

Kevin Meyer
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
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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: Debbie Morgan
Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: April 9, 2019

RE: Filed Permanent Regulations: Marijuana Control Board

Marijuana Control Board regulations re: fingerprint requirements for licensees (3 AAC 306.055(a))

Attorney General File:	2019200009
Regulation Filed:	4/9/2019
Effective Date:	5/9/2019
Print:	230, July 2019

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

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF MARIJUANA CONTROL BOARD

The attached single page of regulations, dealing with fingerprints for marijuana licensees, is certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its February 21, 2019, meeting under the authority of AS 17.38.121 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Marijuana Control Board paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 3/14/19

Erika McConnell

Erika McConnell, Director
Marijuana Control Board

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on April 9, 20 19 at 10:43 .m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

Kevin Meyer

Lieutenant Governor

Effective: May 9, 2019

Register: 230, July 2019

3 AAC 306.055(a) is amended to read:

(a) When filing an application for a new marijuana establishment license, [OR] transfer of a license, or ownership change, the applicant, including each individual listed in 3 AAC 306.020(b)(2), must submit the person's fingerprints and the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information. An individual who has submitted fingerprints and fees under this section is not required to submit a new set of fingerprints and fees for a second or subsequent application for a new license, transfer, or ownership change, if the second or subsequent application is submitted ^(not later than) within 12 calendar ^(after) months of the date criminal justice information is received in response to the initial submission of fingerprints and fees.

(Eff. 2/21/2016, Register 217; am 5 / 9 / 2019, Register 230)

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 Kevin Meyer
Lieutenant Governor

Date: April 3, 2019

File No.: 2019200009

Thru: Susan R. Pollard 
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

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: fingerprint requirements for
licensees (3 AAC 306.055(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. 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 adjust the requirement that applicants for new marijuana establishment licenses or transfers submit fingerprints and fees for a criminal background check, so that the requirement includes applicants for ownership changes. The regulations also provide that an individual who has already submitted fingerprints and fees with an initial application need not submit them again for a second or subsequent application for a new license, transfer, or ownership change, if the second or subsequent application is submitted not later than 12 calendar months after the date of receipt of criminal justice information in response to the initial submission of fingerprints and fees.

The January 3, 2019 public notice and the March 14, 2019 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: Honorable Julie Anderson, Commissioner
Department of Commerce, Community, and Economic Development

Erika McConnell, Director
Marijuana Control Board
Department of Commerce, Community, and Economic Development

Fred Parady, Special Assistant
Department of Commerce, Community, and Economic Development

Debbie Morgan, 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

NOTICE OF PROPOSED CHANGES ON FINGERPRINT REQUIREMENTS
IN THE REGULATIONS OF MARIJUANA CONTROL BOARD

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with fingerprint requirements for ownership change, including the following:

3 AAC 306.055(a) is proposed to be changed to include fingerprint requirements for ownership changes or for subsequent applications if submitted within 12 calendar months of the date of criminal justice information received in response to the initial submission of fingerprints and fees.

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 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 p.m. on February 8, 2019.

You may submit written questions relevant to the proposed action to the Alcohol and Marijuana Control Office at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501 or to amco.regs@alaska.gov. The questions must be received at least 10 days before the end of the public comment period. The Alcohol and 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 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 or (907) 265-0350 not later than January 28, 2019, 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 amco.regs@alaska.gov or (907) 265-0350.

