Updates](#) to receive emails regarding upcoming board meetings, press releases, regulation projects, and other useful information.

A Prevention Lens on Regulatory Components of Cannabis Use



Public Health and Safety

With cannabis legalization for adult use still restricted to a few states and federally illegal, a significant amount of focus has been placed on public safety issues. The Cole Memo issued by the Department of Justice in 2013 (later rescinded by Attorney General Jeff Sessions) still serves as a guidance document for many states. This translates to states carefully implementing and enforcing regulations that serve to:

- Prevent distribution to minors
- Prevent revenue from going to criminal enterprises, gangs, and cartels
- Prevent diversion to other states
- Prevent state-authorized marijuana activity from being used as a cover for trafficking other illegal drugs or other illegal activity
- Prevent violence and the use of firearms in cultivation and distribution of marijuana
- Prevent drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use
- Prevent the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by such
- Prevent possession or use on federal property

To help ensure meeting these objectives, regulatory authorities use track-and-trace systems, institute consistent and strong enforcement of laws and regulations, and assess appropriate penalties associated with violations of the rules and regulations.

Enforcement of laws, including access-by-minors laws, can be an effective component of limiting youth substance use, based on experience from other substance regulation such as alcohol.¹ However, enforcement activities should not be conducted alone; experts recommend a comprehensive program (e.g., comprehensive tobacco control programs that include elements recommended by the CDC) that includes enforcement activities.

Requirements to Prevent Diversion and Protect the Consumer:

Traceability System: Inventory tracking system for all cannabis and cannabis products.

Required Lab Tests: Testing for potency, microbial impurities, solvents/residual solvents, residual pesticides, poison or other toxins or harmful chemicals, other contaminants.

1. Harding, F. M., Hingson, R. W., Klitzner, M., Mosher, J. F., Brown, J., Vincent, R. M., ... Cannon, C. L. (2016). Underage drinking: A review of trends and prevention strategies. *American Journal of Preventive Medicine*, 51(4), S148–S157. <https://doi.org/10.1016/j.amepre.2016.05.020>

Lab Certification and Monitoring: Board will approve testing facility license if, after examination of qualifications and procedures, the lab is found in compliance with good laboratory practices and the application meets the stated requirements. Proficiency testing may be required. Board or Board's contractor may inspect operations and records. May require an independent third party to inspect and monitor. May require random validation of execution of testing methodology.

Facility Requirements: Exterior lighting, alarm system, continuous video monitoring, commercial-grade locks. Videos maintained for 40 days.

Required Employee Training: Marijuana Handler permit required for each agent of an establishment who sells, cultivates, manufactures, tests, or transports cannabis or a cannabis product, or who checks the identification of a consumer or visitor, and each licensee and employee before being licensed or beginning employment at a cannabis establishment. To obtain a permit, a person must complete a Marijuana Handler permit education course approved by the board, pass a written test demonstrating an understanding of the course material, and obtain a certificate of course completion from the course provider. Food worker card required for licensee, employee, or agent of a cannabis product manufacturing facility who handles cannabis.

Factors Affecting Enforcement Requirements that Protect Public Health and Safety:

Enforcement Authority: Enforcement staff with limited authority.

Purchase checks: There is no requirement for systematic random underage purchase checks (i.e., "compliance checks" using minors working with law enforcement), like there is for tobacco retailers.

Penalties: A penalty structure is in place for noncompliance.



Placement and Access

A variety of regulations determine where cannabis can be cultivated, processed, sold, possessed, and used. Regulations also specify the conditions that must be present. Public health and safety, including prevention of youth use and adult misuse, are considerations in setting regulations regarding place because of the effect on access. Laws regarding public use and possession limits are also linked to access.

