

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**

**M E M O R A N D U M**

**TO:** Linda Mattson  
Department of Commerce, Community and Economic Development

**FROM:** April Simpson, Office of the Lieutenant Governor   
465.4081

**DATE:** August 10, 2018

**RE:** Filed Permanent Regulations: Marijuana Control Board  
  
Marijuana Control Board regulations re: marijuana handler permits (3 AAC 306.700(c))

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|                        |                   |
|------------------------|-------------------|
| Attorney General File: | 2018200331-1      |
| Regulation Filed:      | 8/8/2018          |
| Effective Date:        | 9/7/2018          |
| Print:                 | 227, October 2018 |

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

RECEIVED

AUG 02 2018

Attorney General's Office  
Juneau

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF THE MARIJUANA CONTROL BOARD

The attached single page of regulations, dealing with the marijuana handler permits, is certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its June 15, 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.

In considering public comment, 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: 7/30/18

Erika McConnell

Erika McConnell, Director

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on August 8, 2018 at 330p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

Byron Mallott

Lieutenant Governor

Effective: September 7<sup>th</sup> 2018

Register: 22<sup>nd</sup>, October 2018

3 AAC 306.700(c) is amended to read:

(c) To obtain a marijuana handler permit, a person who has completed the marijuana handler permit education course described under (b) of this section shall present the course completion certificate to the director. The director shall issue a marijuana handler permit card valid for three years from the date of issue of the course completion certificate. A person may renew a card issued under this section by re-taking a marijuana handler permit education course approved by the board and passing a written test demonstrating an understanding of the course subjects. (Eff. 2/21/2016, Register 217; am \_\_\_\_\_, Register \_\_\_\_\_)

(Eff. 2/21/2016, Register 217; am 5/23/2018, Register 226; am 9/7/2018, Register 227)

**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:** The Honorable Byron Mallott  
Lieutenant Governor

**Date:** August 7, 2018

**File No.:** 2018200331 (Part 1)

**Thru:**

**Tel. No.:** 465-3600

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

**Re:** Marijuana Control Board regulations  
re: marijuana handler permits  
(3 AAC 306.700(c))

The Department of Law has reviewed the attached regulations of the Marijuana Control Board against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated August 7, 2018 from the regulations attorney. Based upon our review, we find no legal problems.

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. We note that the Marijuana Control Board has split this project into three parts, pending additional board work on proposed amendments to 3 AAC 306.720(e) and 3 AAC 306.990(b)(35). The regulations in Part 1 were adopted by the Marijuana Control Board after the close of the public comment period. The regulations concern the duration of marijuana handler permits and completion of marijuana handler permit education courses.

The April 22, 2018 public notice and the July 30, 2018 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.

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.

SCW

cc: Erika McConnell, Director  
Alcohol and Marijuana Control Office  
Department of Commerce, Community, and Economic Development

Linda Mattson, 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:** August 7, 2018

**FILE NO.:** 2018200331 (Part 1)

**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: marijuana handler  
permits (3 AAC 306.700(c))

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

April Simpson, Notary Administrator  
Office of the Lieutenant Governor

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



NOTICE OF PROPOSED CHANGES ON HANDLER PERMITS, VIDEO STORAGE  
RETENTION, AND DEFINITION OF A RECREATION OR YOUTH CENTER IN THE  
REGULATIONS OF THE MARIJUANA CONTROL BOARD

The State of Alaska MARIJUANA Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with handler permits, video storage retention, and recreation and youth centers, including the following:

3 AAC 306.700(c) is proposed to change the date on which a marijuana handler permit is issued.

3 AAC 306.720(e) is proposed to extend the time in which surveillance recordings must be retained.

3 AAC 306.990 (b)(35) is proposed to add additional language defining a recreation or youth facility.

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 and 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 Friday, June 1, 2018.

You may submit written questions relevant to the proposed action to 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 Alcoholic Beverage Control Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and AMCO Website.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact the Alcohol and Marijuana Control Office at [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov) or call (907) 269-0350 not later than May 18, 2018, 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 and 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.

**Statutory 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

**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: April 19, 2018



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Erika McConnell, Director  
Alaska Alcohol and Marijuana Control Office



ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(d))

1. Adopting agency: Marijuana Control Board
2. General subject of regulation: Handler permits, video surveillance, definition of youth facility
3. Citation of regulation (may be grouped): 3 AAC 306.700; 3 AAC 306.720; 3 AAC 306.990
4. Department of Law file number, if any: 2018200331
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 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):

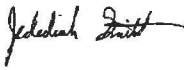
|                               | Initial Year<br>FY <u>19</u> | Subsequent<br>Years |
|-------------------------------|------------------------------|---------------------|
| Operating Cost                | \$ <u>0</u>                  | \$ <u>0</u>         |
| Capital Cost                  | \$ <u>0</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/<br>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: 4/16/2018 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 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 306.700, regarding 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: 7/10/18

Erika McConnell

Erika McConnell, Director

Subscribed and sworn to before me at Anchorage, Alaska, on 7/10/18.



