




City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Memorandum

To: Mayor McConnell and Assembly Members
Mark Gorman, Municipal Administrator

From: Scott Brylinsky, Temporary Planner 

Subject: Cannabis legalization – timeline and recommendations

Date: June 17, 2015

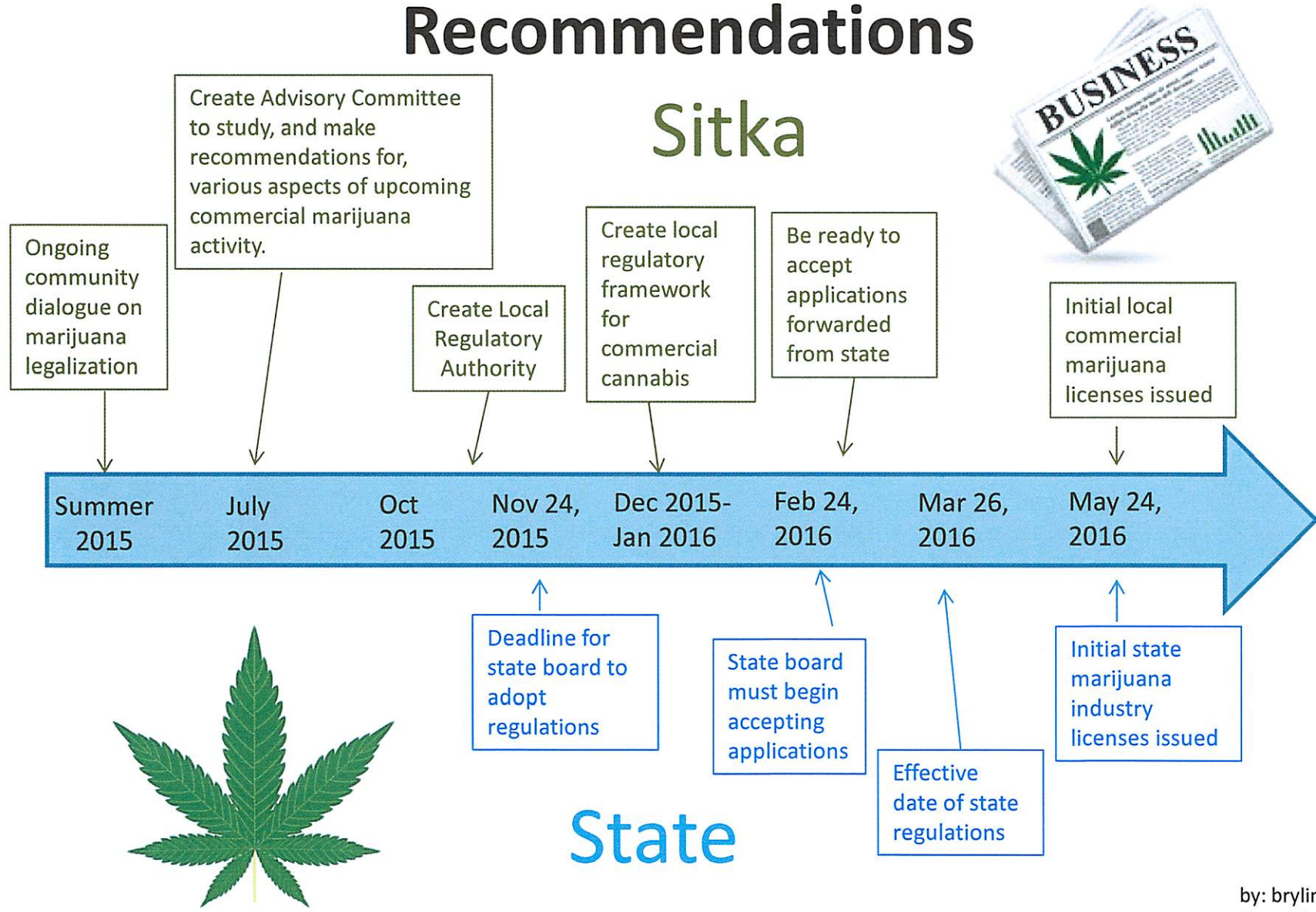
The attached graphic and 2-page summary paper provide a brief overview of key upcoming dates pertaining to cannabis legalization, along with some recommendations.

