

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  
Commerce, Community, and Economic Development

**FROM:** Scott Meriwether, Office of the Lieutenant Governor 465.4081

A handwritten signature in black ink, appearing to read "Scott Meriwether".

**DATE:** June 23, 2017

**RE:** Filed Permanent Regulations: Marijuana Control Board

Marijuana Control Board regulations regarding notice to consumers at retail marijuana stores (3 AAC 306.365)

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Attorney General File:	JU2016200613
Regulation Filed:	6/22/2017
Effective Date:	7/22/2017
Print:	223, October 2017

cc with enclosures: Linda Miller, Department of Law  
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF MARIJUANA CONTROL BOARD

The attached single page of regulations, dealing with required consumer notice for retail marijuana stores (3 AAC 306.365) is certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its April 5, 2017, meeting, under the authority of AS 17.38.121 (b)(2) and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Marijuana Control Board paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor as provided in AS 44.62.180.

Date: 5/24/17



\_\_\_\_\_  
Erika McConnell, Director

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on June 22, 2017 at 445 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

  
\_\_\_\_\_  
Lieutenant Governor

Effective: July 22, 2017

Register: 223, October 2017

EC. DEV.

to Article 3

((no boldface or underline))

3 AAC 306 is amended by adding a new section to read:

((the section heading is bold, but not underlined))

**3 AAC 306.365. Required consumer notices for retail marijuana stores** (a) A retail

shall

((bold the period))

marijuana store ~~must~~ post, in a conspicuous location visible to customers, the following

notices:

(1) "Consumption of marijuana in public is prohibited by law."

(2) "Transportation or carriage of marijuana or marijuana products on

Alaska waterways, including cruise ships, or by air carrier is prohibited by federal

law."

(3) "Transportation or shipment of marijuana or marijuana products outside

the State of Alaska is prohibited by federal law."

(4) "Providing marijuana to persons under the age of 21 is prohibited by

law."

years of age

(b) Notification signs required under (a) of this section must be at least 11 inches by

14 inches in size. Lettering must be at least one-half inch in height and in contrasting

colors. (Eff. 7/22/2017, Register 223)

that contrast with the background

Authority:

AS 17.38.190

AS 17.38.220

AS 17.38.900

((bold OK))

((statutory citations are not boldface))

# MEMORANDUM


## State of Alaska Department of Law

To: Hon. Byron Mallott  
Lieutenant Governor

Date: June 22, 2017

File No.: JU2016200613

Tel. No.: 465-3600

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

Marijuana Control Board regulations  
regarding notice to consumers at retail  
marijuana stores (3 AAC 306.365)

We have reviewed the attached regulations from the Marijuana Control Board against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated June 22, 2017 from the regulations attorney. The regulations establish requirements for retail marijuana stores to post notice to consumers; the regulations also specify the content that the notice must contain.

We find no legal problems with the regulations. Though the attached affidavit of agency record refers to the Alcohol and Marijuana Control Office not receiving public comments, the office serves as support staff to the Marijuana Control Board: the agency that considers public comments and formally keeps the record of public comments if any are received. The certification of adoption order indicates that the board paid special attention to the cost to private persons of the regulations, even though public comments were not received for this project. The informal reference in the affidavit to the board's support staff is not a substantive violation of the Administrative Procedure Act.

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.

The February 28, 2017 public notice and the May 24, 2017 certification of adoption order 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.

Hon. Byron Mallott, Lieutenant Governor  
Our file: JU2016200613

June 22, 2017  
Page 2

We have made some technical corrections to the regulations in accordance with AS 44.62.125, as shown on the attached copy.

SCW

cc w/enc: (via email)

Erika McConnell, Executive Director  
Alcoholic Beverage Control Board and Marijuana Control Board

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

Sara Chambers, Operations Manager  
Division of Corporations, Business, and Professional Licensing  
Department of Commerce, Community, and Economic Development

Jedediah Smith  
Alcohol and Marijuana Control Office  
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 22, 2017

FILE NO.: JU2016200613

TELEPHONE NO.: (907) 465-3600

FROM: Susan R. Pollard   
Chief Assistant Attorney General  
and Regulations Attorney  
Legislation/Regulations Section

SUBJECT: Specific delegation of authority  
regarding regulations review on  
Marijuana Control Board  
regulations regarding notice to  
consumers at retail marijuana  
stores (3 AAC 306.365)

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.

