

Byron Mallott  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520  
WWW.LTGOV.ALASKA.GOV




530 West 7<sup>th</sup> Ave, Suite 1700  
Anchorage, Alaska 99501  
907.269.7460  
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Micaela Fowler  
Department of Commerce, Community & Economic Development

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

**DATE:** November 28, 2017

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

Marijuana Control Board regulations re: local government jurisdiction and the public objection process (3 AAC 306.025(b)(3)(A),(d)(2); 3 AAC 306.035(c)(2); 3 AAC 306.045(c)(2); 3 AAC 306.060(d); 3 AAC 306.065; 3 AAC 306.075(a))

---

Attorney General File:	JU2017200477
Regulation Filed:	11/28/2017
Effective Date:	12/28/2017
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 three pages of regulations, dealing with local government jurisdiction and the public objection process for marijuana licenses, are certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its September 15, 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.

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: 11/20/17

Erika McConnell

Erika McConnell, Director

FILING CERTIFICATION

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

NOV. 28, 2017 at 9:06 A.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

Claine Richardson for  
Lieutenant Governor Byron Mallott

Effective: December 28, 2017

Register: 22~~4~~, January 2018

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, BYRON MALLOTT, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employee to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:**

**Claire Richardson, Special Assistant**

**IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on January 7<sup>th</sup> 2015.**

A handwritten signature in dark ink, appearing to read "Byron Mallott", is written over a horizontal dotted line.

**BYRON MALLOTT  
LIEUTENANT GOVERNOR**



Register 224, January 2018 COMMERCE, COMMUNITY, AND EC. DEV.

3 AAC 306.025(b)(3)(A) is amended to read:

(A) **each** [THE] local government **with jurisdiction over the licensed premises**; and

3 AAC 306.025(d)(2) is amended to read:

(2) **each** [THE] local government with jurisdiction over the applicant's proposed licensed premises;

(Eff. 2/21/2016, Register 217; am 12/28/2017, Register 224)

<b>Authority:</b>	AS 17.38.010	AS 17.38.150	AS 17.38.200
	AS 17.38.070	AS 17.38.190	AS 17.38.900
	AS 17.38.121		

3 AAC 306.035(c)(2) is amended to read:

(2) **each** [THE] local government **with jurisdiction over** [IN THE AREA IN WHICH] the applicant's proposed licensed premises [ARE LOCATED];

(Eff. 2/21/2016, Register 217; am 12/28/2017, Register 224)

<b>Authority:</b>	AS 17.38.010	AS 17.38.150	AS 17.38.200
	AS 17.38.070	AS 17.38.190	AS 17.38.900
	AS 17.38.121		

3 AAC 306.045(c)(2) is amended to read:

(2) **each** [THE] local government **with jurisdiction over the applicant's**



Register 224, January 2018 COMMERCE, COMMUNITY, AND EC. DEV.

**proposed** [IN THE AREA IN WHICH THE] licensed premises [ARE LOCATED];

(Eff. 2/21/2016, Register 217; am 12/28/2017, Register 224)

**Authority:** AS 17.38.010 AS 17.38.150 AS 17.38.200  
AS 17.38.070 AS 17.38.190 AS 17.38.900  
AS 17.38.121

3 AAC 306.060 is amended by adding a new subsection to read:

(d) In this section, "local government" means each local government with jurisdiction over the licensed premises. (Eff. 2/21/2016, Register 217; am 12/28/2017, Register 224)

**Authority:** AS 17.38.010 AS 17.38.150 AS 17.38.200  
AS 17.38.070 AS 17.38.190 AS 17.38.900  
AS 17.38.121

3 AAC 306.065 is amended to read:

**3 AAC 306.065. Public participation.** A person may object to an application for a new license, renewal of a license, or transfer of a license to another person by submitting a written statement of reasons for the objection to the board and the applicant not later than 30 days after the director has determined that the application is complete and has given written notice to the local government in accordance with 3 AAC 306.025 [NOTICE OF THE APPLICATION, BUT NOT LATER THAN THE DEADLINE FOR OBJECTIONS STATED IN A POSTED OR PUBLISHED NOTICE OF THE APPLICATION]. The objection must be sent to the applicant at the mailing address or electronic mail address provided in the notice of application **and also to**

Register 224, January 2018 COMMERCE, COMMUNITY, AND EC. DEV.

