

Submitted by: Assembly Members
Constant and Rivera

Prepared by: Assembly Counsel

For reading: July 11, 2017

Municipal Clerk's Office

Approved

Date: 7/11/2017

**ANCHORAGE, ALASKA
AR No. 2017-251(S)**

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY REQUESTING THE
STATE OF ALASKA MARIJUANA CONTROL BOARD TO ADOPT REGULATIONS
ALLOWING ON-SITE CONSUMPTION OF MARIJUANA OR APPROVE DESIGNATED
AREAS FOR ON-SITE CONSUMPTION IN LICENSED RETAIL MARIJUANA
ESTABLISHMENTS.**

WHEREAS, the Alaska Marijuana Control Board (AMCB) is meeting July 12-14, 2017, in Fairbanks to consider, among other things, updates on implementation of marijuana establishment licensing, ongoing and proposed regulations projects, and other matters that may come before it; and

WHEREAS, media outlets report at this meeting the AMCB will potentially consider up to three different proposals from different board members for standards and conditions to authorize on-site marijuana or marijuana product consumption; and

WHEREAS, currently consumption of marijuana on, in or upon any public place is prohibited by Alaska Statute 17.38.040 and Anchorage Municipal Code section 8.35.300; and

WHEREAS, under state law, consumption of marijuana or a marijuana product on the premises of a licensed retail marijuana store may not be allowed, except in a designated area on the licensed premises as authorized with prior approval of the AMCB and when purchased on the licensed premises (3 AAC 306.305(a)(4) and 3 AAC 306.310(b)(2))-yet the AMCB has not authorized on-site consumption anywhere in the state to date; and

WHEREAS, Anchorage Municipal Code subsection 10.80.310B.2. does not allow consumption of marijuana on the premises of a licensed retail marijuana store, but the Anchorage Assembly reserved AMC subsection 10.80.305A.4. in the Code for potential future amendment to allow on-site consumption consistent with any action by the AMCO authorizing it; and

WHEREAS, on-site marijuana consumption has been an issue and concern among stakeholders, particularly in the downtown area where visiting tourists interested in Anchorage's new marijuana industry may purchase marijuana, but currently have no place designated for lawful consumption, other than private property closed to the public which is unlikely to be available to most visitors; and

WHEREAS, the Anchorage Assembly recently approved a second municipal retail marijuana establishment license located in the downtown core area, and has more applications currently proposed and anticipated to come before the body in the near future; and

WHEREAS, businesses, community leaders and stakeholders in the downtown area have expressed concern with the imminent proliferation of multiple retail marijuana stores

1 downtown and the adverse effects they could potentially create, including worries about
2 illegal public consumption, given the high concentration of tourists in the vicinity who may
3 seek to purchase legal marijuana in Alaska without the inclusion of designated areas for
4 lawful marijuana consumption; and

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6 WHEREAS, some citizens and business owners of the downtown Anchorage
7 area are seeking additional regulation related to the number of licensees allowed to
8 operate in the area, separation distances from protected uses or other licensees,
9 and a resolution to the on-site consumption issue; and this Assembly Resolution is
10 in response to those downtown businesses who are asking for time to develop a
11 plan specifically for downtown Anchorage addressing those issues; and

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13 WHEREAS, the sponsors of Proposition 2, which the voters approved at the
14 November 4, 2014 statewide general election, intended to set up a system where
15 marijuana would be regulated and taxed like alcohol, yet while on-site consumption
16 of alcohol is common under a beverage dispensary or restaurant or eating place
17 liquor license, there are no comparable marijuana retail establishment licenses
18 allowing consumption on-site only of products purchased on the premises; and

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20 WHEREAS, if authorization for on-site consumption at designated areas on licensed
21 premises is provided, particularly in areas focused on tourism, it would mitigate the
22 foreseeable risk and potential for illegal consumption of marijuana in public or on licensed
23 retail premises where it is not authorized; now, therefore,

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25 **THE ANCHORAGE ASSEMBLY RESOLVES:**

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27 **Section 1.** The Assembly strongly supports adoption of regulations or approval of
28 designated areas for on-site consumption on the licensed premises of retail marijuana
29 stores located in Anchorage to legitimize such use for tourists, visitors and patrons to the
30 area as soon as possible.

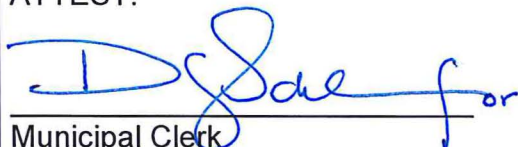
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32 **Section 2.** Upon passage and approval, the Municipal Clerk is directed to send signed
33 copies of this resolution as soon as practicable to the Alaska Marijuana Control Board.

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35 **Section 3.** This resolution shall be effective immediately upon passage and approval by
36 the Assembly.

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38 PASSED AND APPROVED by the Anchorage Assembly this 11th day of July, 2017.

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43 _____
44 Chair

44 ATTEST:

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47 _____
48 Municipal Clerk