

Byron Mallott
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
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Anchorage, Alaska 99501
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Micarla Fowler
Commerce, Community, and Economic Development

FROM: Scott Meriwether, Office of the Lieutenant Governor
465.4081

A handwritten signature in black ink, appearing to be "Scott Meriwether", with a long horizontal line extending to the right.

DATE: September 12, 2017

RE: Filed Permanent Regulations: Marijuana Control Board

Update to Marijuana Control Board regulations re: transportation of marijuana and
marijuana products (3 AAC 306.750(a); 3 AAC 306.990(a)(10))

Attorney General File:	JU2017200165
Regulation Filed:	9/11/2017
Effective Date:	10/11/2017
Print:	224, January 2018

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

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE MARIJUANA CONTROL BOARD

The attached single page of regulations, dealing with the transportation of marijuana between licensees, is certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its July 13, 2017, meeting, under the authority of AS 17.38.121 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.

On the record, in considering public comments, 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:

7/28/17



Erika McConnell, Director
Marijuana Control Board

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on

September 11, 2017 at 11 A.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Byron Mallott
Lieutenant Governor

Effective:

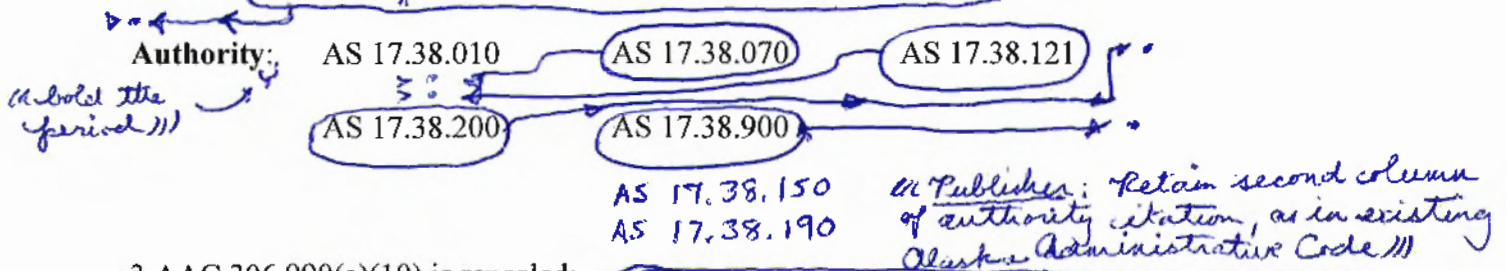
October 11, 2017

Register:

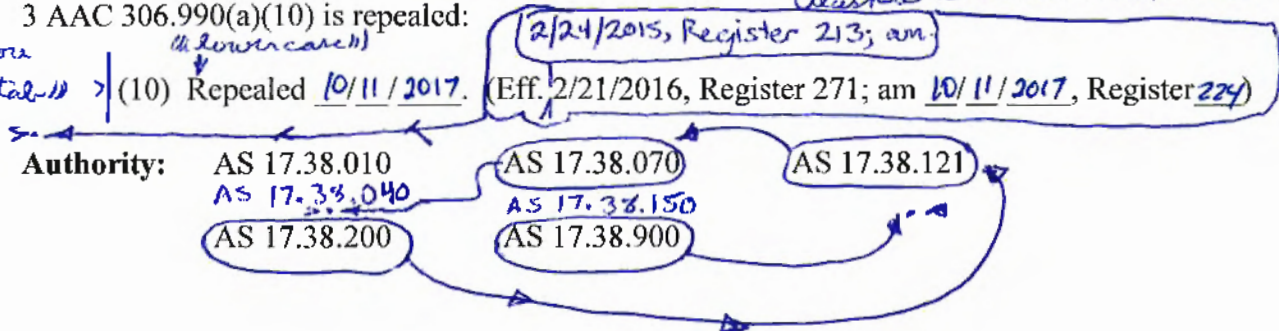
224, January 2018

3 AAC 306.750(a) is repealed and readopted to read:

3 AAC 306.750. Transportation ^a (a) Marijuana or marijuana product may only be transported to a licensed marijuana establishment by a licensee or an agent or employee of a licensee. (Eff 2/21/2006, Register 217; am 10/11/2017, Register 224)



3 AAC 306.990(a)(10) is repealed:
(one more o.s. tal-ll) *(lower case)* (10) Repealed 10/11/2017.



MEMORANDUM


State of Alaska
Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: September 8, 2017

File No.: JU2017200165

Tel. No.: 465-3600

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

Update to Marijuana Control Board
regulations re: transportation of
marijuana and marijuana products
(3 AAC 306.750(a); 3 AAC
306.990(a)(10))

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 September 8, 2017 from the regulations attorney. The regulations streamline a provision of the regulations regarding transportation of marijuana and marijuana products and repeal a redundant and potentially confusing definition of "'transport' or 'transfer.'"

