

Byron Mallott
Lieutenant Governor
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**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: April 24, 2018

RE: Filed Permanent Regulations: Marijuana Control Board

Marijuana Control Board: Regulations re: 3 AAC 306.700, .831: Marijuana Handler (3 AAC 306.700)

Attorney General File:	JU2016200617
Regulation Filed:	4/23/2018
Effective Date:	5/23/2018
Print:	226, July 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 marijuana handler permits, is certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its January 23, 2018, 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:

2/1/18



Erika McConnell, Director
Alcohol and Marijuana Control Office

FILING CERTIFICATION

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

April 23, 2018 at 230 P.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Lieutenant Governor

Effective:

May 23, 2018.

Register:

226, July 2018

3 AAC 306.700 is amended by adding a new subsection to read:

(f) The board ^{will} ~~may~~ not issue a marijuana handler permit to a person ^{who} ~~that~~

(1) has been convicted of a felony in the state and either

(A) less than five years have elapsed from the time of the person's

conviction; or

(B) the person is currently on probation or parole for that felony,

(2) has within ^{the} two years ^{period immediately preceding submission of} before submitting an application, been convicted of a

class A misdemeanor ~~crime~~ in the state involving a controlled substance other than a Schedule

VI controlled substance,

(3) has within ^{the} two years ^{period immediately preceding submission of} before submitting an application, been convicted of a

class A misdemeanor in the state relating to selling, furnishing, or distributing marijuana; or,

(4) is currently under indictment for an offense listed in this section ~~that would~~

prevent qualification for a permit. (Eff.) 5/23/2018, Register 226)

Authority: AS 17.38.010
AS 17.38.070
AS 17.38.200

AS 17.38.070
AS 17.38.900

AS 17.38.121
AS 17.38.900

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

3 AAC 306.8xx Suspension or revocation of marijuana handler permit. (a) The

board may suspend or revoke a permit issued under this chapter, refuse to renew

a permit, or impose a civil fine if the board or the director finds that a permit holder ^{marijuana handler} ~~has~~ acted in

violation of this chapter. (Eff. 5/23/2018, Register 226)

Authority: AS 17.38.010
AS 17.38.070
AS 17.38.200

AS 17.38.070
AS 17.38.900

AS 17.38.121
AS 17.38.900

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Byron Mallott
Lieutenant Governor

Date: April 20, 2018

File No.: JU2016200617

Tel. No.: 465-3600

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

Re: Marijuana Control Board:
Regulation re: 3 AAC 306.700, .831:
Marijuana Handler

The Department of Law has reviewed the attached regulations of the Marijuana Control Board against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. The regulations concern circumstances that would bar a person from being issued a marijuana handler permit.

The regulations were adopted by the board after the close of the public comment period.

The November 8, 2017 public notice and the 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.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SRP/jkc

cc:

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

Erika McConnell, Division Director
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 Milks
Assistant Attorney General
Commercial, Fair Business, and Child Support Section

NOTICE OF PROPOSED CHANGES
REGARDING 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, including the following:

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

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.

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 the Alcohol & Marijuana Control Office at 550 W. 7th Ave, Suite 1600, Anchorage, AK 99501. Additionally, the Marijuana Control Board 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 handler permit regulations”.** The comments must be received no later than 4:30 p.m. on December 15, 2017.

You may submit written questions relevant to the proposed regulations 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 December 4, 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 December 4, 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 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 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: November 8, 2017

Erika McConnell

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 Handler Permits
3. Citation of regulation (may be grouped): 3 AAC 306.700-3 AAC 306.899
4. Department of Law file number, if any: JU2016200617

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>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>
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 of the Alcohol and 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 306.700 and 3 AAC 306.8xx regarding issuance and revocation of marijuana handler permits 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.

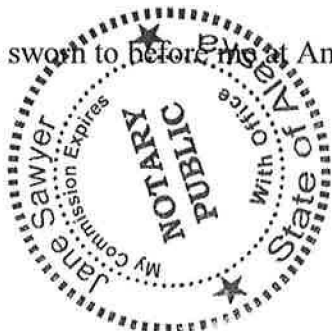
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the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

Date: 3/1/18

Erika McConnell

Erika McConnell, Director
Alcohol and Marijuana Control Office

Subscribed and sworn to before me at Anchorage Alaska on March 1, 2018.



Jane Sawyer

Notary Public in and for the State of Alaska

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Erika McConnell, Director for the Alcohol and 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 Marijuana Control Board regulation on issuance or revocation of marijuana handler permits.

Date: 3/1/18

Erika McConnell

Erika McConnell, Director
Alcohol and Marijuana Control Office

Subscribed and sworn to before me at Anchorage, Alaska, on
March 1, 2018
(date)



Jane Sawyer

Notary Public in and for the State of Alaska

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0001412933
\$343.64



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

November 14, 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 14th day of November, 2017

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

2/23/2019

NOTICE OF PROPOSED CHANGES REGARDING MARIJUANA HANDLER PERMITS IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD

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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.

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Statutory Authority: AS 17.38.190

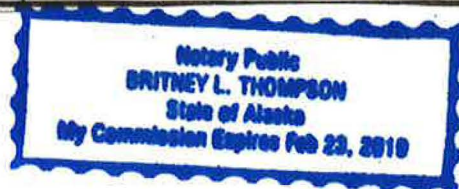
Statutes Being Implemented, Interpreted, or Made Specific: AS 17.38

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

DATE: November 8, 2017

Erika McConnell, Director
Alcohol & Marijuana Control Office

Published: November 14, 2017



AFFIDAVIT OF MARIJUANA CONTROL BOARD ACTION

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

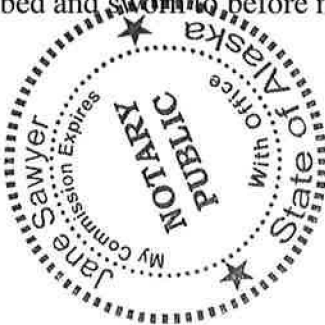
The attached motion dealing with marijuana handler permits was passed by the Marijuana Control Board during its January 25, 2018, meeting.

Date: 3/1/18

Erika McConnell

Erika McConnell, Director
Alcohol and Marijuana Control Office

Subscribed and sworn to before me at Anchorage, Alaska, on March 1, 2018.
(date)



Jane Sawyer

Notary Public in and for the State of Alaska



Marijuana Control Board
January 24-26, 2018
Excerpt from Unapproved Minutes

● **REGULATIONS**

A. Proposed Regulations Projects

B. Revocation of Handler's Permit

TAB 43

Status: Comment period closed December 15, 2017
Potential Board Actions: Vote to adopt; OR
Substantially amend and put out for public comment

Board member Loren Jones moves to adopt the regulation changes to 3 AAC 306.700 and 3 AAC306.8xx, suspension or revocation of marijuana handler permit. Member Nick Miller seconds the motion.

Nick Miller motions to amend 3 AAC 306.8xx to read "...if the board 'or director' finds that a permit holder has acted in violation of this chapter." Member Jones seconds the amendment.

Motion passes 5-0. Regulation is adopted.