**the board.** If the board determines to conduct a public hearing under this section, an interested person may give oral testimony at the public hearing. (Eff. 2/21/2016, Register 217; am 12/28/2017, Register 224)

**Authority:** AS 17.38.010 AS 17.38.150 AS 17.38.200  
AS 17.38.070 AS 17.38.190 AS 17.38.900  
AS 17.38.121

**Editor's note:** The address for sending objections to the Marijuana Control Board is the Anchorage office of the Alcohol and Marijuana Control Office, 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501; email: marijuana.licensing@alaska.gov .

3 AAC 306.075(a) is amended to read:

(a) The board will decide whether to grant or deny an application not later than 90 days after receiving the complete application. However, the board will not grant or deny the application before [(1)] the time allowed for a protest under 3 AAC 306.060, unless the local government waives its right to protest [; OR (2) THE TIME ALLOWED FOR AN OBJECTION UNDER 3 AAC 306.065 HAS ELAPSED].

(Eff. 2/21/2016, Register 217; am 12/28/2017, Register 224)

**Authority:** AS 17.38.010 AS 17.38.150 AS 17.38.200  
AS 17.38.070 AS 17.38.190 AS 17.38.900  
AS 17.38.121

# MEMORANDUM


State of Alaska  
Department of Law

To: Hon. Byron Mallott  
Lieutenant Governor

Date: November 28, 2017

File No.: JU2017200477

Tel. No.: 465-3600

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

Marijuana Control Board regulations  
re: local government jurisdiction and  
the public objection process (3 AAC  
306.025(b)(3)(A), (d)(2); 3 AAC  
306.035(c)(2); 3 AAC 306.045(c)(2);  
3 AAC 306.060(d); 3 AAC 306.065;  
3 AAC 306.075(a))

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 November 20, 2017 from the regulations attorney. The regulations refine provisions regarding local government jurisdiction, particularly the process for public participation and objection.

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.

Hon. Byron Mallott, Lieutenant Governor  
Our file: JU2017200477

November 28, 2017  
Page 2

The July 25, 2017 public notice, the August 10, 2017 supplemental public notice, and the November 20, 2017 certification of adoption order all state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

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

Jedediah Smith  
Alcohol and Marijuana Control Office  
Department of Commerce, Community, and Economic Development

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

# MEMORANDUM

## State of Alaska Department of Law

TO: Hon. Byron Mallott  
Lieutenant Governor

DATE: November 20, 2017

FILE NO.: JU2017200477

TELEPHONE NO.: (907) 465-3600

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

SUBJECT: Specific delegation of authority  
regarding regulations review on  
Marijuana Control Board  
regulations re: local government  
jurisdiction and the public  
objection process (3 AAC  
306.025(b)(3)(A), (d)(2); 3 AAC  
306.035(c)(2); 3 AAC  
306.045(c)(2); 3 AAC  
306.060(d); 3 AAC 306.065;  
3 AAC 306.075(a))

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 ON LOCAL GOVERNMENT JURISDICTION  
NOTIFICATION AND PUBLIC OBJECTION PROCESS  
IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with the notification for local government jurisdiction over marijuana licenses and the public objection process for new, renewal or transfers of marijuana licenses, including the following:

- (1) 3 AAC 306.025, 3 AAC 306.035, 3 AAC 306.045, and 3 AAC 306.060 is proposed to be changed to require notice from marijuana applicants to all applicable local government jurisdictions.
- (2) 3 AAC 306.065 is proposed to extend the period for public objections.
- (3) 3 AAC 306.075(a)(2) is proposed to be repealed.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Alcohol & Marijuana Control Office at 550 West 7<sup>th</sup> Avenue, Suite 1600, Anchorage, AK 99501. Additionally, the Marijuana Control Board will accept comments by electronic mail at [amco.regs@alaska.gov](mailto: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. The comments must be received not later than 4:30 pm on September 5, 2017.