The most important recommendation for now is that an Advisory Committee be formed to study and make recommendations for policy direction for local regulation development. Several other communities have formed such committees, including Juneau, Ketchikan, and Petersburg.

The state law passed last year anticipates a local regulatory process which complements the state regulatory process. The state law does not, however, provide a prescriptive guide to what a local regulatory framework should look like. That is up to each community to decide.

The attached materials provide a general framework of what to expect in the coming months, and how the community might move forward in the evolving landscape of marijuana legalization.

Marijuana Legalization Timelines and Recommendations



Cannabis Legalization: Recommendations with suggested timeframes

by: Brylinsky
June 16, 2015

1. **Recommendation:** Create Advisory Committee on cannabis legalization. One possible composition might be: two Assembly members, two Planning Commission members, the Police Chief, a School Board member, and three members of the public. Alternately, an Advisory Committee role could be assigned to an existing body, such as the Health Needs and Human Services Commission.
Staff support would be provided by the Legal Department and the Planning and Community Development Department, and other departments as needed.
Who: Assembly.
Purpose: Study and make recommendations for policy direction for local regulation development in areas including but not limited to, zoning, public safety, permitting and taxation, and composition of the Local Regulatory Authority.
When: July 2015.

Background: Several communities have created Advisory committees including Anchorage, Juneau, Ketchikan, and Petersburg. There are many areas to explore and discuss for policy and regulation development, such as number of licenses of each type to issue, where businesses should be permitted, buffers from schools, churches, and other businesses, etc. Working through such details is suited to a working committee format. Juneau's committee includes four Assembly members and three Planning Commissioners. Ketchikan's is two Borough Assembly members, five city Council members, and a School Board member. Petersburg's is seventeen members, and according to their Clerk includes all community members who expressed an interest.

2. **Recommendation:** Create Local Regulatory Authority
Who: Assembly. Options include, but are not limited to:
 - a. Create new commission.
 - b. Planning Commission or other existing commission (Police and Fire?)
 - c. Assembly
 - d. Administrator

When: October 2015. Local Regulatory Authority should be in place to participate in development of regulations under next item.

Background: The state law anticipates a local regulatory process (AS 17.38.100) which complements the state regulatory process. State licenses will be issued in the areas of cultivation, testing, processing, and retail sales. A Local Regulatory Authority to review and approve license applications forwarded from the state is a necessary component of a local regulatory process.

3. **Recommendation:** Develop and adopt local regulatory framework for cannabis legalization.

Who:

- a. Planning Department – zoning code amendments
- b. Building Dept – building and fire code amendments
- c. Police Dept – update local criminal and misdemeanor laws to complement state laws, if necessary
- d. Other?

When: December 2015 to January 2016.

Background: November 24, 2015 is the date when the state ABC board must adopt regulations. Developing local regulations after that date would give opportunity for local review of the final state regulations and opportunity to assure that locally drafted regulations complement, and coordinate with, the state regulations. Could begin this step earlier if state regulations are available sooner.

4. **What:** Begin accepting applications for commercial activity, forwarded from state board.

Who: Local Regulatory Authority

When: February 24, 2016.

Background: This is the date when the state marijuana board will begin accepting applications. Should that board elect to immediately forward applications to local jurisdictions, it would be prudent to have a local review process in place.

5. **What:** Initial marijuana businesses approved to operate by state, and potentially by Sitka.

Who: “Certificates to Operate” issued by Local Regularity Authority.

When: May 24, 2016. (Consistent with state regulations.)

Schedule for State from ABC website:

<http://commerce.state.ak.us/dnn/abc/resources/MarijuanaInitiativeFAQs.aspx>

November 4, 2014 – Statewide election held. Ballot Measure 2 passes 53% to 47%.

November 24, 2014 – Vote certified by Division of Elections. Statutes will be enacted by operation of law 90 days later.

January 20, 2015 – Legislature gavels in. Multiple bills related to the marijuana industry are anticipated.

February 24, 2015 – Statutes are enacted. The nine month deadline for developing regulations begins.

April 19, 2015 – Legislature scheduled to adjourn.

November 24, 2015 – Deadline for the board to adopt regulations; if not adopted by this date, local governments have the option of establishing their own regulations. Final regulations package submitted to the Governor’s Office and Department of Law for review and approval.

February 24, 2016 – Board must start accepting applications and must act on them within 90 days of receipt of application. 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.