Restrictions on advertising may be beneficial for prevention. Systematic reviews report a strong association between exposure to media and communications on alcohol and adolescents starting to drink, and increased drinking or risky drinking among those

who already drink.^{2,3} A separate systematic review found that multiple studies showed a positive association between direct alcohol sports sponsorship and increased levels of drinking among schoolchildren.⁴ Similarly, evidence from tobacco control shows that marketing restrictions and graphic health warnings are effective for reducing smoking prevalence.⁵

Factors Affecting Individual Possession/Use:

- **Public use:** Banned in public. “In public” means in a place to which the public or a substantial group of persons has access and includes highways; transportation facilities; schools; places of amusement or business; parks; playgrounds; prisons; and hallways, lobbies, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence. Does not include an area on the premises of a licensed retail cannabis store designated for onsite consumption.
- **Possession limits:** 1 ounce of usable cannabis. Retail store may not sell to any one person per day 1) more than one ounce of usable cannabis; 2) more than seven grams of cannabis concentrate for inhalation; 3) more than 5,600 milligrams of THC in combined sales of cannabis and cannabis products.
- **Age limits for possession/use:** 21+ (also applies for retail purchase).

Factors Affecting Business Licensing and Operations:

Hours of sale: Retail cannabis stores are permitted to conduct business between the hours of 8 AM and 5 AM. Local jurisdictions may further limit hours. Cannot sell 5 AM - 8 AM. Local jurisdictions may impose further restrictions on retail cannabis operating hours.

Access to Retail Locations: Access by minors to licensed retail locations is not allowed.

Product placement in retail stores: Product may not be visible to the public from the public right-of-way.

2. Anderson, P., De Bruijn, A., Angus, K., Gordon, R., & Hastings, G. (2009). Impact of alcohol advertising and media exposure on adolescent alcohol use: A systematic review of longitudinal studies. *Alcohol and Alcoholism*, 44, 229-243. <https://doi.org/10.1093/alcalc/agn115>

3. Jernigan, D., Noel, J., Landon, J., Thornton, N., & Lobstein, T. (2017). Alcohol marketing and youth alcohol consumption: A systematic review of longitudinal studies published since 2008. *Addiction*, 112, 7-20. <https://doi.org/10.1111/add.13591>

4. Brown, K. (2016). Association between alcohol sports sponsorship and consumption: A systematic review. *Alcohol and Alcoholism*, 51, 747-755. <https://doi.org/10.1093/alcalc/agw006>

5. Levy, D. T., Tam, J., Kuo, C., Fong, G. T., & Chaloupka, F. (2018). The impact of implementing tobacco control policies: The 2017 Tobacco Control Policy Scorecard. *Journal of Public Health Management and Practice*, 24, 448-457. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6050159/>

Mandatory Signage for Retail: At each entry: "No one under 21 years of age allowed." (Not less than 12"x12" with letters at least 1/2" high, in high contrast to the background of the sign. Additional required signs: "Consumption of marijuana in public is prohibited by law." "Transportation or carriage of marijuana or marijuana products on Alaska waterways, including cruise ships, or by air carrier is prohibited by federal law." "Transportation or shipment of marijuana or marijuana products outside the State of Alaska is prohibited by federal law." "Providing marijuana to persons under 21 years of age is prohibited by law." All at least 11"x14" in size, lettering at least 1/2" high and in colors that contrast with the background. Each entrance to a restricted access area: "Restricted access area. Visitors must be escorted."

Number of Licenses: No limits on number of licenses per person or entity.

Business Production: Both indoor/outdoor grows for cannabis production allowable.

Factors Affecting the Placement of Businesses (Density/Specific Locations), Especially Retail/Dispensary/Individual Sales Outlets:

Limits on Total Number of Licenses Issued per Category/Type of License: Local government or villages may limit total number of licenses.

Buffer Areas: Prohibited within 500 feet of a school ground, a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility. The distance must be measured by the shortest pedestrian route from the public entrance of the building in which the licensed premises would be located to the outer boundaries of the school ground, the outer boundaries of the recreation or youth center, the main public entrance of the building in which religious services are regularly conducted, or the main public entrance of the correctional facility. Does not prohibit license renewal, conversion, or transfer to another person if licensed premises were in use before one of these entities began use of a site within 500 feet. If license is revoked or expires, new license will not be issued. Local government or villages may establish larger buffer zones and additional restrictions. May not be located in a liquor license premises. Proximity to other retail cannabis licensees is not specified.

Local Control of Licensing: Local government may prohibit licenses via local ordinance or voter initiative. Local government may protest an application within 60 days of notice of application and may place conditions on license. Members of public may also object within 30 days of written notice of application from director to local government. Established village may adopt a local option to prohibit a type or types of licenses by majority vote on a ballot.

