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

M E M O R A N D U M

TO: Amy Demboski
Department of Commerce, Community, and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: November 10, 2020

RE: Filed Permanent Regulations: Marijuana Control Board

Marijuana Control Board regulations re: overlapping licensed premises (3 AAC 306.020(b)(8); 3 AAC 306.047(c)(3); 3 AAC 306.305(c); 3 AAC 306.405; 3 AAC 306.450; 3 AAC 306.505; 3 AAC 306.610(b); 3 AAC 306.705 - 3 AAC 306.725; 3 AAC 306.755; 3 AAC 306.800(a)(1); 3 AAC 306.990(b))

Attorney General File:	2019200634
Regulation Filed:	11/10/2020
Effective Date:	12/10/2020
Print:	236, January 2021

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis
Jane Sawyer, Regulations Specialist

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF MARIJUANA CONTROL BOARD

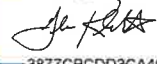
The attached 13 pages of regulations, dealing with overlapping premises, are certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its October 29, 2020, meeting, under the authority of AS 17.38.121 and after compliance with the Administrative Procedure Act (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: 10/30/2020

DocuSigned by:

3877C8CDD3CA4CA...

Glen Klinkhart, Interim Director

Arnel Gimpson for
↑

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

November 10, 2020 at 12:56 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

Arnel Gimpson
for Lieutenant Governor *Kevin Meyer*

Effective: December 10, 2020.

Register: 236, January 2021.

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**

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3 AAC 306.020(b)(8) is amended to read:

(8) the address of the premises to include global positioning system (GPS) coordinates where the applicant intends to operate a marijuana establishment, and a detailed diagram of the proposed licensed premises; the diagram must show all entrances and boundaries of the premises, restricted access areas, [AND] storage areas, **and, if applicable, overlapping premises that the board may approve under 3 AAC 306.705(d) and 3 AAC 306.710(d);**

(Eff. 2/21/2016, Register 217; am 8/11/2018, Register 227; am 12 / 10 / 2020, Register 236)

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 306.047(c)(3) is amended to read:

(3) a detailed diagram of the proposed licensed premises; the diagram must show all entrances and boundaries of the premises, restricted access areas, [AND] storage areas, **and, if applicable, overlapping premises that the board may approve under 3 AAC 306.705(d) and 3 AAC 306.710(d);**

(Eff. 2/21/2019, Register 229; am 12 / 10 / 2020, Register 236)

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

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3 AAC 306.305 is amended by adding a new subsection to read:

(c) A licensee of a retail marijuana store may also apply for a marijuana cultivation facility license, marijuana product manufacturing facility license, or both. A licensee of a retail marijuana store who obtains a marijuana cultivation facility license, marijuana product manufacturing facility license, or both shall

(1) conduct any marijuana cultivation operation in a room separate from any other operation and the retail marijuana store, and shall conduct any marijuana product manufacturing operation in a room separate from any other operation and the retail marijuana store; if the rooms are connected and co-located, a secure door must separate the rooms from each other; a secure door must separate any room connected to and co-located with the retail marijuana store; and

(2) comply with each provision of this chapter that applies to any other type of marijuana establishment license that the licensee of a retail marijuana store obtains. (Eff.

2/21/2016, Register 217; am 12/10/2020, Register 236)

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 306.405(b) is amended to read:

(b) A **licensee of a** [LICENSED] standard marijuana cultivation facility may also apply for a marijuana product manufacturing facility license, [AND A] retail marijuana store license, **or both**. A **licensee of a** standard marijuana cultivation facility **who** [THAT] obtains a marijuana

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product manufacturing facility license, [OR A] retail marijuana store license, or both shall

(1) conduct any product manufacturing [OR RETAIL MARIJUANA STORE] operation in a room separate from any other operation and [COMPLETELY SEPARATED FROM] the marijuana cultivation facility, and shall conduct any retail marijuana store operation in a room separate from any other operation and the marijuana cultivation facility; if the rooms are connected and co-located, [BY] a secure door must separate the rooms from each other; a secure door must separate any room connected to and co-located with the marijuana cultivation facility [WHEN CO-LOCATED]; and

(2) comply with each provision of this chapter that applies to any other type of marijuana establishment license that the licensee of a standard marijuana cultivation facility [LICENSEE] obtains.