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 17.37.150; AS 17.38.190; AS 17.38.200; AS 17.38.900

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

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

The Alcohol and Marijuana Control Office keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Marijuana Control Board notices of proposed regulation changes. To be added to or removed from the list, send a request to the Alcohol and Marijuana Control Office at 550 West 7th Avenue, Suite 1600, Anchorage, Alaska 99501, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Date: December 31, 2018



Erika McConnell, Director

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Marijuana Control Board
2. General subject of regulation: Fingerprint requirements for change of ownership
3. Citation of regulation (may be grouped): 3 AAC 306.055
4. Department of Law file number, if any: 2019200009

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: None

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

A private person: None

Another state agency: None

A municipality: None

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

	Initial Year FY 2019	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) 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 change⁷
☒ Other (identify): Marijuana Control Board

11. Date: December 31, 2018

Prepared by: 

Name (printed): Jedediah Smith
Title (printed): Local Government Specialist
Telephone: (907) 334-2195

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 306.055 regarding fingerprints for marijuana licensees 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: _____

3/14/19

Erika McConnell

Erika McConnell, Director
Marijuana Control Board

Subscribed and sworn to before me at Anchorage, Alaska, on 3/14/19.
(date)



[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:

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 fingerprint requirements for marijuana licensees.

Date: 3/14/19

Erika McConnell

Erika McConnell, Director
Marijuana Control Board

Subscribed and sworn to before me at Anchorage, Alaska, on 3/14/19.
(date)



[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

0001432674
\$398.40

Product ADN-Anchorage Daily News
Placement 0300
Position 0301

STATE OF ALASKA THIRD JUDICIAL DISTRICT

Sarah Jennett

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


January 03, 2019

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


Sarah Jennett

Subscribed and sworn to before me
this 3rd day of January, 2019


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

AMCO

JAN - 7 2019

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 FINGERPRINT REQUIREMENTS IN THE REGULATIONS OF MARIJUANA CONTROL BOARD

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You may submit written questions relevant to the proposed action to the Alcohol and Marijuana Control Office at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501 or to amco.regs@alaska.gov. The questions must be received at least 10 days before the end of the public comment period. The Alcohol and 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 and AMCO website.

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NOTICE IS HEREBY GIVEN THAT RACHEL LANDAU GOTTSTEIN, ROBERT A. MINTZ, and DAVID R. LECHE are trustees of the Barnard J. Gottstein Revocable Trust, under trust agreement dated July 16, 1993, as amended and restated. NOTICE OF PROPOSED CHANGES TO THE TRUST AGREEMENT DATED JULY 16, 1993, AS AMENDED AND RESTATED, IS AVAILABLE FOR REVIEW AT THE CHIEFS CONFERENCE, TANANA QUALIFICATIONS, REQUEST FOR STATEMENT OF EXPANSION OF THE CHIEF ANDREW ISAAC HEALTH CENTER. DUE DATE: 1993, AS AMENDED AND RESTATED.

NOTICE TO CREDITORS
Trust No. 3AN-18-00856TR
[AS 13.36.368]

Revocable Trust, under
trust agreement dated
July 16, 1993, as amended
and restated.

To place your legal ad please
call 257-4584, fax to 279-8170 or
email to: legals@adn.com

LEGAL ADVERTISING

AFFIDAVIT OF BOARD ACTION

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

The attached motion dealing with fingerprint requirements for marijuana licensees was passed by the Marijuana Control Board during its February 21, 2019, meeting.

Date: 3/14/19

Erika McConnell

Erika McConnell, Director
Marijuana Control Board

Subscribed and sworn to before me at Anchorage, Alaska, on 3/14/19.
(date)



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



Marijuana Control Board
Excerpt Draft Meeting Minutes
February 21, 2019
First Judicial District
Alaska State Library
395 Whittier Street
Juneau, Alaska

● REGULATIONS

9:08am

1. Fingerprints for Individuals

Status: Public comment period closed February 8, 2019
Potential Board Actions: Vote to adopt; OR
Substantially amend and put out for public comment

Erika McConnell summarizes Tab 29, regulations project "Fingerprints for Individuals".

Brandon Emmett motions to adopt regulations project "Fingerprints for Individuals".

Nick Miller seconds the motion.

Erika McConnell answers board questions regarding current fingerprinting requirements, and the separation of renewal.

Loren Jones motions to adopt as written

Emmett seconds the motion

4-0 Motion carries