

Kevin Meyer  
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  
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**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:** July 22, 2019

**RE:** Filed Permanent Regulations: Marijuana Control Board  
  
Marijuana Control Board Regulation re: Marijuana Handler Permits (3 AAC 306.700, .701)

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Attorney General File:	2019200194
Regulation Filed:	7/22/2019
Effective Date:	8/21/2019
Print:	231, October 2019

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

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF MARIJUANA CONTROL BOARD

The attached four pages of regulations, dealing with marijuana handler permits and education courses are certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its May 1, 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:

5/22/19



Erika McConnell, Director  
Marijuana Control Board



FILING CERTIFICATION

I, <sup>A</sup>Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

July 22, 2019 at 1:27 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

  
Lieutenant Governor

Effective: August 21, 2019.

Register: 23, October 2019.

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

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

**Josh Applebee, Chief of Staff  
Kady Levale, Notary Administrator  
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have  
signed and affixed the Seal of the State of  
Alaska, in Juneau, on December 11th,  
2018.**



*K. Meyer*

**KEVIN MEYER  
LIEUTENANT GOVERNOR**

3AAC 306.700 is amended to read:

**3 AAC 306.700. Marijuana handler permit** (a) Each 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.

(b) To obtain a marijuana handler permit, a person must complete a marijuana handler permit education course approved by the board, pass a written test demonstrating an understanding of the course material, and obtain a certificate of course completion from the course provider. [THE TOPICS THAT AN APPROVED MARIJUANA HANDLER PERMIT EDUCATION COURSE COVERS MUST INCLUDE

(1) AS 17.37, AS 17.38, AND THIS CHAPTER;

(2) THE EFFECTS OF CONSUMPTION OF MARIJUANA AND  
MARIJUANA PRODUCTS;

(3) HOW TO IDENTIFY A PERSON IMPAIRED BY CONSUMPTION OF  
MARIJUANA;

(4) HOW TO DETERMINE VALID IDENTIFICATION;

(5) HOW TO INTERVENE TO PREVENT UNLAWFUL MARIJUANA  
CONSUMPTION; AND

(6) THE PENALTY FOR AN UNLAWFUL ACT BY A LICENSEE, AN  
EMPLOYEE, OR AN AGENT OF A MARIJUANA ESTABLISHMENT.]

(c) To obtain a marijuana handler permit, a person who has completed the marijuana handler permit education course described **3 AAC 306.701** [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 taking a marijuana handler permit education course approved by the board and passing a written test demonstrating an understanding of the course subjects.

(d) A licensee, employee, or agent of a marijuana establishment shall keep the marijuana handler permit card described in (c) of this section 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 marijuana establishment.

(e) Repealed 8 / 21 / 2019. ~~[THE BOARD WILL REVIEW AN APPROVED MARIJUANA HANDLER PERMIT EDUCATION COURSE AT LEAST ONCE EVERY THREE YEARS, AND MAY RESCIND APPROVAL OF THE COURSE IF THE BOARD FINDS THAT THE EDUCATION COURSE CONTENTS ARE INSUFFICIENT OR INACCURATE.]~~

(f) The board will not issue a marijuana handler permit to a person who

(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 year period immediately preceding submission of an application, been convicted of a class A misdemeanor in the state involving a controlled substance other than a Schedule VIA controlled substance, under AS 11.71.190,

(3) has within the two year period immediately preceding submission of 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. (Eff. 2/21/2016, Register 217; am 5/23/2018, Register 226; am 9/7/2018, Register 227; am 2/21/19, Register 229; am 8 / 21 / 2019, Register 231)

**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 306.701. Marijuana Handler Permit Education Course.** (a) The board shall approve all marijuana handler permit education courses before a course provider may issue a marijuana handler permit.

(b) The topics that an approved marijuana handler permit education course covers must include

- (1) AS 17.37, AS 17.38, and this chapter;
- (2) the effects of consumption of marijuana and marijuana products;
- (3) how to identify a person impaired by consumption of marijuana;
- (4) how to determine valid identification;
- (5) how to intervene to prevent unlawful marijuana consumption; and
- (6) the penalty for an unlawful act by a licensee, an employee, or an agent of a marijuana establishment.

(c) An approved course provider shall update the course with any applicable change to AS 17.37, AS 17.38, and this chapter within 10 days of the effective date of the change.

Notification of a change to an approved course shall be provided to the board within 3 days of the change.

(d) The board will review an approved marijuana handler permit education course at least once every three years, and may rescind approval of the course if the board finds that the education course contents are insufficient or inaccurate.

(e) An approved course provider shall provide continuous access to the course to the board and the director for the purpose of reviewing course materials at any time.

(f) The fee for a new marijuana handler permit education course and for a three-year review of a marijuana handler permit education course is \$500. (Eff. 8 / 21 / 2019, Register 231 )

<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		

# MEMORANDUM

## State of Alaska Department of Law

**To:** The Honorable Kevin Meyer  
Lieutenant Governor

**Date:** July 18, 2019

**File No.:** 2019200194

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

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

**From:** Samantha J. Weinstein  
Assistant Attorney General  
Legislation and Regulations Section

**Re:** Marijuana Control Board Regulation  
re: 3 AAC 306.700, .701: Marijuana  
Control Board: 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. 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 marijuana handler permit education courses.