3 AAC 306.405(c) is amended to read:

(c) A licensed standard marijuana cultivation facility may not

(1) sell, distribute, or transfer marijuana or a marijuana product to a consumer, with or without compensation;

(2) allow any person, including a licensee, employee, or agent, to consume marijuana or a marijuana product on the licensed premises or within 20 feet of the exterior of any building or outdoor cultivation facility on the licensed premises;

(3) treat or otherwise adulterate marijuana with any organic or nonorganic chemical or other compound to alter the color, appearance, weight, or odor of the marijuana;

(4) [EXCEPT AS PERMITTED UNDER A MARIJUANA PRODUCT

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MANUFACTURING FACILITY LICENSE, EXTRACT MARIJUANA CONCENTRATE,
USING ANY PROCESS DESCRIBED IN 3 AAC 306.555, AT THE LICENSED PREMISES;

(5)] sell marijuana that is not packaged and labeled in compliance with 3 AAC
306.470 and 3 AAC 306.475;

(5) [(6)] introduce marijuana or a marijuana product including plants and seeds,
onto the licensed premises from any outside source after the initial preliminary inspection, except

(A) as acquired from another licensed marijuana cultivation facility and
accounted for in each marijuana cultivation facility's marijuana inventory tracking system
as required under 3 AAC 306.730; or

(B) as provided under this section; or

**(6) produce or possess marijuana concentrate that was extracted using any
process described in 3 AAC 306.555 on the marijuana cultivation facility's licensed
premises, unless the licensee of the standard marijuana cultivation facility also has a
marijuana product manufacturing facility license; a licensed standard marijuana
cultivation facility must conduct any extraction or production of marijuana concentrate on
the premises**

(A) in a room that

**(i) is separate as required in (b) of this section from the
marijuana cultivation area; and**

**(ii) is posted with a sign that complies with 3 AAC 306.710(b)
and warns unauthorized persons to stay out; and**

(B) in compliance with all applicable provisions of 3 AAC 306.500 -

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3 AAC 306.570. (Eff. 2/21/2016, Register 217; am 10/20/2018, Register 228 am
12/10/2020, Register 236)

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 306.450 is repealed:

3 AAC 306.450. Production of marijuana concentrate prohibited. Repealed. (Eff.
2/21/2016, Register 217; repealed 12/10/2020, Register 236)

[EDITOR'S NOTE: AS OF REGISTER 227 (OCTOBER 2018), THE REGULATIONS
ATTORNEY MADE A TECHNICAL CORRECTION UNDER AS 44.62.125(b)(6), TO 3 AC
306.450.]

3 AAC 306.505(5) is amended to read:

(5) provide and transport samples of marijuana concentrate or other marijuana
product to a licensed marijuana testing facility for testing; [.]

3 AAC 306.505 is amended by adding a new subsection to read:

(b) A licensee of a marijuana product manufacturing facility, including a licensee of a
marijuana concentrate manufacturing facility, may also apply for a marijuana cultivation facility
license, retail marijuana store license, or both. A licensee of a marijuana product manufacturing

facility, including a licensee of a marijuana concentrate manufacturing facility, who obtains a marijuana cultivation facility license, retail marijuana store license, or both shall

(1) conduct any marijuana cultivation operation in a room separate from any other operation and the marijuana product manufacturing facility, and shall conduct any retail marijuana store operation in a room separate from any other operation and the marijuana product manufacturing facility; if the rooms are connected and co-located, a secure door must separate the rooms from each other; a secure door must separate any room connected to and co-located with the marijuana product manufacturing facility; and

(2) comply with each provision of this chapter that applies to any other type of marijuana establishment license that the licensee of a marijuana product manufacturing facility or marijuana concentrate manufacturing facility obtains. (Eff. 2/21/2016, Register 217; am 12/10/2020, Register 236)

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 306.610(b) is amended to read:

(b) A licensed marijuana testing facility may not

(1) have a licensee, employee, or agent who holds a type of marijuana establishment license other than a marijuana testing facility license issued under this chapter;

(2) sell, deliver, distribute, or transfer marijuana or a marijuana product to a consumer, with or without compensation; [OR]

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(3) allow a person to consume marijuana or a marijuana product on its licensed premises; or

(4) have overlapping premises, including restricted access areas, with any other any other marijuana establishment licensee. (Eff. 2/21/2016, Register 217; am 12 / 10 / 2020, Register 236)

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		

The introductory language of 3 AAC 306.705(a) is amended to read:

(a) A marijuana establishment license will be issued for specific licensed premises.