Zoning: Local government may determine time, place, manner, and number of licenses by ordinance provided it is not in conflict with state law. Local government must approve any zoning variance.

Factors Affecting Individual Access to Products Outside of Retail Settings (i.e., Expanded Privileges):

Home Delivery and Internet sales: Not allowed.

Home Grows: May possess, grow, process, or transport not more than six cannabis plants, with three or fewer being mature, flowering plants, and possess the cannabis produced by the plants on the premises where the plants were grown, except that not more than 12 cannabis plants, with 6 or fewer being mature, flowering plants, may be present in a single dwelling regardless of the number of persons 21 years or older residing in the dwelling. Must be out of public view without use of binoculars, aircraft, or other optical aid. Reasonable precautions must be taken to prevent unauthorized access. Property must be lawfully in possession of cultivator or with consent from person lawfully in possession of the property.

Social or On-Site Consumption: The law allows for freestanding retail outlets to apply for an endorsement to authorize on-site consumption of any cannabis product (with the exception of concentrates). Endorsement allows store to sell products for consumption in a designated area separated from the remainder of the premises by a secure door and having a separate ventilation system, or outside the retail store, if obscured from view and away from neighboring vents/air intake and without objections of property owners, residents, and occupants within 250 linear feet or the distance required by local government, whichever is greater. Consumption of tobacco or alcohol will not be permitted, nor will “gaming” activities. Patrons can take home unconsumed or unfinished products. A local option to ban on-site consumption is still included. A majority of persons voting on the question or a local government’s assembly or city council passing an ordinance to the same effect may prohibit an onsite consumption endorsement to a retail store license or specific operational characteristics of an onsite consumption endorsement, including consumption by smoking or vaping, or outdoor consumption.

Giftng or Sharing: May transfer one ounce or less of cannabis and up to six immature plants to person over age 21 without remuneration.



Products and Potency

As a method of preventing or reducing youth use and adult misuse of cannabis, regulatory practices can focus on the types of products and their potency, appearance, packaging, and labeling. Unlike alcohol and tobacco, as described earlier, cannabis products are available in a variety of forms and methods of use. Like alcohol and tobacco, product characteristics and packaging affect potential for harm, attractiveness, accessibility, and availability.

Availability of high-potency cannabis products may be of particular concern with regard to prevention. A summary of evidence from alcohol research indicates that increased availability of liquor products, which have relatively higher alcohol content, is a risk for

young people. Studies suggest that youth who drink alcohol prefer hard liquor⁶ and that liquor consumption may be more associated with risky behaviors among youth than other types of alcohol.⁷ High-potency cannabis products (e.g., concentrates, edibles, oils) could be similarly problematic.

Based on evidence about how specific products and their packaging could appeal to youth or young adults, the 2009 U.S. Family Smoking Prevention and Tobacco Control Act banned flavored cigarettes (excluding menthol) and required tobacco companies to seek FDA approval for new tobacco products. This is one approach to product restrictions for prevention.

In addition, the appearance of products, including their packaging and labeling (e.g., colors, shapes, images, words) may have an impact on their appeal to youth. The 2009 U.S. Family Smoking Prevention and Tobacco Control Act also requires some new warnings and labels on tobacco packaging and advertisements in order to reduce their appeal to young people.

Factors Affecting what Products and Potencies are Allowed:

Prohibited Products: Prohibits any product that a) is an adulterated food or drink; b) closely resembles a familiar food or drink item including candy; or c) is packaged to look like candy, or in bright colors or with cartoon characters or other pictures or images that would appeal to children.

Potency Limits on Edible Product for Ingestion: THC is limited to 5 mg per serving; 50 mg per package. THC content must be homogenous, or evenly distributed throughout the product.

- **No Potency Limits:** Usable flower, concentrates.
- **No Potency Limits:** Other products.

