

Byron Mallott  
Lieutenant Governor  
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Anchorage, Alaska 99501  
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LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Micaela Fowler, AAC Contact  
Department of Commerce, Community and Economic Development

**FROM:** Scott Meriwether  
Special Assistant  
907.465.4081

A handwritten signature in blue ink, appearing to read "S. Meriwether".

**DATE:** June 22, 2015

**RE:** Filed Permanent Regulations: Alcoholic Beverage Control Board

Emergency regulations re: definition of "in public" for purposes of AS 17.38.040 (the regulation of marijuana: public consumption banned, penalty) (3 AAC 306.990)

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Attorney General File:	JU2015200149
Regulation Filed:	June 22, 2015
Effective Date:	February 24, 2015 (emergency regulations being "made permanent")
Print:	215, October 2015

cc with enclosures: Linda Miller, Department of Law  
Genevieve Wojtusik, Administrative Regulation Review Committee  
Judy Herndon, LexisNexis

## CERTIFICATION OF COMPLIANCE

I, Robert Klein, certify that, as required by AS 44.62.260 in order to make the attached 1 page of regulations permanent, as of this date a legal opinion of the Department of Law has been requested under AS 44.62.060, a notice conforming to AS 44.62.200 was issued in compliance with AS 44.62.190, and an opportunity for public comment was provided under AS 44.62.210, for the following emergency regulations:

The addition of a new subsection to 3 AAC 304.990 to define the term "in public" that appears in AS 17.38.040.

These regulations originally were filed as emergency regulations on February 24, 2015.


At its April 30, 2015 meeting, on the record in considering the public comments, the Alcoholic Beverage Control Board paid special attention to the cost to private persons of the regulatory action being taken.

DATE: 6/9/2015  
Anchorage, Alaska

  
Robert Klein, Chair  
Alcoholic Beverage Control Board

## FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on June 22, 2015, at 9:25 a.m., I filed the attached regulations according to the provisions of AS 44.62.

  
Lieutenant Governor

Register: 215, October 2015.

~~PROPOSED PERMANENT REGULATION~~

Register 215, October 2015

COMMERCE, COMMUNITY, AND EC. DEV.

The emergency amendment of (is made permanent)

3 AAC 304.990 is amended by adding a new subsection to read:

(3 AAC 306.990. Definitions.)

(b) In AS 17.38.040, "in public" means in a place to which the public or a substantial group of persons has access and includes highways, transportation facilities, schools, places of amusement or business, parks, playgrounds, prisons, and hallways, lobbies, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence. (Eff. 2/24/2015, Register 213)

~~(Eff. 4/28/84, Register 90; am 6/13/2003, Register 166; am / / Register )~~

Authority: ~~AS 04.06.090~~

AS 17.38.040

AS 17.38.090

~~AS 04.06.100~~

boldface and underline unnecessary

Editor's note: The definition of "in public" set out in 3 AAC 306.990 was originally adopted as an emergency regulation with the designation 3 AAC 304.990(b), and with an effective date of February 24, 2015. The emergency regulation appeared as 3 AAC 304.990(b) in Register 213 (April 2015) and Register 214 (July 2015). When the emergency <sup>regulation</sup> appeared as a permanent regulation in Register 215 (October 2015), the regulations attorney in accordance with AS 44.62.125(b)(6) reassigned the provision to 3 AAC 306.990. The history of 3 AAC 306.990 reflects the effective date of the Alcoholic Beverage Control Board's emergency adoption of the definition of "in public."

Publisher: Please introduce a new chapter heading and section listing to read as follows:

Chapter 306. Marijuana Control. ← bold

bold → Section

990. Definitions

1

display page no. in Times New Roman 12 point

# MEMORANDUM


State of Alaska  
Department of Law

To: Hon. Byron Mallott  
Lieutenant Governor

Date: June 18, 2015

File No.: JU2015200149

Tel. No.: 465-3600

From: Steven C. Weaver   
Sr. Assistant Attorney General  
and Assistant Regulations Attorney  
Legislation and Regulations Section

Re: Emergency regulations re: definition  
of "in public" for purposes of  
AS 17.38.040 (the regulation of  
marijuana: public consumption  
banned, penalty) (3 AAC 306.990)

We have reviewed the attached emergency regulations from the Alcoholic Beverage Control Board against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated June 18, 2015 from the Regulations Attorney. The board adopted the emergency regulations on February 24, 2015, they took effect that same day, and they expire June 23, 2015 unless they are made permanent. The regulations establish a definition of "in public" for purposes of AS 17.38.040 (the regulation of marijuana: public consumption banned, penalty).

