

Dear Council Members,

I'd like to thank you for your dedication to the wonderful city we call Nome.

On March 16<sup>th</sup>, 2017 Nome Grown LLC opened it's doors for business; featuring a retail marijuana dispensary and a limited cannabis cultivation facility (the only cannabis cultivation in western Alaska).

Despite the taboo stereotypes and antiquated beliefs which are often based on emotion rather than reason surrounding the nascent marijuana industry, Nome Grown LLC has grown to employ 5 full time employees and 3 part time employees. We hope to increase the number of full-time/ part-time positions and sales tax revenue for the city.

The total U.S. economic impact from marijuana sales in 2023 is expected to reach \$100 billion- up more than 12% from last year, according to the recently published MJBiz Factbook.

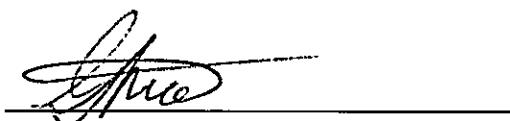
The economic impact to the state of Alaska is listed at \$1.1 billion. For each state the economic impact per person varies based on factors such as population size, etc. For Alaska, the marijuana market will deliver roughly \$1431 of economic impact per person this year (MJ BizDaily, "US cannabis industry's \$100 million economic impact varies by state"; Andrew Long, 5/11/23). On the local level, the city of Nome collected \$287,630.64 in total sales tax and any penalty and interest in 2022 for cannabis. That roughly translates into \$80 per Nome citizen of economic impact. (City Clerk's Office/ US Census Bureau)

Over the past several months I have been engaged with the SOA Marijuana Control Board on legislation that will allow dispensaries to employ the use of a exterior pick up window for cannabis transactions. On July 14<sup>th</sup>, the Lieutenant Governor, Nancy Dalstrom; signed it into law with an effective date of August 13<sup>th</sup>, 2023. This specifically permits the use of a walk-up or drive through exterior window as part of the operation plan for a particular dispensary with proper permits in place.

In effort to see the recently passed aforementioned legislation implemented on the local level and to update city ordinance to be in line with state statutes; I would like to propose an amendment to City of Nome code of ordinances for your consideration. Specifically under Title 3; section 3.4.080 Hours of Sale I propose to amend Section (b) to possibly read: The exception to subsection (a) a retail marijuana establishment may employ the use of an exterior window pick up that is compliance with all applicable state statutes and local ordinances between the hours of ten a.m. to three a.m.. Perhaps re- lettering the existing exception under (b) to (c) and the existing section (c) to (d) may prove prudent.

I Have attached pertinent letters that provide the backdrop to the process with the Marijuana Control Board that has led us here. I truly look forward to working with the city council and officials to see this to fruition. Please feel free to contact me to seek clarification and/ or answer any questions or concerns.

Warmest Regards,



Gregory Smith/ Nome Grown LLC

Dear Honorable Members of the Alaska Marijuana Control Board,

I am writing to you today as a licensee of a retail marijuana store and as a member of the public who sees the safety reasons for this proposed regulation. I would thank the board for this regulation project and the AMCO examiners for all their hard work bringing this regulation draft to us for public comment. As I'm sure you recall, I have been in front of this board on a couple of occasions regarding this exact matter. I am here today to express my support for the majority of the proposed regulation, 3AAC 306.380, Walk-up or Drive-through Exterior Window Pick-up for Retail Marijuana Stores. This new regulation will give customers a simple, secure, and safe way to buy marijuana and marijuana-related products.

All of us Alaskans have to value our safety and security. As much as we love and cherish our town and State, it is not lost on us that our weather and geographical conditions are harsh. The conditions are extreme for anyone, but the concern is heightened for our elders. Accessibility is crucial to keep us safe and healthy. One of the main benefits of drive-through locations is the convenience it provides to legal marijuana consumers, particularly those with mobility limitations or disabilities. Some of us have trouble walking, some of us can't walk, and we rely on wheelchairs or other walking/mobility aids. Some of us have such major accessibility hindrances that we're too afraid to leave our houses regularly, knowing we must get out of our vehicles and walk through parking lots and areas that can be directly affected by the extreme weather Alaska has to get to our destination. Sometimes the weather can be too much, high winds/blizzards, rain, heat, etc., so instead, we go without because we cannot get from the car to the building without having safety issues. Now, some people will say, "so what, don't buy or smoke weed if you can't get to the store" this statement doesn't take into consideration that some people have either physical or moral reasons to take marijuana as an alternative to opiates or other pharmaceuticals, just because the State of Alaska has recreationally legal marijuana doesn't negate the fact that marijuana has medicinal benefits.

When 3 AAC 306.380 is passed, it will allow these individuals to purchase their desired products without physically entering the store; consumers will still be on the licensed premises, they will still follow the identification regulations, the required signage will still be visible to customers while making their way through the drive through thus, making marijuana more accessible and more convenient for elders and other-abled individuals while remaining legal.