SCW

cc w/enc: Scott C. Meriwether, AAC Coordinator  
Office of the Lieutenant Governor  
  
Steven C. Weaver  
Sr. Assistant Attorney General and  
Assistant Regulations Attorney  
Legislation/Regulations Section—Juneau

NOTICE OF PROPOSED REGULATIONS  
REGARDING MARIJUANA RETAIL STORE  
NOTICE REQUIREMENTS  
MARIJUANA CONTROL BOARD

The Marijuana Control Board proposes to adopt added regulations to 3 AAC 306.365. These proposed regulations relate to marijuana retail store notice requirements.

The Marijuana Control Board proposes to adopt regulations in Title 3 of the Alaska Administrative Code, adding requirements for notices at marijuana retail stores.

- (1) 3 AAC 306.365 – Marijuana Retail Store notice requirements are proposed to add requirements for notices conspicuously posted in a marijuana retail store containing warnings about marijuana.

You may comment in writing on the proposed regulations, including the potential costs to private persons of complying with the proposed regulations, by submitting written comments to Jedediah Smith, Alcohol & Marijuana Control Office at 550 W. 7<sup>th</sup> Ave, Suite 1600, Anchorage, AK 99501. Additionally, the Alcohol & Marijuana Control Office will accept written comments by electronic mail at [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov). Please notate "Comment on Retail Store Notice Requirements" on the subject line of any emailed comment. Written comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the "comment" link. Please indicate the article and section number to which each comment refers, if applicable. **Please indicate in the subject line "Comment on retail store notice requirements".** All written comments must be received no later than 4:30 p.m. on March 30, 2017.

You may submit written questions relevant to the proposed regulations by email to [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov) or to Jedediah Smith at the above physical address. Please do not submit questions through the Alaska Online Public Notice System. The written questions must be received at least 10 days before the end of the public comment period, by March 20, 2017 at 4:30 p.m. The Alcohol & Marijuana Control Office will aggregate its response to substantially similar written questions and make the questions and response available on the Alcohol & Marijuana Control Office website. The Alcohol & Marijuana Control Office 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.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jedediah Smith at (907) 334-2195 no later than March 20, 2017 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulations are available through the electronic link to the complete text on the Alaska Online Public Notice System, on the Alcohol & Marijuana Control Office website at <https://www.commerce.alaska.gov/web/amco/> or by contacting Jedediah Smith at [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov) or 550 W. 7<sup>th</sup> Ste 1600, Anchorage, AK 99501.

After the written public comment period ends, the Marijuana Control Board will either adopt the proposed regulations or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment in writing during the time allowed if your interests could be affected.** No verbal public comment will be taken on the proposed regulations.

**Statutory Authority:** AS 17.38.190

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 17.38.190

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

DATE: March 21, 2017

A handwritten signature in cursive script, reading "Erika McConnell". The signature is written in dark ink and is positioned above a horizontal line.

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Erika McConnell, Acting Director  
Alcohol & Marijuana Control Office



NOTICE OF PROPOSED REGULATIONS  
REGARDING MARIJUANA RETAIL STORE  
NOTICE REQUIREMENTS  
MARIJUANA CONTROL BOARD

The Marijuana Control Board proposes to adopt new regulations under 3 AAC 306. These proposed regulations relate to marijuana retail store notice requirements.

The Marijuana Control Board proposes to add a new section in Title 3 of the Alaska Administrative Code, adding requirements for notices at marijuana retail stores.

3 AAC 306.365 – Marijuana Retail Store notice requirements are proposed to add requirements for notices conspicuously posted in a marijuana retail store containing warnings about marijuana.

You may comment in writing on the proposed regulations, including the potential costs to private persons of complying with the proposed regulations, by submitting written comments to Jedediah Smith, Alcohol & Marijuana Control Office at 550 W. 7<sup>th</sup> Ave, Suite 1600, Anchorage, AK 99501. Additionally, the Alcohol & Marijuana Control Office will accept written comments by electronic mail at [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov). Please notate "Comment on Retail Store Notice Requirements" on the subject line of any emailed comment. Written comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the "comment" link. Please indicate the article and section number to which each comment refers, if applicable. **Please indicate in the subject line "Comment on retail store notice requirements".** All written comments must be received no later than 4:30 p.m. on March 30, 2017.

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A copy of the proposed regulations are available through the electronic link to the complete text on the Alaska Online Public Notice System, on the Alcohol & Marijuana Control Office website at <https://www.commerce.alaska.gov/web/amco/> or by contacting Jedediah Smith at [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov) or 550 W. 7<sup>th</sup> Ste 1600, Anchorage, AK 99501.