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations as permanent regulations.

The February 24, 2015 certification of adoption order and the February 26, 2015 public notice both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Though we did not make any corrections to the regulations themselves, we made technical corrections to the header, lead-in line, and history note, relocated the regulations from 3 AAC 304.990(b) to 3 AAC 306.990, made conforming technical changes to the authority citation, and inserted an explanatory editor's note, in accordance with AS 44.62.125(b)(6) and as shown on the attached copy.

SCW

cc w/enc: (via email)

Cynthia A. Franklin, Director  
Alcoholic Beverage Control Board



# MEMORANDUM


## State of Alaska Department of Law

To: Cynthia A. Franklin, Director  
Alcoholic Beverage Control Board

Date: June 18, 2015

File No.: JU2015200149

Tel. No.: 465-3600

From: Steven C. Weaver   
Sr. Assistant Attorney General  
and Assistant Regulations Attorney  
Legislation and Regulations Section

Re: Emergency regulations re: definition  
of "in public" for purposes of  
AS 17.38.040 (the regulation of  
marijuana: public consumption  
banned, penalty) (3 AAC 306.990)

Under AS 44.62.060, we have reviewed the attached changes by the Alcoholic Beverage Control Board, originally adopted by emergency action on February 24, 2015, and approve the changes for filing by the lieutenant governor as permanent regulations. The emergency regulations took effect February 24, 2015; they expire June 23, 2015 unless they are made permanent. I have reviewed this project under a specific delegation dated June 18, 2015 from the Regulations Attorney.

You might wish to contact the lieutenant governor's office to confirm the filing date and effective date of the attached regulations changes.

The February 24, 2015 certification of adoption order and the February 26, 2015 public notice both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Though we did not make any corrections to the regulations themselves, we made technical corrections to the header, lead-in line, and history note, relocated the regulations from 3 AAC 304.990(b) to 3 AAC 306.990, made conforming technical changes to the authority citation, and inserted an explanatory editor's note, in accordance with AS 44.62.125(b)(6) and as shown on the attached copy.

SCW

cc w/enc: (via email)

Micaela Fowler, Regulations Contact  
Department of Commerce, Community, and Economic Development

Harriet Dinegar Milks, Assistant Attorney General  
Commercial and Fair Business Section

# MEMORANDUM

## State of Alaska Department of Law

TO: Hon. Byron Mallott  
Lieutenant Governor

DATE: June 18, 2015

FILE NO.: JU2015200149

TELEPHONE NO.: 465-3600

FROM: Susan R. Pollard *Susan R. Pollard*  
Chief Assistant Attorney General  
& Regulations Attorney  
Legislation/Regulations Section—Juneau

SUBJECT: Specific delegation of authority  
regarding regulations review on  
Alcoholic Beverage Control  
Board emergency regulations  
being made permanent re:  
definition of "in public" for  
purposes of AS 17.38.040 (the  
regulation of marijuana: public  
consumption banned, penalty)  
(3 AAC 306.990)

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SRP:SCW

cc w/enc:

Scott C. Meriwether, AAC Coordinator  
Office of the Lieutenant Governor

Steven C. Weaver  
Assistant Attorney General  
Legislation/Regulations Section—Juneau

[No.] JUDICIAL DISTRICT

## AFFIDAVIT OF BOARD ACTION

I, Sarah D. Oates, Records & Licensing Supervisor for the Alcoholic Beverage Control Board, being duly sworn, state the following:


The attached motion dealing with permanent adoption of emergency regulations defining “in public” was passed by the Alcoholic Beverage Control Board during its April 30, 2015 meeting.