You may submit written questions relevant to the proposed action to the Marijuana Control Board by email at [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov) or at 550 West 7<sup>th</sup> Avenue, Suite 1600, Anchorage, AK 99501. The questions must be received at least 10 days before the end of the public comment period. The Marijuana Control Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

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 [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov) or (907) 269-0350 not later than August 25, 2017 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting the Alcohol & Marijuana Control Office at (907) 269-0350 or [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov).

After the public comment period ends, the Marijuana Control Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public

inspection.

**Statutory authority:** AS 17.38.010; AS 17.38.070; AS 17.38.121; AS 17.38.150; AS 17.38.190; AS 17.38.200; AS 17.38.900

**Statutes being implemented, interpreted, or made specific:** AS 17.38.070 AS 17.38.200 AS 17.38.210

**Fiscal information:** The proposed regulation changes are not expected to require an increased appropriation.

Date: July 21, 2017

A handwritten signature in black ink that reads "Erika McConnell". The signature is written in a cursive style with a large, stylized "M".

---

Erika McConnell, director

NOTICE OF PROPOSED CHANGES ON LOCAL GOVERNMENT JURISDICTION  
NOTIFICATION AND PUBLIC OBJECTION PROCESS  
IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with the notification for local government jurisdiction over marijuana licenses and the public objection process for new, renewal or transfers of marijuana licenses, including the following:

- (1) 3 AAC 306.025, 3 AAC 306.035, 3 AAC 306.045, and 3 AAC 306.060 is proposed to be changed to require notice from marijuana applicants to all applicable local government jurisdictions.
- (2) 3 AAC 306.065 is proposed to extend the period for public objections.
- (3) 3 AAC 306.075(a)(2) is proposed to be repealed.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Alcohol & Marijuana Control Office at 550 West 7<sup>th</sup> Avenue, Suite 1600, Anchorage, AK 99501. Additionally, the Marijuana Control Board will accept comments by electronic mail at [amco.regs@alaska.gov](mailto: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. The comments must be received not later than 4:30 pm on September 5, 2017.

You may submit written questions relevant to the proposed action to the Marijuana Control Board by email at [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov) or at 550 West 7<sup>th</sup> Avenue, Suite 1600, Anchorage, AK 99501. The questions must be received at least 10 days before the end of the public comment period. The Marijuana Control Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

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 [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov) or (907) 269-0350 not later than August 25, 2017 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting the Alcohol & Marijuana Control Office at (907) 269-0350 or [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov).

After the public comment period ends, the Marijuana Control Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public

inspection.

**Statutory authority:** AS 17.38.010; AS 17.38.070; AS 17.38.121; AS 17.38.150; AS 17.38.190; AS 17.38.200; AS 17.38.900

**Fiscal information:** The proposed regulation changes are not expected to require an increased appropriation.

Date: July 21, 2017

A handwritten signature in black ink that reads "Erika McConnell". The signature is written in a cursive style with a large, stylized "M".

---

Erika McConnell, director



SUPPLEMENTAL NOTICE OF PROPOSED CHANGES ON LOCAL GOVERNMENT  
JURISDICTION NOTIFICATION AND PUBLIC OBJECTION PROCESS  
IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with the notification for local government jurisdiction over marijuana licenses and the public objection process for new, renewal or transfers of marijuana licenses, including the following:

- (1) 3 AAC 306.025, 3 AAC 306.035, 3 AAC 306.045, and 3 AAC 306.060 is proposed to be changed to require notice from marijuana applicants to all applicable local government jurisdictions.
- (2) 3 AAC 306.065 is proposed to extend the period for public objections.
- (3) 3 AAC 306.075(a)(2) is proposed to be repealed.

This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PROPOSED CHANGES that was issued on July 21, 2017, concerning these proposed regulation revisions contained in the Department of Law file number JU2017200477. This SUPPLEMENTAL NOTICE is being issued to include the statutes being implemented, interpreted or made specific.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Alcohol & Marijuana Control Office at 550 West 7<sup>th</sup> Avenue, Suite 1600, Anchorage, AK 99501. Additionally, the Marijuana Control Board will accept comments by electronic mail at [amco.regs@alaska.gov](mailto: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. The comments must be received not later than 4:30 pm on September 5, 2017.

