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# Marijuana Advisory Committee Minutes

Monday, January 4, 2015 7:00pm  
Sealing Cove Business Center

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## Committee Members:

**Levi Albertson, Andrew Hames, Joseph D'Arienzo,  
Pamela Ash, Darrell Windsor, Steven Eisenbeisz,  
Bob Potrzuski, Jay Stelzenmuller**

### **I. CALL TO ORDER**

Chair Albertson called the meeting to order at approximately 7:04pm.

### **II. ROLL CALL**

Present: Levi Albertson, Joseph D'Arienzo, Pamela Ash, Darrell Windsor, Bob Potrzuski, Andrew Hames (telephonic).

Absent: Steven Eisenbeisz (excused)

Staff: Municipal Attorney Robin Koutchak, Senior Planner Michael Scarcelli, Paralegal Reuben Yerkes

### **III. AGENDA CHANGES: None**

### **IV. APPROVAL OF MINUTES: M - Windsor / S - Ash, motion passed unanimously**

### **V. PERSONS TO BE HEARD/CORRESPONDENCE:**

Judy Bixby stated that she had been working in drug and alcohol treatment for many years. She stated that she encourages members of the Committee to look at the Department of Public Health informational page online.

Lindsey Evans stated that she was possibly interested in submitting an application for the Committee.

### **VI. REPORTS:**

Chair Albertson stated that a letter had been sent to the State Department of Law and the Marijuana Control Board. City Attorney Koutchak read the letter into the record.

### **VII. UNFINISHED BUSINESS:**

#### **Planning Department Presentation**

Senior Planner Scarcelli went over the planning department work done thus far on the marijuana application process. He stated that based on his research many municipalities were using the conditional use permit process.

Chair Albertson asked about security concerns that might be added to a conditional use permit for a marijuana establishment. He stated that he was concerned about the potential burden placed on industry by onerous security requirements.

Potrzuski asked if any other business would have security requirements as part of their conditional use permit. Senior Planner Scarcelli stated that he would look into it, but that at the moment he wasn't aware of any.

Chair Albertson stated that it was the Committees original intent to make licensing in the marijuana industry a general use permit. He reiterated that additional security requirements placed on industry by the municipality would be potentially excessively burdensome.

Ash stated that additional security requirements might be helpful to assuage the concerns of citizens who are against marijuana legalization. Stelzenmuller stated that the State regulations have some language regarding security requirements. Senior Planner Scarcelli stated that it was his intent to closely mirror State regulations as well as other states.

**Aaron Bean Discussion:**

Bean stated that 3AAC 306.715 addressed the security system and associated locking system. Chair Albertson asked about what overall concerns he has that the Committee may be missing.

Bean stated that “best means” testing would include mold, pesticides and determination of strain. He added that work on some kind of scale that addressed potency had also been brought up. Additionally warnings regarding the potentially addictive nature of the product had been raised. Bean added that he would like to work with the Local Regulatory Authority to determine exactly what the best means available was.

City Attorney Koutchak asked if it would be possible to determine a rough estimate of transtetrahydrocannabinol (THC) content at a testing facility. Bean stated that he did not feel that it would be a possibility to fly or boat anywhere with marijuana. He added that he could not say with certainty that THC could be quantified effectively as potency could be increased with cloning of a given strain. Bean stated that edibles were another challenge entirely. Windsor asked if someone doesn't come up with the ability to satiate State requirements for best means testing locally, there wouldn't be any further marijuana licensing on account of not being able to fulfill the State testing requirements.

D'Arienzo asked if Bean had contacted any other states regarding what testing is costing them. Bean stated that he had not. D'Arienzo stated that he felt that medicinal use products would need to have particularly accurate labeling.

Potrzuski stated that he can go to an alcohol store and get a drink that has a clearly stated alcohol content. He asked if Bean felt that that will not be the case in the marijuana industry. Bean stated that was more in line with edibles. He stated a consumer will be able to get a sense of the effects based on a given strain. He added that the effects of edibles were also contingent on the body composition of the consumer.

Chair Albertson asked if a lab would be available in Sitka to test for mold, pesticides and filth. Bean stated that he was buying the machine that would allow that. Bean pointed out that an individual's dosage will be relative to the amount that the consumer can inhale. Chair Albertson pointed out that in other states vapor/liquid has a dosage quantity on the label. Bean stated that he felt that the vapor pens would be a big part of consumption.