We find no legal problems with the regulations. 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 April 3, 2017 public notice and the July 28, 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: JU2017200165

September 8, 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

Sarah Oates
Alcohol and Marijuana Control Office
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: September 8, 2017

FILE NO.: JU2017200165

TELEPHONE NO.: (907) 465-3600

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

SUBJECT: Specific delegation of authority
regarding regulations review on
Marijuana Control Board
regulations re: transportation of
marijuana and marijuana products
(3 AAC 306.750(a); 3 AAC
306.990(a)(10))

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

NOTICE OF PROPOSED CHANGES
REGARDING TRANSPORTATION OF MARIJUANA BETWEEN LICENSEES AND
MARIJUANA HANDLER PERMITS IN THE REGULATIONS OF THE
MARIJUANA CONTROL BOARD

The Marijuana Control Board proposes to amend Title 3 of the Alaska Administrative Code, dealing with marijuana handler permits and how marijuana and marijuana products may be transported between licensees, including the following:

3 AAC 306.700 is proposed to clarify eligibility for issuance of a new marijuana handler permit.

3 AAC 306.750 is proposed to clarify how marijuana and marijuana products may be transported between licensees.

3 AAC 306.8xx is a proposed new section clarifying guidelines for suspension or revocation of a marijuana handler permit for a permit holder convicted or under indictment for a felony.

3 AAC 306.990 is proposed to be repealed.

You may comment 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 comments by electronic mail at amco.regs@alaska.gov. 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 that you are commenting on "marijuana regulations".** The comments must be received no later than 4:30 p.m. on May 5, 2017.

You may submit written questions relevant to the proposed regulations to Jedediah Smith by email and physical address. Please do not submit questions through the Alaska Online Public Notice System. The questions must be received at least 10 days before the end of the public comment period, by April 25, 2017 at 4:30 p.m. The Alcohol & Marijuana Control Office will aggregate its response to substantially similar questions and make the questions and responses 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 or amco.regs@alaska.gov no later than April 24, 2017 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulations is 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/> and by contacting Jedediah Smith at 550 W. 7th Ste 1600, Anchorage, AK 99501.

After the public comment period ends, the Alcoholic Beverage 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 during the time allowed if your interests could be affected.

Statutory Authority: AS 17.38.190

Statutes Being Implemented, Interpreted, or Made Specific: AS 17.38

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

DATE: March 30, 2017



Erika McConnell, 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 Transportation regulations
3. Citation of regulation (may be grouped): 3 AAC 306.700-990
4. Department of Law file number, if any: JU2017200165
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: Jedediah R. Smith
Title: Local Government Specialist IV

Address: 550 W. 7th Avenue, Suite 1600
Anchorage, AK 99501

Telephone: 907-334-2195
E-mail address jedediah.smith@alaska.gov

10. The origin of the proposed action:

☐ Staff of state agency
☐ Federal government
☐ General public
☐ Petition for regulation change
☒ Other (identify) Marijuana Control Board

11. Date: 03/30/2017

Prepared by
Name (printed): Jedediah R. Smith
Title (printed): Local Government Specialist IV
Telephone: 907-334-2195

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Erika McConnell, Director for the Marijuana Control Board, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 3 AAC 306.750 (a) and repeal of 3 AAC 306.990 (a) (10) regarding the transportation of marijuana between license types, 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.

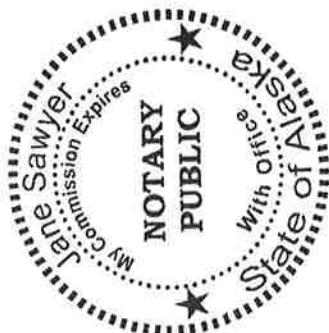
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the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

Date: 7/28/17

Erika McConnell

Erika McConnell, Director
Marijuana Control Board

Subscribed and sworn to before me at Anchorage, Alaska, on 7/28/17.