Jane Sawyer

Notary Public in and for the State of Alaska

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

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

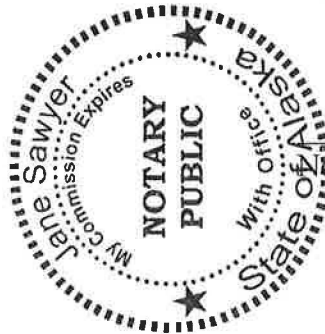
In compliance with AS 44.62.215, the Marijuana Control Board has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Marijuana Control Board regulation on marijuana handler permits (3 AAC 306.700).

Date: 7/10/18

Erika McConnell

Erika McConnell, Director  
Marijuana Control Board

Subscribed and sworn to before me at Anchorage, Alaska, on 7/10/18.  
(date)



Jane Sawyer

Notary Public in and for the State of Alaska



# ANCHORAGE DAILY NEWS

4/22

## AFFIDAVIT OF PUBLICATION

Account #: 270221

ST OF AK/ALCOHOL AND MARIJUANA  
CONTROL BOARD  
550 W 7TH AVE #1600  
ANCHORAGE AK 99501

Order#  
Cost

0001419978  
\$298.80

Product ANC-Anchorage Daily News  
Placement 0300  
Position 0301

### 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 Anchorage Daily 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 22, 2018

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*  
Joleesa Stepetin

Subscribed and sworn to before me  
this 23rd day of April, 2018

*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

#### NOTICE OF PROPOSED CHANGES ON HANDLER PERMITS, VIDEO STORAGE RETENTION, AND DEFINITION OF A RECREATION OR YOUTH CENTER IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD

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Statutory 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

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.

Erika McConnell, Director  
Alaska Alcohol and Marijuana Control Office

Published: April 22, 2018

AFFIDAVIT OF MARIJUANA CONTROL BOARD ACTION

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

The attached motion dealing with marijuana handler permits was passed by the Marijuana Control Board during its June 15, 2018, meeting.

Date: \_\_\_\_\_

7/10/18

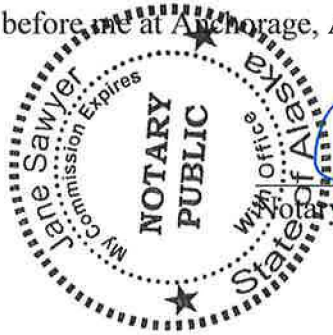
*Erika McConnell*

Erika McConnell, Director  
Marijuana Control Board

Subscribed and sworn to before me at Anchorage, Alaska, on \_\_\_\_\_

7/10/18

(date)



*Jane Sawyer*

Notary Public in and for the State of Alaska





**Marijuana Control Board**  
**Excerpt from unapproved meeting minutes**  
**June 15, 2018**  
**Third Judicial District**  
**Atwood Building**  
**550 W. 7<sup>th</sup> Avenue, Rooms 102 & 104**  
**Anchorage, Alaska**

● **REGULATIONS**

- |  |   |                      |
|--|---|----------------------|
| <b>1. Date of Issuance of Handler Permits; Extend Video Storage Retention Time; Definition of "Recreation or Youth Center"</b> | <b>3:50pm</b>   | <b><u>TAB 16</u></b> |
| Status:  | Comment period closed June 1, 2018                                      |                      |
| Potential Board Actions:   | Vote to adopt; OR<br>Substantially amend and put out for public comment |                      |

*The Board members discuss the public comments received.*

*Brandon Emmett moves to adopt the regulations project for date of issue of handler permits.*

*Nick Miller seconds the motion.*

*Motion carries unanimously.*

*Loren Jones moves that the Board approve the extended video storage retention time as presented.*

*Mark Springer seconds the motion for discussion.*

*Loren Jones moves to amend the 120 days to 90 days for adoption.*

*Brandon Emmett seconds the motion.*

*Harriet Milks states that this is a substantive enough change that it would have to go back out for public comment.*

*Motion carries unanimously.*

*Motion to adopt the extended video storage retention time regulation as amended fails, 2-2 (Nick Miller and Brandon Emmett vote No).*

*Brandon Emmett moves to table this definition of recreation or youth center proposed regulation until the August meeting when the Board has its fifth member.*

*Nick Miller seconds the motion.*

*Motion carries unanimously.*

*Loren Jones moves that 3 AAC 306.720(e) as amended (to require 90 days of video storage retention time) be put out for public comment.*

*Mark Springer seconds the motion for discussion.*

*Motion carries, 3-1 (Brandon Emmett votes No).*