Drive-through locations at retail marijuana stores in Nome and statewide would significantly reduce our safety risks, especially in winter or inclement weather. Elders, in particular, will benefit from this option as they can access their desired products without physically entering the store, which is crucial for their safety. The harsh weather conditions in Nome can be extremely challenging for anyone, especially those who rely on wheelchairs or other mobility aids. The drive-through option will reduce the safety risks for these individuals, as they no longer have to walk through windy, rainy, snowy, and slippery conditions to access the store.

In addition to convenience, drive-through locations also offer enhanced safety measures. All transactions will be recorded through video surveillance and kept on file for at least 40 days, ensuring the legality of each sale and verifying the customer's identification. The requirement for payment to be made through an electronic platform or mobile point-of-sale system also adds an extra layer of security, further reducing the risk of theft.

I appreciate the proposed regulations' consideration of the requirements and restrictions imposed by local governments; this shows the MCB's commitment to responsible regulation and respect for local communities and their concerns. The City of Nome and its elders have also shown their support for this regulation, demonstrating the importance of this proposed change.

All this being said, I do think that 3 AAC 306.380 (e) needs to be adjusted, "Prior to completing a sale at a walk-up or drive-through exterior window, the licensee or the employee shall physically view and inspect the consumer's photo identification" – this part is 100% acceptable however, "Each person in a vehicle at the drive-through exterior window must be 21 years of age or older unless the person is the consumer's own child, grandchild, or ward who is not older than seven years of age seated or otherwise required by local or state law to be seated in a car seat or booster seat." First and foremost, adding this to the proposed regulation completely defeats the purpose. Parents do not want to leave their children in unattended running vehicles in the long cold Alaskan winter. The board hears this, so we get a reg project drafted only for the regulation to say that only parents of children in car seats can use the drive through, all other parents need to leave their children unattended in a running vehicle or get a babysitter to run to the retail marijuana store, and this should not be the case. Also, not many parents carry ID for their children, so how does a parent of a tall or large child and not in a booster or car seat prove their age? Not only does this pose a problem, but it is a bit of a government over-reach over a product that, under 3 AAC 306.345(a)(3) at the point of sale, marijuana or a marijuana product sold is packaged in resealable, child-resistant packaging designed to be constructed to be significantly difficult for children under five years of age to open, but not normally difficult for adults to use properly; and (4) unless already packaged by the cultivation facility or the manufacturing facility in an opaque package for final retail sale, any marijuana or marijuana product purchased by the consumer is placed in an opaque package by the retail marijuana store or the consumer before the consumer exits the retail marijuana store. Parents can drive through a pharmacy drive-through with a van load of children and pick up hundreds or thousands of milligrams of opiates without question or take their children into a liquor store where children can clearly see every item for sale, but a parent can't drive through a pot shop drive through and pick up "some weed" that's in an opaque container because their over-seven child is in the car is non-sensical. . Allowing parents to make their own choices for their families is a human right and may open up the conversation they all need to have with their families.

In conclusion, the proposed regulation, 3AAC 306.380, Walk-up or Drive-through Exterior Window Pick-up for Retail Marijuana Stores, with some minor changes, is a positive step forward for the retail marijuana industry in Alaska. It will provide customers with more convenient and safe access to marijuana and marijuana-related products while also ensuring the legality and security of each transaction.

Thank you for considering my comments and for your commitment to the responsible regulation of the retail marijuana industry. I strongly support the proposed regulation and hope it will be implemented soon.

Sincerely,

Greg Smith



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March 17, 2022

**Re: MJ14 request for Nome Grown Retail License**

Dear Honorable Marijuana Control Board,

As a background refresher on this MJ14 request, this Board denied a previous submission of a MJ14 for Nome Grown Retail License at the October 2021 MCB meeting in Anchorage, Alaska. The Board provided feedback to the applicant to review in detail Enforcement's Memo authored by Chief Hoelscher that outlined regulatory concerns and considerations as the applicant also recognized that there were some regulatory issues identified by Chief Hoelscher that needed further clarification. The Board then directed the applicant to re-apply with a plan that addressed all items identified by Chief Hoelscher. Please see below for a detailed outline of Nome Grown's plan to address each regulatory concern raised by Chief Hoelscher and the Enforcement Team:

1. "Approval of this diagram would not be in accordance with 3AAC 306.705, the "conex" is separate and may be considered adjacent if the fence is taken into consideration. Even with that consideration the "conex" would be a restricted access area." Nome Grown response to this concern is that the term "conex" was a simplified way to denote a structure and to convey its approximate size and added security to the facility. The building that houses the drive up window is a traditional wood structure that was originally part of the cultivation building. Access to the restricted access area of the drive-up window work area is through the cultivation building. We are unsure why this item was listed as a concern for enforcement. This building structure has been approved by the local government and a connecting sight obscuring fencing enclosure shown on the diagram set increases security for the entire facility and ensures no marijuana is seen by the public outside the licensed premises.
2. "Would be an act prohibited as a retail marijuana store may only sell marijuana or a marijuana product to a consumer who is physically present on the licensed premises." Nome Grown addressed this regulatory concern by including a slight additional expansion of the licensed premises area directly outside the pick-up window as part of the licensed premises. As you can see on the attached MJ14 diagram set, an area measuring in size of 6 feet by 8 feet has been added to the walk-up/drive area as licensed premises area. Per 3AAC 306.990(23), a licensed premises may include outdoor areas. Additionally, part of



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the drive-up/walk-up plan is to clearly mark the outside licensed premises area with barriers. These 6' x 8' barriers will be in place when the walk-up/drive-up is not open to the public.

