



# CITY OF UTQIAGVIK

*"Farthest North Incorporated City"*

Introduced by:	Asisaun Toovak, Mayor
Date:	April 18, 2024
Public Hearing:	May 23, 2024
Action:	
Vote:	

## **CITY OF UTQIAGVIK, ALASKA**

### **ORDINANCE #04-2024**

#### **AN ORDINANCE REPEALING SECTION 8.19.030 OF THE CITY CODE, TO PERMIT THE MANUFACTURING, IMPORTING, AND SELLING OF MARIJUANA PRODUCTS**

**WHEREAS** the City of Utqiagvik's (the "City") Code of Ordinances (the "Code") Section 8.19.030 prohibits the manufacturing, importing, and selling of marijuana products by marijuana establishments;

**WHEREAS** the City has received requests from residents and a marijuana establishment to allow for the sale of marijuana products within the City;

**WHEREAS** the City Council considered the advantages and disadvantages of removing the prohibition on importing, manufacturing, and selling marijuana products; and

**WHEREAS** in order to promote local businesses, the City Council desires to repeal City Code Section 8.19.030, and permit the manufacturing, importing, and selling of marijuana products by marijuana establishments in the City, in accordance with Code Chapter 8.19 (Marijuana Regulation), and all applicable State of Alaska laws and regulations.

**BE IT ORDAINED** by the City Council of Utqiagvik, Alaska, that:

**SECTION 1. Classification.** This ordinance is permanent in nature and shall be incorporated into the Code.

**SECTION 2. Amendment of Section 8.19.010 of the Code.** Section 8.19.010 of the Code is amended to add:

"Person" includes a corporation, company, limited liability company, partnership, limited partnership, firm, association, organization, business trust, a joint venture, or any other form of business or business entity, as well as a natural person.

**SECTION 3. Amendment of Section 8.19.020 of the Code.** Section 8.19.020 of the Code is amended to add:

D. The city clerk shall protest an application to the local regulatory authority if the applicant proposes to operate a marijuana establishment within the city and does not possess all licenses, permits, and approvals needed to operate a marijuana establishment within the city.

**SECTION 4. Amendment of Section 8.19.030 of the Code.** Section 8.19.030 of the Code is amended as follows:

**8.19.030 Prohibition on ~~sale or~~ manufacture of marijuana products, ~~or importation for sale of~~ marijuana products.**

Marijuana establishments shall not manufacture ~~or sell~~ marijuana products ~~or import marijuana products for sale~~.

**SECTION 5. Addition of Section 8.19.070 to the Code.** The Code is amended to add a new Section 8.19.070 to read as follows:

**Section 8.19.070 License required.**

- A. No person may engage in the operation of a retail marijuana store in the city without a current business license issued by the city under chapter 6. A person must have a current business license for every retail marijuana store that the person operates under a separate name, even if a person operates more than one retail marijuana store.

**SECTION 6. Addition of Section 8.19.080 to the Code.** The Code is amended to add a new Section 8.19.070 to read as follows: **Section 8.19.080 Packaging and Labeling of Marijuana and Marijuana Product.**

- A. A retail marijuana store shall assure that:
  - 1. Marijuana sold on its licensed premises is packaged and labeled in compliance with 3 AAC 306.470 and 3 AAC 306.475;
  - 2. Any marijuana product sold on its licensed premises is packaged and labeled in compliance with 3 AAC 306.565 and 3 AAC 306.570, except that section 3 AAC 306.565(b)(2) does not apply to the packaging of wholesale marijuana products that are not edible marijuana products; and
  - 3. Marijuana or marijuana product sold at retail marijuana stores must be packaged in opaque, resealable, child-resistant packaging when the purchaser leaves the retail section of the licensed premises; the packaging must be designed or constructed to be significantly difficult for children under five years of age to open, but not normally difficult for adults to use properly.
- B. In addition to labeling requirements provided in subsection A of this section, a retail marijuana store shall affix a label to each package of marijuana or marijuana product that:
  - 1. Identifies the retail marijuana store selling the marijuana product by name or distinctive logo and marijuana establishment license number;
  - 2. States the total estimated amount of THC in the labeled product;

3. Contains each of the following statements:
- a. "Marijuana has intoxicating effects and may be habit forming and addictive.";
  - b. "Marijuana impairs concentration, coordination, and judgment. Do not operating a vehicle or machinery under its influence.";
  - c. "There are health risks associated with consumption of marijuana.";
  - d. "For use only by adults 21 years of age or older. Keep out of reach of children."; and
  - e. "Marijuana should not be used by women who are pregnant or breast feeding."

**SECTION 7. Application.** Should any provision of this Ordinance, or application thereof to any person or circumstances be declared invalid, void, or illegal, the application to other persons or circumstances shall not be affected thereby. Further, such declaration shall in no way affect, impair, or invalidate any other provision hereof and such other provisions shall remain in full force and effect.

**SECTION 8. Severability.** Nothing in this Ordinance shall be construed to authorize or condone actions that would violate any requirement of applicable state or federal law. This ordinance is intended to be interpreted consistently with, where possible, the Constitution of the United States, the Constitution of the State of Alaska, federal statutes and regulations, and Alaska statutes and regulations. Where it is not possible to construe a provision of this Ordinance consistently with these state and federal provisions, the conflicting provision of this Ordinance shall be void.

**SECTION 9. Effective Date.** This Ordinance becomes effective immediately.

**ENACTED THIS 23<sup>rd</sup> DAY OF MAY, 2024, by a vote of \_\_\_ in favor and \_\_\_ opposed.**

\_\_\_\_\_  
Asisaun Toovak, Mayor

ATTEST:

\_\_\_\_\_  
Mary V. Patkotak, City Clerk