Jane Sawyer

Notary Public in and for the State of Alaska

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Erika McConnell, Director for the Marijuana Control Board, being duly sworn, state the following:

In compliance with AS 44.62.215, the Marijuana Control Board has kept a record of its use or rejection of 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 Marijuana Control Board regulation on transportation of marijuana or marijuana products between licensees.

Date:

7/28/17

Erika McConnell

Erika McConnell, Director
Marijuana Control Board

Subscribed and sworn to before me at Anchorage, Alaska, on 7/28/17.
(date)



Jane Sawyer

Notary Public in and for the State of Alaska

270221
#1402833
\$368.54



AFFIDAVIT OF PUBLICATION

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Emma Dunlap
being first duly sworn on oath
deposes and says that 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

April 3, 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 Emma Dunlap

Subscribed and sworn to before

me this 17 day of May

20 17 Angela M Simmons

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

4/14/21

ANGELA M SIMMONS
NOTARY PUBLIC
State of Alaska
My Commission Expires Apr. 14, 2021

NOTICE OF PROPOSED CHANGES REGARDING TRANSPORTATION OF MARIJUANA BETWEEN LICENSEES AND MARIJUANA HANDLER PERMITS IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD

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3 AAC 306.750 is proposed to clarify how marijuana and marijuana products may be transported between licensees.

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You may submit written questions relevant to the proposed regulations to Jedediah Smith by email and physical address. Please do not submit questions through the Alaska Online Public Notice System. The questions must be received at least 10 days before the end of the public comment period, by April 25, 2017 at 4:30 p.m. The Alcohol & Marijuana Control Office will aggregate its response to substantially similar questions and make the questions and responses 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 or amco.regs@alaska.gov no later than April 24, 2017 to ensure that any necessary accommodations can be provided.

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Statutory Authority: AS 17.38.190

Statutes Being Implemented, Interpreted, or Made Specific:
AS 17.38

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

DATE: March 30, 2017

Erika McConnell, Director
Alcohol & Marijuana Control Office

Published: April 3, 2017

AFFIDAVIT OF MARIJUANA CONTROL BOARD ACTION

I, Erika McConnell, Director for the Marijuana Control Board, being duly sworn, state the following:

The attached motion dealing with the transportation of marijuana and marijuana products between licensees was passed by the Marijuana Control Board during its July 13, 2017, meeting.

Date: 7/28/17

Erika McConnell

Erika McConnell, Director
Marijuana Control Board

Subscribed and sworn to before me at Anchorage, Alaska, on 7/28/17
(date)



Jane Sawyer

Notary Public in and for the State of Alaska



Marijuana Control Board
Excerpt from Unapproved Meeting Minutes
July 13, 2017
Fourth Judicial District
DEC Meeting Room
610 University Avenue
Fairbanks, Alaska

● **REGULATIONS**

A. Revocation of Handler's Permit; Transportation

TAB 56

Status: Public comment period closed May 5, 2017

Potential Board Actions: Vote to adopt; OR
 Substantially amend and put out for public comment

Mark Springer moves to adopt draft changes to 3 AAC 306.700 and 3 AAC 306.xxx (regulations dealing with marijuana handler permits)

Loren Jones seconds.

Mark Springer moves to amend 3 AAC 306.700(f)(2) from five years to two years.

Brandon Emmett seconds the amendment.

The amendment passes 3-2. Jones, Springer and Emmett vote yes.

Brandon Emmett moves to amend 3 AAC 306.700(g) by removing the subsection.

Nick Miller seconds the amendment.

Emmett's amendment passes 3-2. Jones, Emmett and Springer vote yes.

Nick Miller moves to amend 3 AAC 306.8xx by replacing (a) and (b) with "(a) The board may suspend or revoke a marijuana handler permit issued under this chapter, refuse to renew a permit or issue a civil fine if the holder of the permit is acting in violation of this chapter or the public interest."

Mark Springer seconds the amendment.

Miller's amendment passes 3-2. Springer, Miller and Emmett vote yes.

The motion to adopt 3 AAC 306.700 and 3 AAC 306.8xxx (regulations dealing with marijuana handler permits) is adopted 3-2. Springer, Emmett and Miller vote yes. The draft will be re-released for additional public comment.

Loren Jones moves to adopt the draft regulation changes to 3 AAC 306.750 and repeal of 3 AAC 306.990(a)(10) which address transportation of marijuana and marijuana products between licensees.

Brandon Emmett seconds the motion.

The motion passes 5-0. The draft regulation changes are adopted.