

Kevin Meyer
Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

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

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

DATE: January 23, 2019

RE: Filed Permanent Regulations: Marijuana Control Board

Marijuana Control Board regulations re: ownership changes and marijuana handler permits (3 AAC 306.040; 3 AAC 306.320; 3 AAC 306.425; 3 AAC 306.530; 3 AAC 306.622; 3 AAC 306.700(a))

Attorney General File:	2018200829
Regulation Filed:	1/22/2019
Effective Date:	2/21/2019
Print:	229, April 2019

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

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE MARIJUANA CONTROL BOARD

The attached five pages of regulations, dealing with ownership changes and marijuana handler permits, are certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its October 17, 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: 11/13/18

Erika McConnell
Erika McConnell, Director

FILING CERTIFICATION

Kevin Meyer
I, ~~Valerie Nunn'araluk Davidson~~, Lieutenant Governor for the State of Alaska, certify that on January 22, 2019 at 10:32 Am., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

Kevin Meyer
Lieutenant Governor

Effective: February 21, 2019.

Register: 229, April 2019.

3 AAC 306.040 is ^(repealed and readopted) amended to read:

^(all boldface and underline not necessary)) **3 AAC 306.040. Ownership change ~~(TO BE REPORTED)~~.** (a) **An application for an**

ownership change shall be submitted ~~[A LICENSED MARIJUANA ESTABLISHMENT~~

~~SHALL, NOT LATER THAN 10 DAYS AFTER AN OWNERSHIP CHANGE, REPORT THE~~

~~CHANGE]~~ on a form prescribed by the board.

(b) If any change required to be **submitted** ~~[REPORTED]~~ under this section will result in a change in controlling interest of the marijuana establishment license, the marijuana establishment must file an application for transfer of license to another person under 3 AAC 306.045.

(c) An individual identified in this section shall submit the individual's fingerprints and the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information. The director shall follow the procedure set out in 3 AAC 306.055(b) for submitting the fingerprints of any individual added under this section.

^(all boldface and underline not necessary)) **(d) The director shall approve an ownership change application when any new owner is not disqualified under 3 AAC 306.010(d), 3 AAC 306.015(b), 3 AAC 306.300(b), 3 AAC 306.400(c), 3 AAC 306.500(c), or 3 AAC 306.605(c).**

⁽²⁾ **(e)** ~~(D)~~ In this section, "ownership change" means

(1) if the licensee is a partnership, including a limited partnership, any change in the identity of the partners, or in the ownership percentages held by any partners;

^(all boldface and underline not necessary)) (2) if the licensee is a limited liability company, any change in the identity of the members **or managers**, or in the ownership percentage held by any member; or

^(all boldface and underline not necessary)) (3) if the licensee is a corporation, **any change in its corporate officers**, any sale of corporate stock to a person not currently an owner, or any change of the percentage ownership

of an existing shareholder. (Eff. 2/21/2016, Register 217; am 7/19/2017, Register 223; am 2/21/2019, Register 229)

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 306.320 is amended to read:

3 AAC 306.320. Marijuana handler permit required. A retail marijuana store shall ensure that

(1) each [LICENSEE, EMPLOYEE, OR] agent who is required or permitted to be physically present on the licensed premises at any time, each licensee, and each employee obtains a marijuana handler permit as provided in 3 AAC 306.700 before being licensed or employed at a retail marijuana store; and

(2) each licensee, employee, or agent has that person's marijuana handler permit card in that person's immediate possession, or a valid copy on file on the premises, at all times when on the licensed premises of the retail marijuana store. (Eff. 2/21/2016, Register 217; am ^(Register) 7/19/2017, Reg. 223; am 2/21/2019, Reg. 229)

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 306.425 is amended to read:

3 AAC 306.425. Marijuana handler permit required. A marijuana cultivation facility shall ensure that each [LICENSEE, EMPLOYEE, OR] agent who is required or permitted to be physically present on the licensed premises at any time, each licensee, and each employee

(1) obtains a marijuana handler permit as provided in 3 AAC 306.700 before being licensed [PRESENT] or employed at the marijuana cultivation facility's licensed premises; and

(2) has the marijuana handler permit card in the person's immediate possession, or a valid copy on file on the premises, at all times while on the marijuana cultivation facility's licensed premises. (Eff. 2/21/2016, Register 217; am, ^(Register) 2/21/2019, Reg. 229)

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 306.530 is amended to read:

3 AAC 306.530. Marijuana handler permit and food safety worker training. (a) A marijuana product manufacturing facility, including a marijuana concentrate manufacturing facility, shall ensure that each [LICENSEE, EMPLOYEE, OR] agent who is required or permitted to be physically present on the licensed premises at any time, each licensee, and each employee

(1) obtains a marijuana handler permit as provided in 3 AAC 306.700 before being licensed [PRESENT] or employed at the marijuana product manufacturing facility's licensed premises; and

(2) has the marijuana handler permit card in the person's immediate possession, or a valid copy on file on the premises, at all times while on the marijuana product manufacturing facility's licensed premises.

