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# Marijuana Advisory Committee Minutes

Monday, February 1, 2016 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, Lindsay Evans**

### I. CALL TO ORDER

Chair Albertson called the meeting to order at approximately 7:07pm.

### II. ROLL CALL

Present: Levi Albertson, Joseph D'Arienzo, Andrew Hames, Pamela Ash, Bob Potrzuski, Jay Stelzenmuller, Lindsay Evans

Absent: Darrell Windsor (excused), Steven Eisenbeisz (excused)

Staff: Senior Planner Michael Scarcelli, Paralegal Reuben Yerkes

### III. AGENDA CHANGES: None

### IV. APPROVAL OF MINUTES: M - Stelzenmuller / S - Ash, motion passed unanimously as amended.

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

### VI. REPORTS:

#### Planning and Zoning Department Update

Scarcelli explained the course that the staff was going to take with regard to the options presented to the Committee at its last meeting. He stated that he would present the options that resulted from that meeting at the next planning meeting.

Potrzuski stated that he had visited a medical marijuana facility in Washington State. He added that they were combining medical and recreational uses. He stated that they were having similar issues regarding the requisite buffer zone.

### VII. UNFINISHED BUSINESS:

#### Testing Facilities, access and process

Chair Albertson stated that a member of the public has requested of the committee to consider what constitutes "reasonable access". He added that whatever language the committee arrives at, it needs to include the wording, "without running afoul of Federal law". Potrzuski stated that he would rely on the Cole Memorandum for direction on the intent of the Federal government with regard to enforcement. He added that while in Washington State, he had heard that roughly \$150,000 was what was required to create a testing facility. Ash questioned how much a person would have to charge in order to recoup that \$150,000 initial investment. Evans mentioned that she had heard about possible mobile units that could travel around Southeast Alaska conducting testing. Chair Albertson stated his concern that without access to testing, the marijuana industry is not going to exist in Sitka.

**Aaron Bean was invited to address the Committee regarding testing facilities.**

Bean stated that the State wants to see more definition of what exactly “reasonable access” is. He added that he was aware of testing kits available online that allowed an individual to test for pesticides, and waste. He stated that the kits also would allow for identification of strain and THC level. Bean stated that the kits were accurate within 5% of THC content. He said that with the changes he proposed, cultivators could test with the approval and oversight of the Local Regulatory Authority (LRA). D’Arienzo asked if the LRA approved a testing process, would the State need to approve that testing as well. Bean stated that was his understanding. He asked that should the LRA disapprove of a given testing option, that it then propose alternatives, regardless of what those alternatives are. D’Arienzo asked if this proposed arrangement would be specific to remote locations. Bean stated that was his understanding. Hames stated that he was not comfortable with businesses themselves doing the testing, because of the obvious conflict of interest. He added that he could reconsider this position given the fact that if a given business is testing their own product, and it is sub-par, that business would suffer. Stelzenmuller asked what it would cost to be able to test for to the current State testing requirements. Bean stated that it would cost about \$1,000 per batch to test as currently required by the State.

Evans stated that she was not confident in the home testing option. She pointed out that anyone could move to Sitka with the purpose of selling and they may not have the best ethical standards.

Potrzuski stated that he was uncomfortable with a lack of independent testing. He felt that based on Mr. Bean’s testimony; there was too much inherent ambiguity to the testing capabilities. Stelzenmuller stated that he generally agreed. He added that the people should remember that currently a myriad of people are consuming marijuana with zero testing requirements. Ash stated that she felt that the State had backed rural municipalities into a corner by proffering such onerous testing requirements.

Evans stated that there were quite a few facilities in the State of California that currently did testing, and their staffs were highly trained. Chair Albertson stated that he wasn’t aware that home test kits existed. He stated that he was not sure if he favored home testing kits or third party testing. He added that oversight would be a necessity. He added that he was excited by the possibility of the kits mentioned by Aaron Bean.

Hames stated that first party or third party was less of a sticking point. He added that everything that was being discussed was illegal at the federal level. He stated that he felt that if the Federal government would adhere to the Cole Memorandum, he was comfortable with allowing transport on the Alaska Marine Lines to a nearby city where a testing facility may be located. Chair Albertson stated that he would not be comfortable jumping on the ferry with a suitcase full of marijuana. Hames stated that he also wasn’t sure he was comfortable doing that himself either. He added that the State board has been made well aware of these challenges faced by rural municipalities. He added that while it wasn’t ideal, he was confident that the option of the ferry wasn’t a deal breaker in light of the stated position in the Cole Memorandum. Chair Albertson stated that the language “best means available without running afoul of Federal law” was sufficient as a basic framework for testing. He added that while it may not be as precise as a State certified lab, it was likely significantly better than the current methodology employed by the black market.