Unlicensed areas may not separate portions of licensed premises, except that the board may approve adjacent portions of the licensed premises that are not a restricted access area as permitted under 3 AAC 306.710. Specific licensed premises must constitute a place clearly designated in a license application and described by a line drawing submitted with the license application. The licensed premises must

• • •

3 AAC 306.705(b) is amended to read:

(b) A marijuana establishment's license **and, if applicable, an endorsement issued under 3 AAC 306.110, including 3 AAC 306.370,** must be posted in a conspicuous place within the licensed premises.

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3 AAC 306.705 is amended by adding a new subsection to read:

(d) The board may approve overlapping premises for two or more licenses, owned by the same person or the same group of persons, and within the same building or with abutting premises, to use in common for an office, an employee breakroom, bathrooms, non-marijuana storage areas, or any combination of those uses. The overlapping premises may not be restricted access areas as prescribed under 3 AAC 306.710. (Eff. 2/21/2016, Register 217; am

12/10/2020, Register 236)

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 306.710 is amended by adding new subsections to read:

(d) The board may approve overlapping premises for two or more licenses, owned by the same person or the same group of persons, and within the same building, to use in common for a marijuana or marijuana product storage area if

(1) the marijuana or marijuana product is properly accounted for in the marijuana establishment's inventory tracking system required under 3 AAC 306.730;

(2) the marijuana or marijuana product is expressly identified as inventory of the appropriate marijuana establishment to which the marijuana or marijuana product belongs; and

(3) the area is in compliance with this section and any other provision of this chapter that applies to restricted access areas, including video surveillance as required under 3 AAC 306.720 and restricted access area provisions specific to the license type to which the

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marijuana or marijuana product belongs.

(e) Failure to comply with (d) of this section is grounds for issuance of a notice of violation under 3 AAC 306.805(a) or other enforcement action under 3 AAC 306.800 - 3 AAC 306.850. (Eff. 2/21/2016, Register 217; am 12/10/2020, Register 236)

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 306.720 is repealed and readopted to read:

3 AAC 306.720. Video surveillance. (a) A marijuana establishment shall install and maintain a video surveillance and camera recording system as provided in this section. The video system must cover

(1) each restricted access area and each entrance to a restricted access area within the licensed premises;

(2) each entrance to the exterior of the licensed premises; and

(3) each point-of-sale area.

(b) At a marijuana establishment, a required video camera must be placed in a way that produces a clear view adequate to identify any individual inside the licensed premises, or within 20 feet of each entrance to the licensed premises. Both the interior and the exterior of each entrance to the facility must be recorded by a video camera.

(c) Any area where marijuana is grown, cured, or manufactured, or where marijuana waste is destroyed, must have a camera placement in the room facing the primary entry door, and

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in adequate fixed positions, at a height that will provide a clear, unobstructed view of the regular activity without a sight blockage from lighting hoods, fixtures, or other equipment, in order to allow for the clear and certain identification of any person and activity in the area at all times.

(d) Surveillance recording equipment and video surveillance records must be housed in a locked and secure area or in a lock box, cabinet, closet or other secure area that is accessible only to a marijuana establishment licensee or authorized employee, and to law enforcement personnel including a peace officer or an agent of the board. A marijuana establishment may house surveillance recording equipment and video surveillance records in an area approved by the board under 3 AAC 306.705(d) and 3 AAC 306.710(d) if the area meets the security requirements under this subsection.

(e) A marijuana establishment may use an offsite monitoring service and offsite storage of video surveillance records if security requirements at the offsite facility are at least as strict as onsite security requirements as described in (d) of this section.

(f) Each surveillance recording must be preserved for a minimum of 40 days, in a format that can be easily accessed for viewing. All recorded images must clearly and accurately display the time and date, and must be archived in a format that does not permit alteration of the recorded image, so that the images can readily be authenticated. After 40 days, a marijuana establishment may erase video recordings, unless the licensee knows or should know of any pending criminal, civil, or administrative investigation for which the video recording may contain relevant information. (Eff. 2/21/2016, Register 217; am 12/10/2020, Register 236)

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 306.725(a) is amended to read:

3 AAC 306.725. Inspection of licensed premises. (a) A marijuana establishment or an applicant for a marijuana establishment license under this chapter shall, upon request, make the licensed premises or the proposed licensed premises, including any place for storage **and overlapping premises described under 3 AAC 306.705(d) and 3 AAC 306.710(d)**, available for inspection by the director, an employee or agent of the board, or an officer charged with the enforcement of this chapter. The board or the director may also request a local fire protection agency or any other state agency with health and safety responsibilities to inspect licensed premises or proposed licensed premises.