(b) A licensee, employee, or agent of a marijuana product manufacturing facility who handles marijuana at the facility shall obtain a food worker card in compliance with 18 AAC 31.330 and keep that card in that person's possession at all times while on the licensed premises of the marijuana product manufacturing facility. (Eff. 2/21/2016, Register 217; am. ^{Register} 2/21/2019, Reg. 229)

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 is amended by adding a new section to read:

3 AAC 306.622. Marijuana handler permit required. A marijuana testing facility shall ensure that each agent who is required or permitted to be physically present on the licensed premises at any time, each licensee, and each employee

(1) obtains a marijuana handler permit as provided in 3 AAC 306.700 before being licensed or employed at the marijuana testing facility's licensed premises; and

(2) has the marijuana handler permit card in the person's immediate possession, or a valid copy on file on the premises, at all times while on the marijuana ^{testing} ~~cultivation~~ facility's licensed premises. (Eff. ^{Register} 2/21/2019, Reg. 229)

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 306.700(a) is amended to read:

(a) **Each** [A MARIJUANA ESTABLISHMENT AND EACH LICENSEE, EMPLOYEE, OR] agent of the marijuana establishment who sells, cultivates, manufactures, tests, or transports marijuana or a marijuana product, or who checks the identification of a consumer or visitor, **and each licensee and employee** must obtain a marijuana handler permit from the board before being licensed or beginning employment at a marijuana establishment.

(Eff. 2/21/2016, Register 217; am. ^{Register} 5/23/2018, Reg. 226; ^{Register} 2/21/2019, Reg. 229)

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

am 9/7/2018,
Register 227;
am

MEMORANDUM

State of Alaska Department of Law


To: The Honorable Kevin Meyer
Lieutenant Governor

Date: December 11, 2018

File No.: 2018200829

Thru:

Tel. No.: 465-3600

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

Re: Marijuana Control Board regulations
re: ownership changes and marijuana
handler permits (3 AAC 306.040;
3 AAC 306.320; 3 AAC 306.425;
3 AAC 306.530; 3 AAC 306.622;
3 AAC 306.700(a))

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. I have reviewed this project under a delegation of authority dated December 3, 2018. 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 regulations were adopted by the Marijuana Control Board after the close of the public comment period. The regulations concern applications for ownership change of a marijuana establishment, and update provisions regarding marijuana handler permits.

The September 9, 2018 public notice and the November 13, 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.

Hon. Kevin Meyer, Lieutenant Governor
Our file: 2018200829

December 11, 2018
Page 2

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 w/enc: Hon. Julie Anderson, Commissioner
Department of Commerce, Community and Economic Development

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, Senior Assistant Attorney General
Commercial, Fair Business, and Child Support Section

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: December 3, 2018

Tel. No.: 465-3600

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

Re: Delegation of Authority for
Regulations Matters
(2018200636)

In my absence, when I am traveling or otherwise out of the office, Senior Assistant Attorney General and Assistant Regulations Attorney Steven C. Weaver is designated as Acting Regulations Attorney. Under this delegation, Steve Weaver has my full authority under AS 44.62 to conduct the legal review of regulations or take necessary actions as Acting Regulations Attorney.

This delegation is effective immediately and is in effect until revoked by me.

If you have any questions, please let me know.

SRP/hjh

cc: April Simpson, AAC Coordinator
Office of the Lt. Governor

Ed Sniffen, Deputy Attorney General
Civil Division

Joanne Grace, Statewide Office Chief
Civil Division

Steven C. Weaver, Senior Assistant Attorney General
Legislation and Regulations Section

Linda Miller, Legal Editor
Legislation and Regulations Section

Laura Duval, Legal Editor
Legislation and Regulations Section

Burger-Pothier, Lillian E (LAW)

From: Burger-Pothier, Lillian E (LAW)
Sent: Tuesday, November 20, 2018 1:40 PM
To: Dinegar, Harriet C (LAW)
Cc: Miller, Linda J (LAW); Pollard, Susan R (LAW)
Subject: Final Adopted Regulations Received: 2018200829: 3 AAC 306.040-.700: Marijuana Control Board: Marijuana License Ownership Change, Marijuana Handler Permits
Attachments: 2018 Regs File Adopted Regulations responsibilities to AAGs.pdf

To: Harriet Milks, Assistant Attorney General

Re: Final Adopted Regulations Received: 2018200829: 3 AAC 306.040-.700: Marijuana Control Board: Marijuana License Ownership Change, Marijuana Handler Permits

We have received the original final adopted regulations from the agency for the regulations project 2018200829: 3 AAC 306.040-.700: Marijuana Control Board: Marijuana License Ownership Change, Marijuana Handler Permits. The adopted regulations has been scanned into the ProLaw regulations file and is now ready for your review. The due date for your review is **December 7, 2018**. When your review is completed, please put a PDF of your ***signed or initialed*** agency attorney memorandum, along with any edits you have made to the regulations, into the ProLaw regulations file and notify Susan Pollard and Linda Miller by email. If you did not make any edits to the regulations, please state that in your agency attorney memorandum. Thanks for your help.