Date: June 11, 2015  
Anchorage

  
\_\_\_\_\_  
Sarah D. Oates  
Records & Licensing Supervisor

SUBSCRIBED AND SWORN TO before me this 11th day of June, 2015



  
\_\_\_\_\_  
Notary Public in and for the  
State of Alaska  
My commission expires: With Office

**Alcoholic Beverage Control Board Meeting**  
**April 30, 2015**  
**Excerpt From Unapproved Minutes**

**\*Meeting minutes are thirteen minutes fast.**

**Board Members Present:**

Bob Klein, Chair  
Ellen Ganley, Vice Chair  
Ethan Billings, Member  
Marvin Yoder, Member  
Bobby Evans, Member

**Staff Members Present:**

Cynthia Franklin, Director  
Sarah Oates, Records & Licensing Supervisor  
Robert Beasley, Enforcement Supervisor  
John Calder, Administrative Officer I

**ABC Board Counsel Present:**

Harriet Milks, Assistant Attorney General (AAG)

Board member Ellen Ganley moves and member Marvin Yoder seconds the motion to approve the emergency regulation.

**12:25:03 PM**

AAG Harriet Milks clarifies that the Board is voting to make the emergency regulation permanent, or if the Board makes changes, to put the regulation back out for public comment.

**12:37:22 PM**

The Board voted unanimously to approve the regulation as written.

**12:40:25 PM**

Minutes excerpt reviewed and approved by:

Cynthia A. Franklin, Director

\_\_\_\_\_

Date:

6/11/15

Sarah D. Oates, Records & Licensing Supervisor

\_\_\_\_\_

Date:

06/11/15



) ss.

AFFIDAVIT OF NOTICE OF ADOPTION  
OF EMERGENCY REGULATIONS  
AND FURNISHING OF ADDITIONAL INFORMATION

As required by AS 44.62.250, notice of the February 24, 2015 emergency changes to 3 AAC 304.990 adding a new subsection to define the term “in public” that appears in AS 17.38.040. has been distributed under AS 44.62.190(a) by being

- As required by AS 44.62.190(d), additional regulations notice information regarding the February 24, 2015 emergency changes to the regulations described above has been furnished to interested persons and furnished to those in (5) and (6) of the list above. The additional regulations notice information also has been posted on the Alaska Online Public Notice System.

  
Gil Nelson, Administrative Assistant, ABC board

SUBSCRIBED AND SWORN TO before me this 2<sup>nd</sup> day of March, 2015.



Jane Sawyer  
Notary Public in and for the  
State of Alaska  
My commission expires: 11/01/2024

STATE OF ALASKA                    )  
  ) ss.  
THIRD JUDICIAL DISTRICT        )

AFFIDAVIT OF ORAL HEARING

I Robert Klein, Chair of Alcoholic Beverage Control Board, being sworn, state the following:

On April 9, 2015, at 9:00 AM, in Room 203, 716 W 4th Avenue, Anchorage, Alaska 99501, I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 3 AAC 304.990 as proposed for amendment by adding a new subsection to define the term "in public" that appears in AS 17.38.040.


DATE: 6/15/15  
          Anchorage, Alaska

  
Robert Klein, Chair  
Alcoholic Beverage Control Board

SUBSCRIBED AND SWORN TO before me this 15<sup>th</sup> day of June, 2015.

[NOTARY SEAL]



  
Notary Public in and for the  
State of Alaska  
My commission expires: w/office

NOTICE OF ADOPTION OF EMERGENCY REGULATIONS:  
ALCOHOLIC BEVERAGE CONTROL BOARD

*Regarding consumption of marijuana "in public."*

BRIEF DESCRIPTION

The Alcoholic Beverage Control Board proposes to make permanent changes to regulations made by emergency regulations in the definitions section, by adding a definition of "in public."

On February 24, 2015, the Alcoholic Beverage Control Board adopted, as emergency regulations, changes in Title 3 of the Alaska Administrative Code dealing with public consumption of marijuana, including the following:

3 AAC 304.990 is proposed for amendment by adding a new subsection to define the term "in public" that appears in AS 17.38.040.

