



THE STATE
of **ALASKA**

GOVERNOR BILL WALKER

**Department of
Health and Social Services**

DIVISION OF PUBLIC HEALTH
Director's Office

3601 C Street, Suite 756
Anchorage, Alaska 99503-5924
Main: 907.269-8126
Fax: 907.269-2048

October 23, 2017

Erika McConnell, Director
Alcohol and Marijuana Control Office
550 W 7th Ave, Suite 1600
Anchorage, AK 99501

Dear Ms. McConnell:

On behalf of the Alaska Office of Substance Misuse and Addiction Prevention, we respectfully submit comments on proposed regulation 3 AAC 306.370 and 3 AAC 306.990 (b) to allow retail marijuana licensees to apply for an onsite consumption endorsement, and to define "marijuana consumption area", respectively. This proposed regulation raises concern for Alaskans' health and safety; therefore, we oppose the onsite (public) consumption of smoked, vaped, aerosolized, and edible marijuana products on retailer premises because of the potential health harms to users and non-users.

Public consumption of marijuana was intended to remain illegal. The language in Ballot Measure 2, voted on by the public and now enacted in AS 17.38.040, does not allow for public consumption of marijuana and includes a \$100 fine for this activity. Regulations—first adopted by the Board in February 2015 to define the term "public"—support this restriction. Sec 17.38.020 of the initiative stated: "...nothing in this chapter shall permit the consumption of marijuana in public."

Many local communities lack the health powers to enact smokefree laws. The proposed regulations 3 AAC 306.370 (a) (2) (A) states that these regulations would be in effect "unless prohibited by a local ordinance or state law." Currently, approximately half of Alaska's population is covered by a local smoke free workplace law and many of those communities have updated their local ordinances to include marijuana secondhand smoke. However, some boroughs, such as the Matanuska Susitna Borough and the Fairbanks North Star Borough, would be unable to choose to prohibit onsite consumption if they wanted to because they are organized as second class boroughs without health powers.

Marijuana is known to impair reaction time, hand-eye coordination, and perception of time and distance, all of which increase the risk of being involved with motor vehicle crashes.

Marijuana affects people differently. The high from smoking marijuana can often be felt right away. However, the effects of marijuana can take longer to develop and last longer when eating or consuming marijuana. It is known that marijuana can make it unsafe to drive, bike, and do other activities, and the effects of marijuana edibles can last longer than users think. A person may feel safe to drive after a few hours; however, impairment can last much longer.

In a recent report released by the National Academies of Science, Engineering and Medicine, “substantial evidence of the statistical association between cannabis use and increased risk of motor vehicle crashes” was identified as one of the primary conclusions. Our concern with this proposal is that an increase in public consumption of marijuana may lead to increased driving under the influence, a significant public health area of concern.

Exposing others to secondhand smoke (SHS) is a public health hazard. In 2006, the U.S. Surgeon General concluded that there is no safe level of secondhand tobacco smoke. Because marijuana is illegal under federal law, there have been a limited number of studies examining health risks associated with second marijuana smoke exposure. However, peer-reviewed and published studies indicate that exposure to secondhand marijuana smoke may pose health risks for the public, especially due to its similar composition to secondhand tobacco smoke. According to Moir, et al, (*Chem Res Toxicol* 2008;21:494-502): “Secondhand marijuana smoke contains many of the same cancer-causing substances and toxic chemicals as secondhand smoke. Some of the known carcinogens or toxins present in marijuana smoke include: acetaldehyde, ammonia, arsenic, benzene, cadmium, chromium, formaldehyde, hydrogen cyanide, isoprene, lead, mercury, nickel, and quinolone. Moir, et al. also found significant amounts of mercury, cadmium, nickel, lead, and chromium in marijuana smoke. Comparing it to tobacco smoke, there was 20 times the amount of ammonia and 3-5 times more hydrogen cyanide in marijuana smoke.”

Additionally, a recent study published in the Journal of the American Heart Association concluded that “second hand smoke can exert similar adverse cardiovascular effects regardless of whether it is from tobacco or marijuana.” (Wang X, et al; *J Am Heart Assoc* 2016; DOI:10.1161/JAHA.116.003858)

No type of ventilation system will protect the public from the effects of secondhand smoke, vapor or aerosol. The proposed regulations contain a requirement for separate ventilation systems, separated by a “secure door”. Filtering the air or using ventilation systems will not completely protect the public’s health from marijuana smoke. This is supported by the 2006 U.S. Surgeon General report entitled “The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General.” The report stated that the scientific evidence now supports the following major conclusion:

“Eliminating smoking in indoor spaces fully protects nonsmokers from exposure to secondhand smoke. Separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposures of nonsmokers to secondhand smoke.”

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Furthermore, American Society for Heating, Refrigeration, and Air-Conditioning Engineers (ASHRAE), the standard setting body for the ventilation industry, affirms that mechanical solutions like ventilation cannot control for the health hazards of secondhand smoke, and it recently amended its ventilation standard in 2016 for acceptable indoor air quality to address marijuana. The proposed ventilation requirements in the regulations would cause businesses to invest money in structural changes, and yet not eliminate the health risks of exposure to marijuana secondhand smoke.

Based on these concerns for the health and safety of Alaskans, we recommend the Board not allow smoked, vaped, aerosolized, or edible marijuana consumption in public. Thank you for your time and consideration in supporting the health and safety of all Alaskans.

Sincerely,



Jay C. Butler, MD
Chief Medical Officer, and
Director of the Division of Public Health