Stelzenmuller stated that he would suggest tabling the issue now and revisiting in a week after trying to come up with new language. Potrzuski pointed out that for decades marijuana has been able to move around quite effectively without virtue of it having been legalized. He continued that additionally there is now Federal government memorandum that stated that it will not impede the flow of marijuana if it is for the purpose of regulation and public safety issues.

**M – Stelzenmuller / S – Potrzuski, to table this discussion until next week.**

Stelzenmuller stated that he agreed because he wanted to hear what came out of the February 11<sup>th</sup> Marijuana Board meeting. Chair Albertson stated that while he could see the benefit of tabling until the board had held its hearing, he felt that the Committee was capable of handling the question of testing immediately. D'Arienzo said that he would like to see some wording for the Committee to consider. Hames felt that it was something that was very important and that the Committee should handle it now.

Stop: 8:18

Start: 8:29

**Motion failed unanimously.**

Potrzuski offered language addressing the testing challenges faced by more remote municipalities that could be addressed to the City Assembly in a number of ways. He recommended the following language, “The small communities of Alaska with no access to the road system would have a difficult time implementing a viable marijuana industry due to the lack of reasonable access to testing facilities. Federal law does not allow the movement of marijuana products via air or water. Full testing facilities which would meet state standards, are cost prohibitive for all of the small communities which would need one. Therefore, we would like the state to allow testing to state labelling standards, by means acceptable to the local LRA.”

Chair Albertson stated that he felt that Potrzuski’s wording encompassed what was needed very well. He added that he didn’t feel there was time for this language to go to the Assembly for consideration. He felt that it would make sense rather to have this as a recommendation in the final report.

Chair Albertson stated that his concern was the provision that required, “to State standards”. Chair Albertson recommended as an alternative to this language using “labeling standards” as opposed to State standards. He added that in order to be able to be brought up during the State board meeting on February 11, someone would have to bring it up during the public comment period. The Committee agreed to include the language in the final report to the Assembly.

**VIII. NEW BUSINESS:**

**Status of LRA duties and final report.**

Stelzenmuller stated that he had a copy of the enabling code. Potrzuski stated that he had seen a few other reports from other committees. Hames asked if anyone had some ideas as to concerns. Chair Albertson asked that staff bring a list of what has been recommended to be in the final report thus far.

**M – Hames / S-Potrzuski, motion to table agenda item until next meeting. Motion passed unanimously.**

**Serving Size discussion**

Potrzuski stated that in his time in Washington they were selling one serving per packaging. Hames added that THC was listed on each package, and the strain.

Stelzenmuller stated that in State regulation 3AAC.306.560(2) he would like to strike the word 10 and insert 1 and replace 50 with 5. He added that he felt that 5 milligrams was enough for one dose per package. He added that in State regulation 3AAC.306.560(1), five milligrams was a single dose of THC. He stated that he would like to put it in Sitka General Code Title 7 as a new section as well.

Chair Albertson stated that he didn't support this concept, as such restrictions are not exacted on any other intoxicants. He added that he felt that it wasn't anyone's job to dictate how much anyone can alter their consciousness. D'Arienzo stated that he felt that it was self-regulating as the State regulations are written. Stelzenmuller stated that based on the experience of Colorado, many consumers were making mistakes while consuming marijuana based on lack of knowledge of potency. He added that he was concerned about children and accidental ingestion. Ash stated that was the same as kids taking straight shots of liquor. Stelzenmuller stated that a taste of alcohol would likely shock a child more than a piece of chocolate laced with marijuana. Evans stated that she hopes that retail sellers will take it upon themselves to educate their patrons on consumption size. She said that perhaps it would make sense to have requirements for packaging. Chair Albertson stated that State regulations already have packaging requirements outlined with an eye toward protecting children. Ash said that she had neighbors who smoke frequently with children around them in spite of the fact that cigarette packaging has warnings about smoking around children.

**IX. PERSONS TO BE HEARD:**

Aaron Bean stated that kids will never have product in their hands if dispensaries are following the law. He said that if the industry is regulated as it is supposed to be regulated, child exposure would be minimal. He added that by getting rid of the black market their will naturally be a significant decrease in marijuana products in the hands of children over time.

Mike Dealy stated that the testing thing was kind of based on the honor system. He said that for an entire crop only 3.5 grams had to be tested, and that a grower could choose which plant to take the sample from.

Marge Esquiro stated that she didn't think that the State Marijuana Board was taking public comment at its next meeting. She said that everyone talks like they are the expert and she felt that no one was. She added that everything was moving very fast, and that more time would likely be needed to finalize the topics being discussed.

**X. ADJOURNMENT:**

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

LRA discussion, duties and final report

**B. Set next meeting date.**

Monday February 8, 2016 at 7:00pm

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

Attest:  
Reuben Yerkes, Paralegal