Factors Affecting Packaging and Labeling:

Packaging Requirements: Cannabis or cannabis product sold must be in opaque, resealable, child-resistant packaging when purchaser leaves retail section of premises. Packaging must be designed or constructed to be significantly difficult for children under 5 years of age to open, but not normally difficult for adults to use properly. If the product contains multiple servings, be designed so that the cannabis product itself has markings or demarcations clearly delineating each serving of the product. For liquid products with multiple servings, the packaging must indicate the number and size of individual servings. Bud and flower not to exceed 1 oz. in package for resale to consumer, and wholesale packages not to exceed 10 lbs. Packaging must protect product from contamination and not impart any toxic or damaging substances. Packaging may not have any printed images, including cartoon characters that specifically target persons under 21 years of age.

Products must not be packaged to look like candy, or in bright colors or with cartoon characters or other pictures or images that would appeal to children. “Closely resemble” or “look like” means the product or its packaging has a shape, color, markings, or decorative patterns that are familiar to the public from a widely distributed branded food product, so that the cannabis product could reasonably be mistaken for that branded product, especially by children.

Labeling Requirements: Labels must include: Name and license number of cultivation facility where cannabis was grown and manufacturing facility where products were produced; name and/or logo and license number of store where product is sold; inventory tracking number, production lot number (if applicable); net weight of product; testing results, including potency profile; list of pesticides, herbicides, and fungicides used in cultivation; and required warning statements. Products may not be labeled organic. There are no limits (minimum size requirements) on font size.

Warning statements on labels: Packaging must contain the following five statements:

1. Marijuana has intoxicating effects and may be habit forming and addictive.
2. Marijuana impairs concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence.
3. For use only by adults twenty-one and older. Keep out of the reach of children.
4. Marijuana should not be used by women who are pregnant or breast-feeding.
5. There are health risks associated with consumption of marijuana.

Factors Affecting Purchase of Specific Products:

- Age limits for purchase
- 21+ for all products
- Transaction limits
- Limit per person per day: a) one ounce of usable cannabis; b) 7 grams of cannabis concentrate for inhalation; c) total amount of cannabis, cannabis products, or both that contain more than 5,600 mg of THC.



Promotion and Advertising

Promotion refers to the advertising strategies that are used to advertise the retail stores and their products and gain customers. These strategies and techniques may include print advertising, internet advertising, billboards, radio and television ads, events, coupons and giveaways, etc.

Restrictions on advertising may be beneficial for prevention. Systematic reviews report a strong association between exposure to media and communications on alcohol

associated with adolescents starting to drink, and increased drinking or risky drinking among those who already drink.^{8,9} A separate systematic review found that multiple studies showed a positive association between direct alcohol sports sponsorship and increased levels of drinking among schoolchildren.¹⁰ Similarly, evidence from tobacco control shows that marketing restrictions and graphic health warnings are effective for reducing smoking prevalence.¹¹

Factors Affecting the Design and Content of Promotions and Advertising:

Advertising must include business name and license number. No statements/illustrations that are false or misleading, promote overconsumption, represent that use has curative or therapeutic effects, depicts a person under age 21 consuming, or includes any object or character that appeals to persons under age 21.

Advertisements may not contain statements that are false or misleading. Logo or advertisement may not promote excessive consumption; represent use of cannabis has therapeutic effects; depict a person under 21 years of age consuming cannabis; include object or character, including cartoon character, toy, or any other depiction that appeals to a person under 21 years of age.

Health Claims: No curative or therapeutic effects.

Sampling: No customer sampling. Limited licensee-to-licsee sampling allowed for negotiating sales and for quality control.

Required Text for Warning Statements:

- Marijuana has intoxicating effects and may be habit forming and addictive.
- Marijuana impairs concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence.
- There are health risks associated with consumption of marijuana.
- For use only by adults age 21 and older. Keep out of the reach of children.