The March 3, 2019, public notice and the May 22, 2019, certification of adoption 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:sjw

cc: Honorable Julie Anderson, Commissioner  
Department of Commerce, Community & Economic Development  
Jedediah Smith, Local Government Specialist  
Department of Commerce, Community & Economic Development  
Erika McConnell, Director, Marijuana Control Board  
Harriet Milks, Senior Assistant Attorney General  
Department of Law



NOTICE OF PROPOSED CHANGES ON MARIJUANA HANDLER PERMIT COURSES 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 marijuana handler courses, including the following:

3 AAC 306.700 is proposed to repeal the topics that an approved marijuana handler permit course must cover.

3 AAC 306.701 is proposed to establish regulations regarding marijuana handler permit course requirements.

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 p.m. on April 12, 2019.

You may submit written questions relevant to the proposed action to the Alcohol and Marijuana Control Office at 550 West 7<sup>th</sup> Avenue, Suite 1600, Anchorage, AK 99501 or to [amco.regs@alaska.gov](mailto: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](mailto:amco.regs@alaska.gov) or (907) 265-0350 not later than April 2, 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](mailto: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 17.38.131; AS 17.38.150; AS 17.38.150; AS 17.38.190; AS 17.38.200; AS 17.38.900

**Statutes being implemented, interpreted, or made specific:** AS 17.38.121; AS 17.38.131; AS 17.38.190

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

The Marijuana Control Board 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 [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov), giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Date: February 27, 2019



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Erika McConnell, Director  
Marijuana Control Board

ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(d))

1. Adopting agency: Marijuana Control Board
2. General subject of regulation: Marijuana handler permit courses
3. Citation of regulation (may be grouped): 3 AAC 306.700-.701
4. Department of Law file number, if any: 2019200194

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 <u>20</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) 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<sup>7</sup>  
☒ Other (identify): Marijuana Control Board

11. Date: February 27, 2019 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 306.700-.701 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).

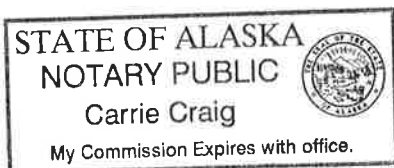
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 5/22/19

Erika McConnell

Erika McConnell, Director  
Marijuana Control Board

Subscribed and sworn to before me at Anchorage, Alaska, on 5/22/19.



Carrie Craig  
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:

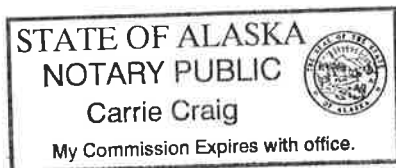
In compliance with AS 44.62.215, the Marijuana Control Board has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Marijuana Control Board regulation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

Date: 5/22/19

Erika McConnell

Erika McConnell, Director  
Marijuana Control Board

Subscribed and sworn to before me at Anchorage, Alaska, on 5/22/19.



Carrie Craig

Notary Public in and for the State of Alaska

# ANCHORAGE DAILY NEWS

AMCO

MAR 13 2019

## AFFIDAVIT OF PUBLICATION

Account #: 270221

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

Order#  
Cost

0001435271  
\$393.44

Product ADN-Anchorage Daily News  
Placement 0300  
Position 0301

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Sarah Jennett

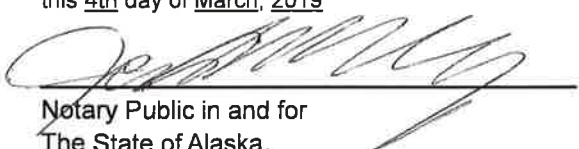
being first duly sworn on oath deposes and says that he/she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper 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

March 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 4th day of March, 2019

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

MY COMMISSION EXPIRES

STATE OF ALASKA  
NOTARY

PUBLIC

Jada L. Nowling

### NOTICE OF PROPOSED CHANGES ON MARIJUANA HANDLER PERMIT COURSES IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD

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Statutory authority: AS 17.38.010; AS 17.38.070; AS 17.38.121; AS 17.38.131; AS 17.38.150; AS 17.38.150; AS 17.38.160; AS 17.38.200; AS 17.38.900

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AFFIDAVIT OF MARIJUANA CONTROL BOARD ACTION

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

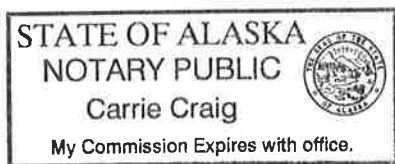
The attached motion dealing with marijuana handler permits and education course regulation was passed by the Marijuana Control Board during its May 1, 2019, meeting.

Date: 5/22/19

Erika McConnell

Erika McConnell, Director  
Marijuana Control Board

Subscribed and sworn to before me at Anchorage, Alaska, on 5/22/19.



Carrie Craig

Notary Public in and for the State of Alaska





## Marijuana Control Board

### Excerpt Draft Meeting Minutes

May 1, 2019

Third Judicial District

3301 Eagle Street, Room 104 (Midtown Job Center)

Anchorage, Alaska

#### ● REGULATIONS

##### Handler Courses

##### TAB 20

Status: Public comment period closed April 12, 2019  
Potential Board Actions: Vote to adopt; OR  
Substantially amend and put out for public comment

*Erika McConnell summarizes Tab 20.*

***Loren Jones Moves to adopt project "Handler Courses"***

***None opposed, motion carries.***