After the written public comment period ends, the Marijuana Control Board will either adopt the proposed regulations or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment in writing during the time allowed if your interests could be affected.** No verbal public comment will be taken on the proposed regulations.

**Statutory Authority:** AS 17.38.190

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 17.38.190

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

DATE: February 24, 2017

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Sara Chambers, Acting Director  
Alcohol & Marijuana Control Office

ADDITIONAL REGULATIONS NOTICE INFORMATION  
(AS 44.62.190(d))

1. Adopting agency: Marijuana Control Board
2. General subject of regulation: Marijuana Retail Store Notices.
3. Citation of regulation (may be grouped): 3 AAC 306.365
4. Department of Law file number, if any: \_\_\_\_\_

5. Reason for the proposed action:  
☐ Compliance with federal law or action (identify): \_\_\_\_\_  
☐ Compliance with new or changed state statute  
☐ Compliance with Federal or state court decision (identify) \_\_\_\_\_  
☒ Development of program standards  
☐ Other (identify): \_\_\_\_\_

6. Appropriation/Allocation: \_\_\_\_\_

7. Estimated annual costs in the aggregate to comply with the proposed action to:  
Private Persons: \$0  
Other State Agencies: \$0  
Municipalities: \$0

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

	Initial Year FY <u>17</u>	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ <u>0</u>	\$ <u>0</u>
1003 General fund match	\$ <u>0</u>	\$ <u>0</u>
1004 General fund	\$ <u>0</u>	\$ <u>0</u>
1005 General fund/ program	\$ <u>0</u>	\$ <u>0</u>
1037 General fund/ mental health	\$ <u>0</u>	\$ <u>0</u>
Other	\$ <u>0</u>	\$ <u>0</u>

9. The name of the contact person for the regulations:  
Name: Cynthia A. Franklin  
Title: Director, Marijuana Control Board

Address: 550 W. 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501

Telephone: (907)269-0350

E-mail address 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: 7/13/2016

Prepared by



Name (printed): Cynthia A. Franklin

Title (printed): Director, Marijuana Control Board

Telephone: (907)269-0350

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION  
AND FURNISHING OF ADDITIONAL INFORMATION

I, Erika McConnell, director for the Alcohol & Marijuana Control Office, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 3 AAC 306.365, marijuana retail store notice requirements has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulation, to the Legislative Affairs Agency, the chair of the Labor and Commerce Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: May 3, 2017

Erika McConnell  
Erika McConnell, Director

Subscribed and sworn to before me at Anchorage, Alaska, on May 3, 2017.



Sdr  
Notary Public in and for the State of Alaska

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Erika McConnell, director for the Alcohol & Marijuana Control Office, being duly sworn, state the following:

The Alcohol and Marijuana Control Office did not receive any factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Alcohol & Marijuana Control Office regulation 306.365 on marijuana retail store notice requirements.

Date: May 3, 2017

Erika McConnell  
Erika McConnell, Director

Subscribed and sworn to before me at Anchorage, Alaska, on May 3, 2017.



Sdr  
Notary Public in and for the State of Alaska



270221  
0001400855  
\$358.58

# AFFIDAVIT OF PUBLICATION

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Emma Dunlap  
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

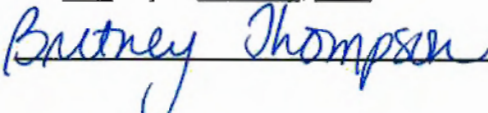
February 28, 2017

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



Subscribed and sworn to before me  
this 28th day of February, 2017



Notary Public in and for  
The State of Alaska.  
Third Division  
Anchorage, Alaska

MY COMMISSION EXPIRES

2/23/2019  
Notary Public  
BRITNEY L. THOMPSON  
State of Alaska  
My Commission Expires Feb 23, 2019

## NOTICE OF PROPOSED REGULATIONS REGARDING MARIJUANA RETAIL STORE NOTICE REQUIREMENTS MARIJUANA CONTROL BOARD

The Marijuana Control Board proposes to adopt new regulations, under 3 AAC 306. These proposed regulations relate to marijuana retail store notice requirements.

The Marijuana Control Board proposes to add a new section in Title 3 of the Alaska Administrative Code, adding requirements for notices at marijuana retail stores.

3 AAC 306.365 - Marijuana Retail Store notice requirements are proposed to add requirements for notices conspicuously posted in a marijuana retail store containing warnings about marijuana.