You may submit written questions relevant to the proposed action to the Marijuana Control Board by email at [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov) or at 550 West 7<sup>th</sup> Avenue, Suite 1600, Anchorage, AK 99501. The questions must be received at least 10 days before the end of the public comment period. The Marijuana Control Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

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 [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov) or (907) 269-0350 not later than August 25, 2017 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting the Alcohol & Marijuana Control Office at (907) 269-0350 or [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov).



After the public comment period ends, the Marijuana Control Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

**Statutory authority:** AS 17.38.010; AS 17.38.070; AS 17.38.121; AS 17.38.150; AS 17.38.190; AS 17.38.200; AS 17.38.900

**Statutes being implemented, interpreted, or made specific:** AS 17.38.070 AS 17.38.200 AS 17.38.210

**Fiscal information:** The proposed regulation changes are not expected to require an increased appropriation.

Date: August 9, 2017

A handwritten signature in black ink that reads "Erika McConnell". The signature is written in a cursive, flowing style.

---

Erika McConnell, director

ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(d))<sup>1</sup>

1. Adopting agency: Alaska Marijuana Control Board
2. General subject of regulation: Local government jurisdiction; timing for public objection
3. Citation of regulation (may be grouped): 3 AAC 306.025; 3 AAC 306.035; 3 AAC 306.045; 3 AAC 306.060; 3 AAC 306.065; 3 AAC 306.075
4. Department of Law file number, if any: JU2017200477

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: \$0

7. Estimated annual cost to comply with the proposed action to:

A private person: \$0

Another state agency: \$0

A municipality: \$0

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

	Initial Year FY <u>18</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>
Other (identify)	\$ <u>0</u>	\$ <u>0</u>

9. The name of the contact person for the regulation:

Name: Jedediah Smith

Title: Local Government Specialist

Address: 550 West 7<sup>th</sup> Ave, Suite 1600 Anchorage, AK 99501

Telephone: (907) 269-0350

E-mail address: amco.regs@alaska.gov

10. The origin of the proposed action:

☐ Staff of state agency

☐ Federal government

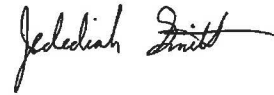
☐ General public

☐ Petition for regulation change

☒ Other (identify): Marijuana Control Board

11. Date: July 21, 2017

Prepared by:



Name (printed): Jedediah Smith

Title (printed): Local Government Specialist

Telephone: (907) 269-0350

ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(d))<sup>1</sup>

1. Adopting agency: Alaska Marijuana Control Board
2. General subject of regulation: Local government jurisdiction; timing for public objection
3. Citation of regulation (may be grouped): 3 AAC 306.025; 3 AAC 306.035; 3 AAC 306.045; 3 AAC 306.060; 3 AAC 306.065; 3 AAC 306.075
4. Department of Law file number, if any: To Be Assigned
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): \_\_\_\_\_
- (x) Development of program standards
- ( ) Other (identify): \_\_\_\_\_

6. Appropriation/Allocation: \$0

7. Estimated annual cost to comply with the proposed action to:

A private person: \$0

Another state agency: \$0

A municipality: \$0

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

	Initial Year FY <u>18</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>
Other (identify)	<u>\$ 0</u>	<u>\$ 0</u>

9. The name of the contact person for the regulation:

Name: Jedediah Smith

Title: Local Government Specialist

Address: 550 West 7<sup>th</sup> Ave, Suite 1600 Anchorage, AK 99501

Telephone: (907) 269-0350

E-mail address: amco.regs@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: July 21, 2017

Prepared by:



Name (printed): Jedediah Smith

Title (printed): Local Government Specialist

Telephone: (907) 269-0350



AFFIDAVIT OF NOTICE OF PROPOSED REGULATION  
AND FURNISHING OF ADDITIONAL INFORMATION

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

As required by AS 44.62.190, notice of the proposed adoption of changes to 3 AAC 306.025, 3 AAC 306.035, 3 AAC 306.045, 3 AAC 306.060, which change required notice for marijuana applicants to local governments, 3 AAC 306.065, which extends the period for public objection for marijuana applications, and 3 AAC 306.075(a)(2), which is repealed

- (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: 10/3/17

Erika McConnell

Erika McConnell, director

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



[Signature]

Notary Public in and for the State of Alaska

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

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

The Marijuana Control Board 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 Marijuana Control Board regulation on local government jurisdiction or the public objection period for marijuana license applications.