(Eff. 2/21/2016, Register 217; am 12 / 10 / 2020, Register 236)

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 306.755(a)(1) is amended to read:

(1) all books and records necessary to fully account for each business transaction conducted under its license for the current year and three preceding calendar years; records for the last six months must be maintained on the marijuana establishment's licensed premises **or in overlapping premises approved by the board under 3 AAC 306.705(d)**; older records may be archived on or off premises;

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3 AAC 306.755(a)(5) is amended to read:

(5) a current diagram of the licensed premises including each restricted access area **and all overlapping premises approved by the board under 3 AAC 306.705(d) and 3 AAC 306.710(d);**

(Eff. 2/21/2016, Register 217; am 12/10/2020, Register 236)

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 306.800(a)(1) is amended to read:

(1) inspect the licensed premises of a marijuana establishment, including **overlapping premises approved by the board under 3 AAC 306.705(d) and 3 AAC 306.710(d)**, any marijuana and marijuana product on the premises, equipment used in cultivating, processing, testing, or storing marijuana, the marijuana establishment's marijuana inventory tracking system, business records, and computers, at any reasonable time and in a reasonable manner;

(Eff. 2/21/2016, Register 217; am 12/6/2020, Register 236; am 12/10/2020, Register 236)

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		

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3 AAC 306.990(b)(23) is amended to read:

(23) "licensed premises" means any or all designated portions of a building or structure, or rooms or enclosures in the building or structure, **including overlapping premises approved by the board under 3 AAC 306.705(d) and 3 AAC 306.710(d) or designated outdoor areas,** at the specific **location** [ADDRESS] for which a marijuana establishment license is issued, and used, controlled, or operated by the marijuana establishment to carry out the business for which it is licensed;

(Eff. 2/24/2015, Register 213; am 2/21/2016, Register 217; am 10/11/2017, Register 224; am 8/11/2018, Register 227; am 10/20/2018, Register 228; am 4/11/2019, Register 230; am 5/9/2019, Register 230; am 3/13/2020, Register 233; am 12 / 6 / 2020, Register 236; am 12 / 10 / 2020, Register 236)

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: November 5, 2020

File No.: 2019200634

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

Tel. No.: 465-3600

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

Re: Marijuana Control Board regulations
re: overlapping licensed premises
(3 AAC 306.020(b)(8); 3 AAC
306.047(c)(3); 3 AAC 306.305(c);
3 AAC 306.405; 3 AAC 306.450;
3 AAC 306.505; 3 AAC 306.610(b);
3 AAC 306.705 - 3 AAC 306.725;
3 AAC 306.755; 3 AAC
306.800(a)(1); 3 AAC 306.990(b))

The Department of Law has reviewed the attached regulations of the Department of 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 expand the types of marijuana establishment licensees that can seek separate licenses for other types of marijuana establishments, establish procedures and requirements for licensed premises that overlap, and make related conforming changes.

The attached regulations include an amendment to 3 AAC 306.800, and so do the regulations regarding seizures and administrative holds (Department of Law file no. 2020200086). To minimize confusion regarding regulatory history, we request that these regulations be filed at least one day *after* the regulations regarding seizures and administrative holds. For your convenience, the history note for 3 AAC 306.800 includes blanks for two entries.

The June 15, 2020 public notice and the October 30, 2020 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.

SCW

cc w/enc: Glen Klinkhart, Interim Director
Marijuana Control Board

Amy Demboski, Regulations Contact
Department of Commerce, Community, and Economic Development

Jane P. Sawyer, Regulations Specialist
Alcohol and Marijuana Control Office
Department of Commerce, Community, and Economic Development

Joan M. Wilson, Senior Assistant Attorney General
Commercial, Fair Business, and Child Support Section

NOTICE OF PROPOSED CHANGES ON OVERLAPPING PREMISES
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 overlapping licensed premises, including the following:

3 AAC 306.020. Application for a new license. Adds language to require shared areas to be shown on diagrams.

3 AAC 306.047. License conversion. Adds language to require shared areas to be shown on diagrams.

3 AAC 306.305. Retail marijuana store privileges. Adds a subsection that a retail may apply for a cultivation and/or manufacturing facility with certain restrictions.