8. Anderson, P., De Bruijn, A., Angus, K., Gordon, R., & Hastings, G. (2009). Impact of alcohol advertising and media exposure on adolescent alcohol use: A systematic review of longitudinal studies. *Alcohol and Alcoholism*, 44, 229-243. <https://doi.org/10.1093/alcalc/agn115>

9. Jernigan, D., Noel, J., Landon, J., Thornton, N., & Lobstein, T. (2017). Alcohol marketing and youth alcohol consumption: A systematic review of longitudinal studies published since 2008. *Addiction*, 112, 7-20. <https://doi.org/10.1111/add.13591>

10. Brown, K. (2016). Association between alcohol sports sponsorship and consumption: A systematic review. *Alcohol and Alcoholism*, 51, 747-755. <https://doi.org/10.1093/alcalc/agw006>

11. Levy, D. T., Tam, J., Kuo, C., Fong, G. T., & Chaloupka, F. (2018). The impact of implementing tobacco control policies: The 2017 Tobacco Control Policy Scorecard. *Journal of Public Health Management and Practice*, 24, 448-457. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6050159/>

- Marijuana should not be used by women who are pregnant or breast-feeding.

Exemptions: Businesses are exempt from providing warning statements if the advertisement contains only the business name, logo, business type, contact info, location, and hours of operation, and does not contain written information about cannabis or depictions of cannabis/cannabis products, other than what is contained in business name/logo.

Promotional Items, Donations: Business cards and merchandise, including t-shirts, hats, and stickers, that are distributed by a licensed establishment and contain only the business name and logo, license name, and location and contact information, are not advertising or promotions. May not encourage the sale of cannabis or a cannabis product by:

- Using giveaway coupons for cannabis or cannabis product as promotional materials
- Conducting games or competitions related to the consumption of cannabis or cannabis product
- Providing promotional materials or activities of a manner or type that would be especially appealing to children
- Holding promotional activities outside of the licensed premises.

Factors Affecting Location or Placement of Promotions and Advertising:

Age Restrictions for Advertising Audience: Websites must use appropriate measures to ensure individuals visiting the page are age 21+. Also see guidance under “Sponsorships” that no more than 30% of an audience is expected to be under age 21.

Prohibited Locations, Including Buffer Areas: Placement of promotions and advertising are prohibited within 1,000 feet of perimeter of any child-centered facility, including school, child care facility, or other facility providing services to children; playground or recreation center; public park; library; game arcade open to persons under age 21. Except when included in an established publication intended for general readership, may not be placed on or in a public transit vehicle or shelter, on or in a publicly owned or operated property, within 1,000 feet of a substance abuse or treatment facility, on a campus for postsecondary education. May not engage in advertising by means of marketing towards location-based devices, including cell phones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and the application includes a permanent and easy opt-out feature.

Outdoor Limits: No more than three signs on the licensed premises visible to the general public from the public right-of-way. Two may only be placed in the facility’s window or attached to the outside of the premises. Each sign is not to exceed 4,800 square inches.

Billboards: Not prohibited; however, the State of Alaska bans all billboards.

Sponsorships/Promotional Events: If no more than 30% of audience is expected to be under age 21, licensee may sponsor industry trade show, charitable event, sports event or competition, concert, or any other event approved in advance by the board.



Pricing

The price of cannabis products to the consumer can be influenced through policies that restrict the use of tools to reduce price, such as discounts, coupons, etc. Taxes, both excise taxes and sales taxes, are also tools to maintain higher prices for cannabis products.

There is strong evidence that increasing the unit price of alcohol is effective in reducing excessive alcohol consumption, adolescent drinking, alcohol-impaired driving, and mortality from liver cirrhosis. There is also strong evidence that recommends interventions to increase the price of tobacco products to reduce tobacco use and exposure.

Taxes on Products:

Tax structure: Sales and transfers of cannabis at a rate of \$50 per ounce for bud and flower. Leaf and trim \$15 per ounce. \$25 per ounce for bud/flower that is considered immature or abnormal (e.g., bud/flower that did not fully mature or develop, contains seeds, or failed testing). Clones are flat rate of \$1 per clone. Taxes paid by cultivation facility.

Other Factors that Affect Prices:

Discount Pricing: Not allowed (e.g., “two for one” deals).

Minimum Pricing: Not required (e.g., no minimum cost per gram of flower).

Additional Northwest PTTC Resources in this Series

1. HHS Region 10, State Cannabis Policies and Regulations: A Guidance document for Northwest Substance Misuse Prevention Practitioners.
2. Individual State Cannabis Policy Summaries for HHS Region States: Alaska, Idaho, Oregon and Washington.
3. HHS Region 10, Cannabis Policies and Regulations: A multi-state comparison across three Northwestern states