Chair Albertson stated that Nome had what was called the “Nome Grown” clause allowing only locally grown products to be sold in the municipality. City Attorney Koutchak questioned if that was legal. Bean added that the municipality may not want to ban importation of marijuana because of the potential missed opportunity to tax that

importation, depending on what happens at the state level in the future.

D'Arienzo stated that the \$50 per ounce state tax levied on the cultivator might be shared with the municipalities. Bean stated that the House Judiciary committee would be a good body to direct comments to on that topic. Stelzenmuller stated that he was interested in a resolution requesting that City and Borough of Sitka request the State split the excise tax with the municipality. Stelzenmuller recommended that the legal department mention in the resolution that ballot measure 2 was voted on by the people and that the people should logically receive some of the income resulting from that action.

**Stop: 8:09PM**

**Start: 8:18PM**

Chair Albertson asked Aaron Bean where he is seeing challenges in the municipality specifically. Bean stated that in a perfect world it wouldn't be a conditional use given its inherent ambiguities. He added that he didn't see a problem with the 500 ft. rule. He added that the conservative side of the marijuana debate was very adamant about keeping the 500 ft. rule. He continued that ideally there would be some language that would afford some local control. Bean stated that he felt the tax question was a bigger issue than the buffer zone issue.

#### **Testing Facilities and Protocols**

Stelzenmuller stated that he didn't feel that the State was going to approve any licensing without having THC content included in the labeling. Windsor agreed that he would not be in support of any licensing without THC content labeling. Potrzuski also agreed.

Chair Albertson pointed out that the people have been consuming marijuana in Sitka for decades without benefit of THC labeling, and that he didn't feel that it was as critical for safety as was mold, pesticides and filth.

D'Arienzo stated that he was concerned that prior to this, there was no sense of accountability regarding the quality of these products. He continued that it was precisely the establishment of standards of quality that the public had voiced their support for as manifest by the passage of ballot measure 2.

Chair Albertson stated that he was more concerned with getting marijuana products out of the hands of the black market. He pointed out that the municipality can't control the judgement of all people.

### **VIII. NEW BUSINESS:**

#### **New Topics and Framework:**

Stelzenmuller stated that he was particularly interested in visiting the topic of non-psychoactive cannabidiol (CBD). Chair Albertson pointed out that retailers would not be allowed to differentiate between medicinal and recreational products.

City Attorney Koutchak stated that the Wastewater Treatment and Electric Department discussion would also be an important one.

Chair Albertson stated that with regard to enforcement it was mostly important in the

context of planning and zoning. He asked that it be included on the discussion by Senior Planner Scarcelli at the next meeting.

Potrzuski stated that he has had numerous people stop him on the street and ask him about the medical marijuana issue. Chair Albertson pointed out that medical marijuana is allowed for cultivation in the home. He stated that he felt that most of that had been covered by the citizens' initiative. Ash added that in Washington a medicinal use consumer can go into a dispensary and get marijuana at a much cheaper rate.

**IX. PERSONS TO BE HEARD:**

Brian Massey felt that product labeled with CBD and THC content was very important. He also felt that the equipment necessary for testing was not prohibitively expensive. He stated that one of the unique challenges to testing in Alaska was geography.

Lindsey Evans stated that people coming into the emergency room was a hot topic. She asked that anyone interested in being a vendor take it upon themselves to educate people on the effects of a given strain.

Aaron Bean stated that with regard to people asking about medicinal use, there is virtually no difference from recreational marijuana. Sellers just can't advertise it differently.

Judy Bixby cited a report on legalization in Colorado that draws attention to magnets for kids that detail steps to follow in the event of an emergency.

**X. ADJOURNMENT:**

**A. Agenda items for next meeting.**

Planning and Zoning Department update.  
\$50 per ounce State excise tax sharing resolution review  
Testing facilities and protocols  
Medicinal / non-psychoactive uses

**B. Set next meeting date.**

Monday January 11, 2016 at 7PM.

**M - Windsor /S - Ash, moved to adjourn at approximately 9:00pm. Motion carried unanimously.**

Attest:  
Reuben Yerkes, Paralegal