The emergency regulations took effect February 24, 2015, and will expire June 23, 2015. The Alcoholic Beverage Control Board intends to make the emergency regulations permanent.

You may comment on the regulation changes, including the potential costs to private persons of complying with the changes, by submitting written comments to Cynthia Franklin at 2400 Viking Drive, Anchorage, AK 99501. Additionally, the Alcoholic Beverage Control Board will accept comments by facsimile at 907-334-2285 or by electronic mail at [cynthia.franklin@alaska.gov](mailto:cynthia.franklin@alaska.gov). The comments must be received no later than 4:00 p.m. on March 31, 2015.

You may submit written questions relevant to the proposed action to Cynthia Franklin by electronic mail at [cynthia.franklin@alaska.gov](mailto:cynthia.franklin@alaska.gov), or by regular mail to Cynthia Franklin, Alcoholic Beverage Control Board, 2400 Viking Drive, Anchorage, Alaska 99501. The questions must be received at least 10 days before the end of the public comment period. The Alcoholic Beverage Control Board will aggregate its response to substantially similar questions and make the questions and response available on the agency website. The Alcoholic Beverage Control Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

Oral comments may also be submitted at a hearing to be held on April 9, 2015, at the Anchorage Legislative Information Office, Room 203, 716 W 4th Avenue, Anchorage, Alaska 99501. The oral hearing at which you may offer comments will be held from 9:00 am – 10:00 am. To participate by telephone, call 1-800-315-6338 and enter the code 69173# when prompted. Testimony at this oral hearing might be limited to a reasonable period of time for each person if necessary to accommodate those who wish to speak, and the hearing might be extended if necessary to accommodate those present who wish to speak. Please note that written comments will not be taken at this hearing.

A copy of the regulation proposed to be made permanent is available on the Alaska Online Public Notice System or by contacting Cynthia Franklin at 2400 Viking Drive, Anchorage, AK 99501, phone: 907-269-

0350, or <http://commerce.state.ak.us/dnn/abc/Home.aspx>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Gil Nelson at 907-269-0352 no later than March 21, 2015 to ensure that any necessary accommodations can be provided.

The language of the permanent regulations may be different from that of the original emergency regulations and may include other provisions dealing with the same subject. You should comment during the time allowed if your interests could be affected.

**Statutory Authority:** AS 17.38.090

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 17.38.090

**Fiscal Information:** The regulations are not expected to require an increased appropriation.

DATE: 2/25/15



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Cynthia A. Franklin  
Director, Alcoholic Beverage Control Board



ADDITIONAL REGULATIONS NOTICE INFORMATION  
(AS 44.62.190(g))

1. Adopting agency: Department of Commerce, Community, and Economic Development
2. General subject of regulation: public consumption of marijuana
3. Citation of regulation (may be grouped): 3 AAC 304.990
4. Department of Law file number, if any: \_\_\_\_\_

5. Reason for the proposed action:  
☐ Compliance with federal law  
☒ Compliance with new or changed state statute  
☐ Compliance with court order  
☐ Development of program standards  
☒ Other (please list): threats to public safety and general welfare

6. Appropriation/Allocation: NA

7. Estimated annual costs in the aggregate to comply with the proposed action to:  
Private Persons: None  
Other State Agencies: None  
Municipalities: None

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 2015	Subsequent Years
Operating Cost	\$ 0	\$ 0
Capital Cost	\$ 0	\$ 0
1002 Federal receipts	\$ 0	\$ 0
1003 General fund match	\$ 0	\$ 0
1004 General fund	\$ 0	\$ 0
1005 General fund/ program	\$ 0	\$ 0
1037 General fund/ mental health	\$ 0	\$ 0
Other	\$ 0	\$ 0

8. The name of the contact person for the regulations:

Name: Cynthia A. Franklin

Title: Director

Address: 2400 Viking Drive

Anchorage, AK 99501

Telephone: 907-269-0350

E-mail address: [cynthia.franklin@alaska.gov](mailto:cynthia.franklin@alaska.gov)