3. Enforcement also noted concerns that it would be difficult to assess if a person was under the age of 21 in this walk-up/drive-up model. However, we disagree – to our knowledge, during the emergency declaration period when the 3 AAC 306.995 were in place, there were no incidents of underage sales made to walkup/drive-up consumers. Additionally, unlike the emergency declaration regulations, Nome Grown will require all persons in the vehicle be 21. This will be required as the space right outside of the window will be licensed premises. Therefore, Greg shall have additional signage on the exterior of the building clearing stating, “No persons under the age of 21 years old past this point” and “Area under surveillance” to defer attempts by persons under 21 years of age from entering the outside licensed area. There will also be cameras monitoring the area of the walk-up/drive-up area and the drive way before the window to ensure the staff knows how many persons are in the vehicle so they know if any under age person is hiding when the vehicle drives up to the window.
4. Moreover, Nome is a small community, the folks that work at Nome Grown have been there on average for over 2 years. The staff at Nome Grown have lived in Nome for at least 5 years, but most were born and raised in Nome. Hence, Nome Grown staff knows its customers, its community, and they are uniquely situated to quickly identify any persons attempting to make a purchase who are not under the age of 21. Additionally, the idea that it's more difficult to assess a person's identity and age just because it's a drive up model is inconsistent with the use of drive-ups in other *highly* regulated industries such as banking and pharmacies.
5. Another point raised by Enforcement is the concern that it's difficult to assess whether a person is under the influence of an intoxicating substance if that person is in a vehicle vs. coming into the store. To address this concern, Greg has added extra training and protocols for his staff to make a purposeful effort to engage in conversation with each person in the vehicle and exchange in dialogue to watch for signs of inebriation. Greg is a highly trained drug and alcohol addiction health provider and whom as an adjunct faculty of UAF to this endeavor has the knowledge, the training, and the skill set to create protocols and procedures for staff who do work the window to purposefully engage with customers and watch for telltale signs of inebriation. Additionally, during the emergency declaration period, there were no incidents of increased marijuana sales to inebriated persons or an increased rate of retail stores having to refuse to sell to consumers because they tried to go through drive-ups inebriated. Presumably, if a person is intoxicated and driving a vehicle



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through a narrow driveway, it's going to be easier to tell if they are drunk then it would be if they were just having to walk into the store.

6. Another concern raised by enforcement is that because there may be minors in the vehicle that all occupants would need to show valid ID proving that they are all over the age of 21. We agree and have modified the plan to ensure all occupants of any vehicle that goes through the driveway show valid identification proving they are 21 years of age or older.
7. Enforcement, recognizing the rural nature of Nome, voiced concerns about how staff would ensure that the identification a customer provides to them is actually their own identification in the event that customer traveled to the store on a four-wheeler or snow machine and was wearing facemasks, hats, helmets, etc. This is a good point, but this is already addressed in the Nome Grown procedures for the store as it currently is operated and would extend to the window walk-up/drive-up outside licensed premises as well. Currently, folks drive their snow machines and 4-wheelers to Nome Grown all the time. Customers know that they still have to remove their facemasks and helmets and show their face when they have their ID checked by the retail staff in order to purchase marijuana from the retail facility. This is currently the practice and will remain the practice.
8. Lastly, Enforcement's memo rightfully pointed out that the plan for the drive-up/walk-up did not address the requirement for posting the required consumer notices within the licensed premises area. The revised MJ15 and MJ14 attached clearly address this regulatory component and all consumer notices will be posted on the exterior of the building. The postings will be of such size to ensure clear visibility at all times to all consumers who utilize the walk-up/drive-up area.

Additionally, please see the list of elders who have indicated that they would very much like to have a drive through option when coming to Nome Grown. Given that the Nome Grown plan has addressed all regulatory and safety concerns raised by Enforcement, we respectfully request the Marijuana Control Board consider this unique proposal, the rural nature of the community, and the intent to provide ease of access to person over the age of 21 who chose to consume tested and regulated marijuana products.

Truly and Sincerely Yours,

Jana D. Weltzin, Esq.

NOME GROWN ELDER SUPPORT SIGNATURES --- WALK-UP / DRIVE-UP WINDOW

PRINT FULL NAME

SIGNATURE

1	Daniel KonoK	Daniel KonoK 12/1/21
2	Richard Okinello	Richard Okinello
3	Richard Okinello	Richard Okinello
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