Attachment: 2018 Regs File Adopted Regulations responsibilities to AAGs

Susan R. Pollard, Chief Assistant Attorney General
Legislation and Regulations Section
Department of Law

NOTICE OF PROPOSED CHANGES TO THE REGULATIONS OF THE MARIJUANA
CONTROL BOARD REGARDING OWNERSHIP CHANGES AND REQUIRED HANDLER
PERMITS

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, regarding ownership changes and handler permits.

- 1) 3 AAC 306.040 is amended to address ownership change requirements
- 2) 3 AAC 306.320 is amended to require each licensee and each employee to obtain a marijuana handler permit.
- 3) 3 AAC 306.425 is amended to address marijuana handler permit requirements prior to licensing.
- 4) 3 AAC 306.530 is amended to address marijuana handler permit requirements for each licensee and each employee.
- 5) 3 AAC 306.622 is new language requiring each licensee, agent and employee to obtain a marijuana handler permit.
- 6) 3 AAC 306.700 is amended to address marijuana handler permit requirements for each licensee and employee.

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. 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 October 10, 2018.

You may submit written questions relevant to the proposed action to the Marijuana Control Board by email at 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 Alcohol & Marijuana Control Office 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 amco.regs@alaska.gov or (907) 269-0350 not later than October 1, 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 & Marijuana Control Office at (907) 269-0350 or 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 17.38.900

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

Date: September 6, 2018

A handwritten signature in black ink that reads "Erika McConnell". The script is cursive and fluid, with the first name "Erika" and last name "McConnell" clearly distinguishable.

Erika McConnell, director

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Marijuana Control Board
2. General subject of regulation: Marijuana License ownership change and Marijuana Handler permits
3. Citation of regulation (may be grouped): 3 AAC 306.040; 3 AAC 306.320; 3 AAC 306.425; 3 AAC 306.530; 3 AAC 306.622; 3 AAC 306.700
4. Department of Law file number, if any: 2018200829

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 18	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 7th 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: September 6, 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 306.040-.700 regarding marijuana business ownership change and handler permits has been given by being

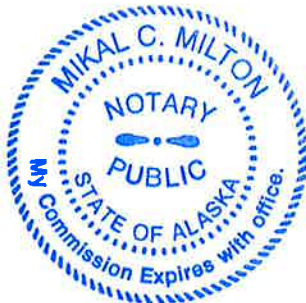
- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (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).

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 (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 11/13/18

Erika McConnell
Erika McConnell, Director

Subscribed and sworn to before me at Anchorage, Alaska, on 11/13/18.



[Signature]
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:

The Marijuana Control Board did not receive any factual or other substantive information that was submitted in writing or orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Marijuana Control Board regulations on marijuana business ownership change or required marijuana handler permits.

Date: 11/13/18

Erika McConnell
Erika McConnell, Director

Subscribed and sworn to before me at Anchorage, Alaska, on 11/13/18.



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

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 270221

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

Order#
Cost

0001427376
\$363.54

Product ADN-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

September 09, 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 10th day of September, 2018

Britney L. 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 TO THE REGULATIONS OF THE MARIJUANA CONTROL BOARD REGARDING OWNERSHIP CHANGES AND REQUIRED HANDLER PERMITS

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, regarding ownership changes and handler permits.

- 1) 3 AAC 306.040 is amended to address ownership change requirements
- 2) 3 AAC 306.320 is amended to require each licensee and each employee to obtain a marijuana handler permit.
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- 4) 3 AAC 306.530 is amended to address marijuana handler permit requirements for each licensee and each employee.
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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 17.38.900

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

Date: September 6, 2018
Erika McConnell, director

Published: September 9, 2018

AFFIDAVIT OF MARIJUANA CONTROL BOARD ACTION

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

The attached motions dealing with marijuana handler permits and effective date of ownership change was passed by the Marijuana Control Board during its October 17, 2018, meeting.

Date: 11/13/18

Erika McConnell
Erika McConnell, Director

Subscribed and sworn to before me at Anchorage, Alaska, on 11/13/18.

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





Main: 907.269.0350