10. The origin of the proposed action:

- ☒ Staff of state agency  
☐ Federal government  
☐ General public  
☐ Petition for regulation change  
☐ Other (identify) \_\_\_\_\_

11. Date: February 24, 2015

Prepared by: \_\_\_\_\_



[signature]

Name (printed): Cynthia A. Franklin

Title (printed): Director, Alcoholic Beverage Control Board

Address: 2400 Viking Drive

Anchorage, AK 99501

Telephone: 907-269-0350

270221  
0001359939  
\$ 388.46

# AFFIDAVIT OF PUBLICATION

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Kayla Lavea  
being first duly sworn on oath deposes and  
says that he/she is a representative of the  
Alaska Dispatch News, a daily newspaper.  
That said newspaper has been approved  
by the Third Judicial Court, Anchorage,  
Alaska, and it now and has been published  
in the English language continually as a  
daily newspaper in Anchorage, Alaska,  
and it is now and during all said time was  
printed in an office maintained at the  
aforesaid place of publication of said  
newspaper. That the annexed is a copy of  
an advertisement as it was published in  
regular issues (and not in supplemental  
form) of said newspaper on

February 26, 2015

and that such newspaper was regularly  
distributed to its subscribers during all of  
said period. That the full amount of the fee  
charged for the foregoing publication is not  
in excess of the rate charged private  
individuals.

Signed Kayla Lavea

Subscribed and sworn to before me  
this 26th day of February, 2015

Bridney Thompson

Notary Public in and for  
The State of Alaska,  
Third Division  
Anchorage, Alaska  
MY COMMISSION EXPIRES

05/18/2015



## NOTICE OF ADOPTION OF EMERGENCY REGULATIONS: ALCOHOLIC BEVERAGE CONTROL BOARD

*Regarding consumption of marijuana "in public."*

### BRIEF DESCRIPTION

The Alcoholic Beverage Control Board proposes to make permanent changes to regulations made by emergency regulations in the definitions section, by adding a definition of "in public."

On February 24, 2015, the Alcoholic Beverage Control Board adopted, as emergency regulations, changes in Title 3 of the Alaska Administrative Code dealing with public consumption of marijuana, including the following:

3 AAC 304.990 is proposed for amendment by adding a new subsection to define the term "in public" that appears in AS 17.38.040.

The emergency regulations took effect February 24, 2015, and will expire June 23, 2015. The Alcoholic Beverage Control Board intends to make the emergency regulations permanent.

You may comment on the regulation changes, including the potential costs to private persons of complying with the changes, by submitting written comments to Cynthia Franklin at 2400 Viking Drive, Anchorage, AK 99501. Additionally, the Alcoholic Beverage Control Board will accept comments by facsimile at 907-334-2285 or by electronic mail at [cynthia.franklin@alaska.gov](mailto:cynthia.franklin@alaska.gov). The comments must be received no later than 4:00 p.m. on March 31, 2015.

You may submit written questions relevant to the proposed action to Cynthia Franklin by electronic mail at [cynthia.franklin@alaska.gov](mailto:cynthia.franklin@alaska.gov), or by regular mail to Cynthia Franklin, Alcoholic Beverage Control Board, 2400 Viking Drive, Anchorage, Alaska 99501. The questions must be received at least 10 days before the end of the public comment period. The Alcoholic Beverage Control Board will aggregate its response to substantially similar questions and make the questions and response available on the agency website. The Alcoholic Beverage Control Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

Oral comments may also be submitted at a hearing to be held on April 9, 2015, at the Anchorage Legislative Information Office, Room 203, 716 W 4th Avenue, Anchorage, Alaska 99501. The oral hearing at which you may offer comments will be held from 9:00 am - 10:00 am. To participate by telephone, call 1-800-315-6338 and enter the code 69173# when prompted. Testimony at this oral hearing might be limited to a reasonable period of time for each person if necessary to accommodate those who wish to speak, and the hearing might be extended if necessary to accommodate those present who wish to speak. Please note that written comments will not be taken at this hearing.

