

# MEMORANDUM


## State of Alaska Department of Law

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

DATE: June 22, 2015

FILE NO.:

TELEPHONE NO.: 465-3600

FROM: Steven C. Weaver   
Sr. Assistant Attorney General and  
Assistant Regulations Attorney  
Legislation/Regulations Section--Juneau

SUBJECT: Corrections to the Alaska  
Administrative Code (AAC):  
3 AAC 304.990

In accordance with the authority of the regulations attorney under AS 44.62.125(b), please forward to the publisher the corrections to the Alaska Administrative Code (AAC) described below. I have forwarded these corrections under a specific delegation dated May 2, 2014 from the regulations attorney. The revisions make technical conforming changes and add material to an editor's note, to reflect reassignment of an emergency regulation made permanent from 3 AAC 304.990 to 3 AAC 306.990.

On February 24, 2015 the Alcoholic Beverage Control Board adopted emergency regulations with the designation 3 AAC 304.990(b). Because the emergency regulations implemented a provision of AS 17.38 (the regulation of marijuana), and when we approved this regulation on June 18, 2015 to be filed as a permanent regulation, we made technical edits to re-designate the provision as 3 AAC 306.990, to reflect that all regulations relating to AS 17.38 are now to be located in new 3 AAC 306. The lieutenant governor filed the permanent regulations on June 22, 2015, with the new designation 3 AAC 306.990.

To reflect the relocation of former 3 AAC 304.990(b) to 3 AAC 306.990, please request that the publisher make revisions to 3 AAC 304.990 as follows:

1. The material displayed as 3 AAC 304.990(b) in the emergency regulations is not to appear as part of 3 AAC 304 in the permanent regulations, since the permanent regulation is now a part of 3 AAC 306 rather than 3 AAC 304; but do not insert a "repealed" notation where 3 AAC 304.990(b) was located;
2. Delete the "(a)" subsection tag assigned to material in 3 AAC 304.990 that predated the emergency regulations;
3. In the history note that follows 3 AAC 304.990, delete "; am 2/24/2015, Register 213", i.e., please restore the history note as it appeared before the February 24, 2015 emergency regulations;

4. In the authority citation that follows 3 AAC 304.990, delete the citations to AS 17.38.040 and 17.38.090, i.e., please restore the authority citation as it appeared before the February 24, 2015 emergency regulations;
5. At the end of the editor's note that follows 3 AAC 304.990, please add a new paragraph to read:

On February 24, 2015, a definition of "in public" for purposes of AS 17.38.040 (the regulation of marijuana: public consumption banned, penalty) was adopted by the Alcoholic Beverage Control Board as an emergency regulation and took effect under the designation 3 AAC 304.990(b). The emergency regulation appeared as 3 AAC 304.990(b) in Register 213 (April 2015) and Register 214 (July 2015). When the emergency regulation appeared as a permanent regulation in Register 215 (October 2015), the regulations attorney in accordance with AS 44.62.125(b)(6) relocated the provision from 3 AAC 304.990(b) to 3 AAC 306.990 as part of new 3 AAC 306 (Marijuana Control), the chapter number assigned to regulations related to AS 17.38. As of Register 215 (October 2015) the history and authority for the definition of "in public" are now located at 3 AAC 306.990. The history note and authority citation for 3 AAC 304.990 do not reflect the history or authority for the emergency regulation made permanent.

Thank you for your assistance, and please contact me if you have additional questions.

SCW

cc: Micaela Fowler, Regulations Contact  
Department of Commerce, Community, & Economic Development

Cynthia A. Franklin, Director  
Alcoholic Beverage Control Board  
Department of Commerce, Community, & Economic Development

Harriet Dinegar Milks, Assistant Attorney General  
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