

Introduced by: Assembly Member Dvorak  
Drafted by: Assembly Member Dvorak  
Introduced on: 06/18/2020  
Public Hearing Date: 07/06/2020  
Adopted on: 07/06/2020

**KODIAK ISLAND BOROUGH  
ORDINANCE NO. FY2021-10**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH RESCINDING A PROHIBITION ON EDIBLE MARIJUANA PRODUCTS.**

**WHEREAS,** the City of Kodiak rescinded its prohibition on marijuana edibles on March 12, 2020 by Ordinance No. 1394; and

**WHEREAS,** this action, which became effective on April 18, 2020, puts permitted marijuana businesses located in the Kodiak Island Borough, outside of the City of Kodiak jurisdiction, at a distinct disadvantage in that people can easily drive to the City of Kodiak to find these products thereby making the situation unfair for permitted marijuana businesses in the borough, while also making those businesses less competitive; and

**WHEREAS,** marijuana edibles are permitted outright, under the State of Alaska regulations pertaining to licensure of permitted marijuana businesses, subject to certain conditions to not label them in a manner which would make them attractive to children; and

**WHEREAS,** local governments can restrict or prohibit the sale of marijuana edibles under the applicable State of Alaska regulations, however when you have one government that permits edibles and one that does not, it creates an unfair business advantage that no longer will serve the public interest if edibles can still be legally purchased and consumed in the larger community simply by patronizing marijuana businesses in the city's jurisdiction; and

**WHEREAS,** in order to address the perceived inequality between city and borough marijuana businesses, an ordinance amendment is needed to amend the borough marijuana rules by striking the prohibition on marijuana edibles, in order to be substantially consistent with those of the City of Kodiak

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT:**

**Section 1:** This ordinance is of a general and permanent nature and shall become a part of the Kodiak Island Borough Code of Ordinances;

**Section 2:** The following code language is hereby amended as shown:

**5.02.010 Prohibitions.**

~~The commercial manufacture or sale of edible marijuana products as defined by state law is prohibited.~~

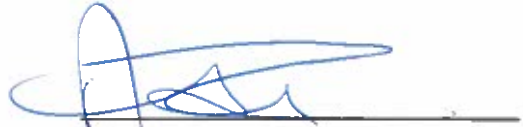
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**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
THIS SIXTEENTH DAY OF JULY, 2020.**

KODIAK ISLAND BOROUGH

  
\_\_\_\_\_  
William Roberts, Mayor

ATTEST:

  
\_\_\_\_\_  
Alise L. Rice, Borough Clerk

**VOTES:**

Ayes: Schroeder, Symmons, Dvorak, and Mayor Roberts

Noes: Kavanaugh, Skinner, and Arndt