3 AAC 306.405. Marijuana cultivation facility privileges and prohibited acts. Repeals (c)(4), renumbers (c)(5) and (c)(6), and adds a new paragraph with 3 AAC 306.450 current language.

3 AAC 306.450. Production of marijuana concentrate prohibited. Repealed; moved to 3 AAC 306.405(c)

3 AAC 306.505. Marijuana product manufacturing facility privileges. Adds a subsection that a manufacturing facility may apply for a cultivation and/or retail with certain restrictions.

3 AAC 306.610. Marijuana testing facilities privileges and prohibitions. Adds a paragraph that a testing facility may not have in common licensed areas including restricted access areas with any marijuana establishment licensee.

3 AAC 306.705. Licensed premises; alteration. Adds language to require licensed premises to be contiguous, except as approved by the board, and requires an endorsement to be conspicuously posted at the licensed premises.

3 AAC 306.720. Video Surveillance. Is repealed and readopted for logic and clarity purposes to add that a licensee may house surveillance recording equipment and video surveillance records in a shared area approved by the board. (yellow highlight is the added/reworded/reorganized language/numbering/lettering).

3 AAC 306.725. Inspection of licensed premises. Adds language for shared spaces to be able to be inspected by AMCO enforcement.

3 AAC 306.755. Business records. Adds language for shared spaces to be part of business records.

3 AAC 306.800. Inspection and investigation. Adds language for shared spaces to be available for inspection and investigation by AMCO.

3 AAC 306.990(b)(23) amends the definition of “licensed premises”.

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 pm on August 14, 2020**.

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) 269-0490 **not later than July 24, 2020**, 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) 269-0490.

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 17.38.190; 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.

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 Marijuana Control Board at amco.regs@alaska.gov, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Date: June 15, 2020



Jane P. Sawyer, Regulations Specialist

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Marijuana Control Board
2. General subject of regulation: Overlapping licensed premises
3. Citation of regulation (may be grouped): 3 AAC 306.405-.990
4. Department of Law file number, if any: 2019200634

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: DCCED/Alcohol and Marijuana Control Office

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

A private person: none known

Another state agency: none known

A municipality: none known

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: Jane P. Sawyer
Title: Regulations Specialist
Address: 550 West 7th Ave. Suite 1600, Anchorage, AK 99501
Telephone: (907) 269-0490
E-mail address: jane.sawyer@alaska.gov

10. The origin of the proposed action:

☐ Staff of state agency
☐ Federal government
☐ General public
☐ Petition for regulation change
☒ Other: Marijuana Control Board _____

11. Date: June 15, 2020

Prepared by:  _____

Name: Jane P. Sawyer
Title: Regulations Specialist
Telephone: 907-269-0490

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 270221 ST OF AK/ALCOHOL AND MARIJUANA
CONTROL BOARD, ANCHORAGE, AK 99501

Order #: W0016240

Cost: \$547.84

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that 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 afore-said 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

06/15/2020

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 15th day of June 2020.

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

MY COMMISSION EXPIRES

4/14/21

ANGELA M. SIMMONS
NOTARY PUBLIC
State of Alaska
My Commission Expires Apr. 14, 2021

NOTICE OF PROPOSED CHANGES ON OVERLAPPING PREMISES 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 overlapping licensed premises, including the following:

3 AAC 306.020. Application for a new license. Adds language to require shared areas to be shown on diagrams.

3 AAC 306.047. License conversion. Adds language to require shared areas to be shown on diagrams.

3 AAC 306.305. Retail marijuana store privileges. Adds a subsection that a retail may apply for a cultivation and/or manufacturing facility with certain restrictions.

3 AAC 306.405. Marijuana cultivation facility privileges and prohibited acts. Repeals (c)(4), renumbers (c)(5) and (c)(6), and adds a new paragraph with 3 AAC 306.450 current language.

3 AAC 306.450. Production of marijuana concentrate prohibited. Repealed; moved to 3 AAC 306.405(c).

3 AAC 306.505. Marijuana product manufacturing facility privileges. Adds a subsection that a manufacturing facility may apply for a cultivation and/or retail with certain restrictions.