A copy of the regulation proposed to be made permanent is available on the Alaska Online Public Notice System or by contacting Cynthia Franklin at 2400 Viking Drive, Anchorage, AK 99501, phone: 907-269-0350, or <http://commerce.state.ak.us/dnn/abc/Home.aspx>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Gil Nelson at 907-269-0352 no later than March 21, 2015 to ensure that any necessary accommodations can be provided.

The language of the permanent regulations may be different from that of the original emergency regulations and may include other provisions dealing with the same subject. You should comment during the time allowed if your interests could be affected.

**Statutory Authority:** AS 17.38.090

**Statutes Being Implemented, Interpreted, or Made Specific:**  
AS 17.38.090

**Fiscal Information:** The regulations are not expected to require an increased appropriation.

Cynthia A Franklin, Director  
(907) 269-0350

Published: February 26, 2015

Byron Mallott  
Lieutenant Governor  
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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Micaela Fowler, AAC Contact  
Department of Commerce, Community and Economic Development

**FROM:** Scott Meriwether  
Special Assistant   
907.465.4081

**DATE:** February 24, 2015

**RE:** Filed Emergency Regulations: Alcoholic Beverage Control Board  
Emergency Regulations re: definition of "in public" (3 AAC 304.990)

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Attorney General File:	Emergency Regulations
Regulation Filed:	February 24, 2015
Effective Date:	February 24, 2015
Expiration Date:	June 23, 2015 unless made permanent by the adopting agency
Print:	213, April 2015

cc with enclosures: Linda Miller, Department of Law  
Dean Williams, Administrative Regulation Review Committee  
Judy Herndon, LexisNexis



### FINDING OF EMERGENCY

The Alcoholic Beverage Control Board finds that an emergency exists and that the attached regulations are necessary for the immediate preservation of the public peace, health, safety, and general welfare. The facts constituting the emergency include the following:

Effective February 24, 2015 Alaska Statute (AS) 17.38 significantly expands the circumstances in which a citizen may lawfully possess, transport, and transfer marijuana. Alaska Statute 17.38.040 expressly makes it unlawful to "consume marijuana in public." Alaska Statute 17.38.900 defines "consumption" as "the act of ingesting, inhaling, or otherwise introducing marijuana into the human body." But AS 17.38 does not define "in public."

Testimony before the legislature and local governing bodies has revealed widespread concern that persons charged with enforcement of Alaska's existing drug laws as well as the new marijuana law will lack sufficient guidance as to the meaning of "in public" to effectively enforce the new law, and that confusion and disorder will result, putting the public at risk.

# Emergency Regulations

Therefore, this emergency regulation is necessary, to give clear and consistent guidance to persons who may consume marijuana in various venues, as well as those charged with enforcing the new law, so that the public peace, health, safety, and general welfare may be protected.

## ORDER CERTIFYING ADOPTION

I certify that the Alcoholic Beverage Control Board, under the authority of AS 17.38.040 and 17.38.090, adopted at its February 24, 2015 meeting the attached one page of regulation changes as emergency regulations to take effect immediately upon filing by the lieutenant governor, as provided in AS 44.62.180(3).

This action is not expected to require an increased appropriation.

DATE: February 24, 2015,  
at Juneau, Alaska.

By:



Ethan Billings

Member, Alcoholic Beverage Control Board

## FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on Feb 24, 2015, at 10:15 A.m., I filed the attached regulation according to the provisions of AS 44.62.



Lieutenant Governor Byron Mallott

Effective: February 24, 2015

Register: 213, April, 2015

Expires June 23, 2015  
unless made "permanent"  
by the adopting agency.

EMERGENCY REGULATION

Register 213, April 2015      COMMERCE, COMMUNITY, AND EC. DEV.

3 AAC 304.990 is amended by adding a new subsection to read:

(b) In AS 17.38.040, "in public" means in a place to which the public or a substantial group of persons has access and includes highways, transportation facilities, schools, places of amusement or business, parks, playgrounds, prisons, and hallways, lobbies, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.

(Eff. 4/28/84, Register 90; am 6/13/2003, Register 166; am 2/24/2015, Register 213)

**Authority:**    AS 04.06.090                    **AS 17.38.040**                    **AS 17.38.090**

AS 04.06.100