Date: 10/3/17

Erika McConnell

Erika McConnell, director

Subscribed and sworn to before me at Anchorage, Alaska on  
Oct 3, 2017  
(date)



[Signature]

Notary Public in and for the State of Alaska



270221  
0001408911  
\$353.58

# AFFIDAVIT OF PUBLICATION

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Joleesa Stepetin  
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

August 10, 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 Joleesa Stepetin

Subscribed and sworn to before me  
this 10th day of August, 2017

Britney Thompson

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

## SUPPLEMENTAL NOTICE OF PROPOSED CHANGES ON LOCAL GOVERNMENT JURISDICTION NOTIFICATION AND PUBLIC OBJECTION PROCESS IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with the notification for local government jurisdiction over marijuana licenses and the public objection process for new, renewal or transfers of marijuana licenses, including the following:

- (1) 3 AAC 306.025, 3 AAC 306.035, 3 AAC 306.045, and 3 AAC 306.060 is proposed to be changed to require notice from marijuana applicants to all applicable local government jurisdictions.
- (2) 3 AAC 306.065 is proposed to extend the period for public objections.
- (3) 3 AAC 306.075(a)(2) is proposed to be repealed.

This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PROPOSED CHANGES that was issued on July 21, 2017, concerning these proposed regulation revisions contained in the Department of Law file number JU2017200477. This SUPPLEMENTAL NOTICE is being issued to include the statutes being implemented, interpreted or made specific.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Alcohol & Marijuana Control Office at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501. Additionally, the Marijuana Control Board will accept comments by electronic mail at [amco.regs@alaska.gov](mailto: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. The comments must be received not later than 4:30 pm on September 5, 2017.

You may submit written questions relevant to the proposed action to the Marijuana Control Board by email at [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov) or at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501. The questions must be received at least 10 days before the end of the public comment period. The Marijuana Control Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

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 [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov) or (907) 269-0350 not later than August 25, 2017 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting the Alcohol & Marijuana Control Office at (907) 269-0350 or [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov).

After the public comment period ends, the Marijuana Control Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 17.38.010; AS 17.38.070; AS 17.38.121; AS 17.38.150; AS 17.38.190; AS 17.38.200; AS 17.38.900

Statutes being implemented, interpreted, or made specific: AS 17.38.070 AS 17.38.200 AS 17.38.210

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: August 9, 2017

Erika McConnell, director

Published: August 10, 2017



270221  
#1408114  
\$303.78

# AFFIDAVIT OF PUBLICATION

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Joleesa Stepetin  
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

July 25, 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 Joleesa Stepetin

Subscribed and sworn to before

me this 9 day of August

20 17

Britney Thompson

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

2/23/2019

## NOTICE OF PROPOSED CHANGES ON LOCAL GOVERNMENT JURISDICTION NOTIFICATION AND PUBLIC OBJECTION PROCESS IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with the notification for local government jurisdiction over marijuana licenses and the public objection process for new, renewal or transfers of marijuana licenses, including the following:

- (1) 3 AAC 306.025, 3 AAC 306.035, 3 AAC 306.045, and 3 AAC 306.060 is proposed to be changed to require notice from marijuana applicants to all applicable local government jurisdictions.
- (2) 3 AAC 306.065 is proposed to extend the period for public objections.
- (3) 3 AAC 306.075(a)(2) is proposed to be repealed.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Alcohol & Marijuana Control Office at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501. Additionally, the Marijuana Control Board will accept comments by electronic mail at [amco.regs@alaska.gov](mailto: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. The comments must be received not later than 4:30 pm on September 5, 2017.

You may submit written questions relevant to the proposed action to the Marijuana Control Board by email at [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov) or at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501. The questions must be received at least 10 days before the end of the public comment period. The Marijuana Control Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

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 [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov) or (907) 269-0350 not later than August 25, 2017 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting the Alcohol & Marijuana Control Office at (907) 269-0350 or [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov).