You may comment in writing on the proposed regulations, including the potential costs to private persons of complying with the proposed regulations, by submitting written comments to Jedediah Smith, Alcohol & Marijuana Control Office at 550 W. 7th Ave, Suite 1600, Anchorage, AK 99501. Additionally, the Alcohol & Marijuana Control Office will accept written comments by electronic mail at [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov). Please indicate "Comment on Retail Store Notice Requirements" on the subject line of any emailed comment. Written comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the "comment" link. Please indicate the article and section number to which each comment refers, if applicable. **Please indicate in the subject line "Comment on retail store notice requirements".** All written comments must be received no later than 4:30 p.m. on March 30, 2017.

You may submit written questions relevant to the proposed regulations by email to [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov) or to Jedediah Smith at the above physical address. Please do not submit questions through the Alaska Online Public Notice System. The written questions must be received at least 10 days before the end of the public comment period, by March 20, 2017 at 4:30 p.m. The Alcohol & Marijuana Control Office will aggregate its response to substantially similar written questions and make the questions and response available on the Alcohol & Marijuana Control Office website. The Alcohol & Marijuana Control Office 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.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jedediah Smith at (907) 334-2195 no later than March 20, 2017 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulations are available through the electronic link to the complete text on the Alaska Online Public Notice System, on the Alcohol & Marijuana Control Office website at <https://www.commerce.alaska.gov/web/amco/> or by contacting Jedediah Smith at [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov) or 550 W. 7th Ste 1600, Anchorage, AK 99501.

After the written public comment period ends, the Marijuana Control Board will either adopt the proposed regulations or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment in writing during the time allowed if your interests could be affected.** No verbal public comment will be taken on the proposed regulations.

**Statutory Authority:** AS 17.38.190

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 17.38.190

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

DATE: February 24, 2017

Sara Chambers, Acting Director  
Alcohol & Marijuana Control Office

Published: February 28, 2017

AFFIDAVIT OF MARIJUANA CONTROL BOARD ACTION

I, Erika McConnell, director for the Alcohol & Marijuana Control Office, being duly sworn, state the following:

The attached draft meeting minutes dealing with the proposed marijuana retail store notice requirements reflect action approved by the Marijuana Control Board during its April 5, 2017, meeting.

Date: May 3, 2017

Erika McConnell  
Erika McConnell, Director

Subscribed and sworn to before me at Anchorage, Alaska, on May 3, 2017.



[Signature]  
Notary Public in and for the State of Alaska





**Marijuana Control Board**  
**Excerpt from Unapproved Meeting Minutes**  
**April 5, 2017**  
**Third Judicial District**  
**Atwood Building**  
**Rooms 102 & 104**  
**Anchorage, Alaska**

● **REGULATIONS**

**B. Effect on Restriction of Sale (if Opt-out by Ordinance) 10:12am**

**1. Draft (No New Public Comments Received)**

**TAB 45**

*Mark Springer motions to adopt 3 AAC 306.250 as amended.*

*Brandon Emmett seconds the motion.*

*Motion carries unanimously.*

**C. Food Safety Permit 10:13am**

**1. Draft; New Public Comment Received**

**TAB 46**

*Mark Springer motions to adopt 3 AAC 306.315 and 3 AAC 306.520 as amended.*

*Brandon Emmett seconds the motion.*

*The Board members consider the public comment received.*

*Motion carries unanimously.*

**D. Ownership Change Requirements 10:14am**

**1. Draft (No New Public Comments Received)**

**TAB 47**

*Mark Springer motions to adopt 3 AAC 306.040 and 3 AAC 306.100 as amended.*

*Brandon Emmett seconds the motion.*

*Motion carries unanimously.*

**E. Retail Marijuana Store Notice Requirements**

**10:14am**

**1. Draft; New Public Comment Received**

**TAB 48**

*Mark Springer motions to adopt new section 3 AAC 306.365.*

*Brandon Emmett seconds the motion.*

*The Board members consider the public comment received.*

*Motion carries unanimously.*

**F. Testing Requirements**

**10:15am**

**1. Draft (No New Public Comments Received)**

**TAB 49**

*Mark Springer motions to adopt 3 AAC 306.645 and 3 AAC 306.660 as amended.*

*Brandon Emmett seconds the motion.*

*Motion carries unanimously.*

Minutes prepared by:



---

**Sarah D. Oates**  
**Program Coordinator**