3 AAC 306.610. Marijuana testing facilities privileges and prohibitions. Adds a paragraph that a testing facility may not have in common licensed areas including restricted access areas with any marijuana establishment license.

3 AAC 306.705. Licensed premises; alteration. Adds language to require licensed premises to be contiguous, except as approved by the board, and requires an endorsement to be conspicuously posted at the licensed premises.

3 AAC 306.720. Video Surveillance. Is repealed and readopted for logic and clarity purposes to add that a licensee may house surveillance recording equipment and video surveillance records in a shared area approved by the board. (yellow highlight is the added/reworded/reorganized language/numbering/lettering).

3 AAC 306.725. Inspection of licensed premises. Adds language for shared spaces to be able to be inspected by AMCO enforcement.

3 AAC 306.755. Business records. Adds language for shared spaces to be part of business records.

3 AAC 306.800. Inspection and investigation. Adds language for shared spaces to be available for inspection and investigation by AMCO.

3 AAC 306.990(b)(23) amends the definition of "licensed premises".

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 pm on August 14, 2020.

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) 269-0490 not later than July 24, 2020, 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) 269-0490.

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 17.38.190; 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.

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 Marijuana Control Board at amco.regs@alaska.gov, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Date: June 12, 2020
By: /s/ Jane P. Sawyer,
Regulations Specialist

Published: June 15, 2020

AMCO

JUN 26 2020

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Jane P. Sawyer, Regulations Specialist, 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 306.020; 3 AAC 306.047; 3 AAC 306.305; 3 AAC 306.405-.450) 3 AAC 306.610; 3 AAC 306.705-.755; 3 AAC 306.800; 3 AAC 306.990 regarding overlapping premises 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).

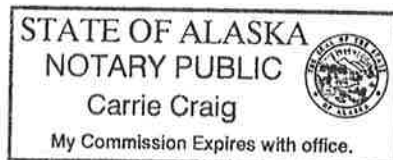
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on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

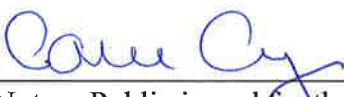
Date: 8/21/2020



Jane P. Sawyer, Regulations Specialist

Subscribed and sworn to before me at Anchorage, Alaska, on 8/21/2020.





Notary Public in and for the State of Alaska

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

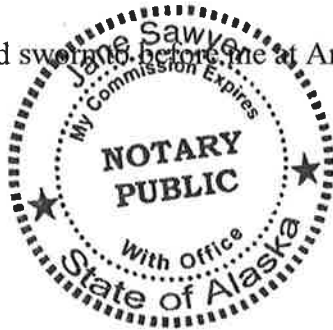
I, Glen Klinkhart, Interim Director for the Marijuana Control Board, being duly sworn, state the following:

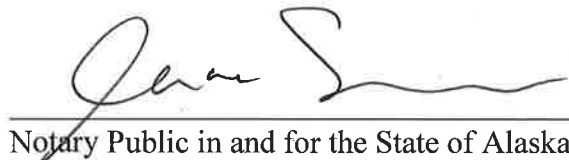
In compliance with AS 44.62.215, the Marijuana Control Board has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Marijuana Control Board regulation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

Date: 8/21/2020


Glen Klinkhart, Interim Director

Subscribed and sworn to before me at Anchorage, Alaska, on 8/21/2020.




Notary Public in and for the State of Alaska



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

Alcohol and Marijuana Control Office

550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

Marijuana Control Board Meeting October 29, 2020, Excerpt from Unapproved Minutes

- 1. Overlapping Premises:** Rekeyed. Counsel to address the Board.

TAB 94

11:21 am: Bruce motions to adopt rekeyed regulations. Jaime seconds. None opposed, motion carries. Should be effective within 35 days.

AFFIDAVIT OF MARIJUANA CONTROL BOARD ACTION

I, Glen Klinkhart, Interim Director for the Marijuana Control Board, under penalty of perjury, state the following:

The attached motion dealing with Overlapping Premises was passed by the Marijuana Control Board during its October 29, 2020, meeting.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

10/30/2020

Date: _____

DocuSigned by:

3877CBCDD3CA4CA...

Glen Klinkhart, Interim Director

State of Alaska
Anchorage, Alaska