After the public comment period ends, the Marijuana Control Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 17.38.010; AS 17.38.070; AS 17.38.121; AS 17.38.150; AS 17.38.190; AS 17.38.200; AS 17.38.900

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: July 21, 2017  
Erika McConnell, director

Published: July 25, 2017

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

AFFIDAVIT OF MARIJUANA CONTROL BOARD ACTION

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

The attached motion dealing with local government jurisdiction and the public objection process for marijuana licenses was adopted by the Marijuana Control Board during its September 15, 2017, meeting.

Date: 10/3/17

Erika McConnell

Erika McConnell, Director

Subscribed and sworn to before me at Anchorage, Alaska on  
Oct 3, 2017  
(date)

Craig J. Douglas

Notary Public in and for the State of Alaska







**Marijuana Control Board  
Meeting Agenda  
September 15, 2017  
Second Judicial District  
Aurora Inn Conference Room  
302 Front Street  
Nome, Alaska**

● **REGULATIONS**

**B. Local Government Jurisdiction; Timing of Public Objections**

**TAB 73**

Status: Comment period closed September 5, 2017

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

*Brandon Emmett moves to adopt regulation. Nicholas Miller seconds.*

*Loren Jones: After discussion on protest and timing, how would someone know when that date starts?*

*McConnell: We'll have to develop a way to notify the public when an application is complete. We'll have to post it on our website.*

*Motion carries 5-0.*

## Marijuana Control Board proposed regulations--changes to local government jurisdiction and timing of public objections

### NOTICE OF PROPOSED CHANGES ON LOCAL GOVERNMENT JURISDICTION NOTIFICATION AND PUBLIC OBJECTION PROCESS

#### IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with the notification for local government jurisdiction over marijuana licenses and the public objection process for new, renewal or transfers of marijuana licenses, including the following:

- (1) 3 AAC 306.025, 3 AAC 306.035, 3 AAC 306.045, and 3 AAC 306.060 is proposed to be changed to require notice from marijuana applicants to all applicable local government jurisdictions.
- (2) 3 AAC 306.065 is proposed to extend the period for public objections.
- (3) 3 AAC 306.075(a)(2) is proposed to be repealed.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Alcohol & Marijuana Control Office at 550 West 7<sup>th</sup> Avenue, Suite 1600, Anchorage, AK 99501. Additionally, the Marijuana Control Board will accept comments by electronic mail at [amco.regs@alaska.gov](mailto: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. The comments must be received not later than 4:30 pm on September 5, 2017.

You may submit written questions relevant to the proposed action to the Marijuana Control Board by email at [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov) or at 550 West 7<sup>th</sup> Avenue, Suite 1600, Anchorage, AK 99501. The questions must be received at least 10 days before the end of the public comment period. The Marijuana Control Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

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 [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov) or (907) 269-0350 not later than August 25, 2017 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting the Alcohol & Marijuana Control Office at (907) 269-0350 or [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov).

After the public comment period ends, the Marijuana Control Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 17.38.010; AS 17.38.070; AS 17.38.121; AS 17.38.150; AS 17.38.190; AS 17.38.200; AS 17.38.900

Statutes being implemented, interpreted, or made specific: AS 17.38.070 AS 17.38.200 AS 17.38.210

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: July 21, 2017

Erika McConnell, director

[Attachments, History, Details](#)

**Attachments**

[MCB Additional Regs Notice.pdf](#)

[MCB Public Notice \(local govt jurisdiction and public objection\).pdf](#)

[MCB Regulations draft local government jurisdiction and public objection.pdf](#)

[MCB supplemental Public Notice \(local govt jurisdiction and public objection\).pdf](#)

**Revision History**

Created 7/21/2017 6:38:13 PM by jrsmith

Modified 8/8/2017 8:20:06 AM by jrsmith

Modified 8/9/2017 9:21:28 AM by jrsmith

Modified 8/9/2017 2:08:15 PM by jrsmith

**Details**

Department:	Commerce, Community and Economic Development
Category:	Regulations
Sub-Category:	Notice of Proposed Regulations
Location(s):	Statewide
Project/Regulation #:	JU2017200477

Publish Date: 7/21/2017

Archive Date: 9/6/2017

Events/Deadlines: