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# TURNAGAIN COMMUNITY COUNCIL

c/o Federation of Community Councils  
1057 West Fireweed Lane, Suite 100  
Anchorage, Alaska 99503

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TO: Members of the Anchorage Assembly  
FROM: Turnagain Community Council Executive Board  
DATE: Wednesday, September 13, 2017  
RE: Comments on Proposed Regulations for Onsite Marijuana Consumption

*Note: In order to meet the Assembly Community & Economic Development Committee's September 14<sup>th</sup> deadline, the Turnagain Community Council (TCC) Executive Board is submitting the following comments, which are based on previous views expressed during discussion of potential retail onsite marijuana consumption in 2016, as well as concerns expressed by TCC members this year. TCC's Land Use, License and Permit Review Committee will also be meeting later this month to discuss the onsite marijuana consumption proposal. Any additional or amended recommendations will be presented by the committee at TCC's October 7, 2017, general meeting. We will provide the Assembly our final, approved comments to the Assembly before its October 10<sup>th</sup> public hearing on this matter.*

Members of the Assembly:

Thank you for the opportunity to provide written comments on the Marijuana Control Board's proposed regulations to allow onsite consumption of marijuana at retail stores. Below is a list of TCC members' concerns, many of which were raised last year during review of the Muni's draft marijuana licensing and land use ordinances, when the Assembly briefly considered allowing onsite consumption in AO 2016-16.

While Turnagain does not currently have any marijuana retail establishments, our neighborhood is adjacent to Spenard Road and just down the road from Midtown, where several retail stores have already opened and which may have spillover impacts into our neighborhood, such as drivers under the influence heading home on Northern Lights Blvd. or Spenard Rd. We are therefore interested in voicing our concerns, as potential impacts from onsite consumption may affect all neighborhoods — not just those immediately adjacent to a retail establishment — and these retail onsite consumption sites could be in areas where Turnagain residents choose to “work, live and play” within our city. While TCC members have expressed mixed opinions on the overall concept of allowing onsite marijuana consumption in Anchorage, the following comments have had broad agreement, and focus on specific health and safety impacts of the onsite consumption proposal.

1. TCC is concerned about the implications of the Assembly endorsing the state's proposal to allow onsite consumption of marijuana at retail stores, and in the process weakening or undoing the current smokefree indoor air ordinance (AMC 16.65.010).

Keeping our public places, including bars, restaurants and similar establishments, free of tobacco smoke is a critically important health protection for the public and in particular for workers at these establishments. Permitting smoking of marijuana, which involves combusting plant material similar to the process of smoking cigarettes, could re-open public discussion about the smokefree ordinance, or create an inconsistent policy about indoor smoke.

2. While the science on the health effects of marijuana is still limited, there are studies demonstrating that tobacco and marijuana smoke have similar carcinogenic properties, which suggests that

exposure to secondhand smoke from either product poses health risks to customers, workers and others in nearby areas where secondhand smoke is released into the air.

The draft regulation requires the business to maintain a smokefree area for employees to monitor the consumption area, but it is unrealistic to require the business to keep employees away from smoke during their entire work shift, and workers would still be exposed to marijuana smoke when they enter the consumption area. This undermines the goals of the existing smokefree ordinance, and in the absence of evidence that marijuana smoke is *not* harmful, would treat two similar substances differently.

3. The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) publishes national indoor air quality standards, and has for several years stated that there is no acceptable level of environmental tobacco smoke (ETS) to be considered having safe indoor air. They find that there is no existing ventilation system that can sufficiently remove these particles from the air, and that an indoor smoking ban is much more effective to ensure adequate air quality. More recently, ASHRAE added marijuana smoke and e-cigarette vapor to this list.

The current proposal includes ventilation requirements for establishments that allow smoking, which may reduce or eliminate odors within or outside of the consumption area, but ventilation will not address the health impacts of marijuana smoke and would therefore not be effective protection against secondhand smoke.

4. The proposed regulations also allow for an outdoor onsite consumption area — TCC is concerned about the impacts of exposure/inhalation to outdoor areas, including surrounding businesses, sidewalks, parking lots, and neighborhoods. While smoke would dissipate faster outdoors, it would still expose others to the odor and secondhand smoke in the surrounding area, and it is unclear how this could be adequately controlled while remaining an unenclosed outdoor area.

Allowing outdoor consumption on premises would also not be consistent with the intent of the Municipality's smokefree ordinance.

5. TCC is also concerned about what happens to customers after leaving the consumption area, particularly if they are inexperienced with marijuana use and/or have overconsumed:

Will intoxicated customers drive home after taking a large dose? What about consuming edibles, which can take several hours to work through a person's system? The regulation allows consumption of 1 gram of marijuana in one sitting, which is a significant amount for one person in the space of two hours. What public safety impacts will the Muni have to deal with from drugged driving, given that most people use vehicles to get around, and there may be many inexperienced people trying these products?

6. Another potential public safety concern is exposure to secondhand smoke for police, fire department, and EMS staff who may need to enter a marijuana establishment designated consumption area for a consumption-related incident or an unrelated incident.

If this smoke has sufficient potency to create a "buzz" from inhaling, this could impact their ability to do their jobs, or require wearing ventilation equipment. See Alaska Journal of Commerce, "Homer City Council will reconsider marijuana business on spit," September 10, 2017. <http://www.alaskajournal.com/cannabis#.WbYtta2ZOuV>

7. Ballot Measure 2, passed in 2014 legalizing commercial production and sales of marijuana, included a specific list of licenses, none of which were intended to allow onsite consumption, and specifically banned marijuana consumption in public places.

There does not appear to be a legal basis for creating a new license activity in regulation where it is not supported in statute, and in conflict with the public consumption ban, with the definition of a “public place” including indoor establishments like bars and package stores. TCC requests that the Assembly seek a legal opinion on this matter — and provide this opinion to the public — before considering its own ordinance, which would be based on a regulation that is not supported in statute.

8. Given all of these concerns about secondhand smoke and associated impacts, **TCC urges the Assembly to consider only allowing consumption of marijuana-infused edibles at retail establishments.**

While there would still be concerns about over-consumption, drugged driving and other potential impacts, allowing edibles only would:

- Be consistent with the existing Anchorage smokefree indoor air ordinance;
- Not require businesses to install additional ventilation that will ultimately not solve the problem it is intended to solve; and
- Limit exposure for workers, customers who are not consuming products, public safety personnel, and the general public.

This still allows businesses to showcase a wide variety of products, pair marijuana-infused products with other foods, and allows consumers an opportunity to use marijuana outside their home or other private space. TCC is not specifically in favor of allowing edibles, but recognizes that compromise will likely be necessary, depending on the actions of the Marijuana Control Board on these regulations.

9. Finally, TCC urges the Assembly to review the presentation and other materials provided to the Marijuana Control Board before making any policy decisions about marijuana consumption, including these two documents attached:

- Alaska Department of Social Services, Division of Public Health in May 2017 presentation about the health harms of marijuana smoke and the ineffectiveness of ventilation against indoor smoke, and
- CDC’s letter citing collected evidence to date about marijuana and health.

Again, thank you for reaching out to community councils regarding input on the proposal to allow onsite consumption of marijuana at retail establishment in Anchorage. Please don’t hesitate to contact me if you have any questions regarding Turnagain Community Council’s input at this stage of the Assembly’s consideration of this matter.

Sincerely,  
Cathy L. Gleason  
Turnagain Community Council Acting President

*Please note; I am currently out of state, but plan to be back in Anchorage by Monday, September 18<sup>th</sup>. If you need to contact a TCC Board Member before then, please contact TCC Secretary Anna Brawley at [annab.brawley@gmail.com](mailto:annab.brawley@gmail.com).*