

Kevin Meyer
Lieutenant Governor
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530 West 7th Ave, Suite 1700
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907.269.7460
LT.GOVERNOR@ALASKA.GOV

**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: December 2, 2020

RE: Filed Permanent Regulations: Marijuana Control Board

Marijuana Control Board Regulations re: infants on premises (3 AAC 306.325(a); 3 AAC 306.712)

Attorney General File:	2019200735
Regulation Filed:	12/02/2020
Effective Date:	01/01/2021
Print:	237, April 2021

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

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF MARIJUANA CONTROL BOARD

The attached two pages of regulations, dealing with infants on 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: 11/5/2020

DocuSigned by:



3877CBCDD3CA4CA...

Glen Klinkhart, Interim Director

April Simpson for

FILING CERTIFICATION

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

December 2, 2020 at 3:27 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

April Simpson

for Lieutenant Governor *Kevin Meyer*

Effective: January 1, 2021.

Register: 237, April 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.**



Kevin Meyer
.....

**KEVIN MEYER
LIEUTENANT GOVERNOR**

~~(Words in boldface and underlined indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)~~ e

3 AAC 306.325(a) is amended to read:

(a) **Except as provided under 3 AAC 306.712, a** [A] person under 21 years of age may not enter a retail marijuana store.

(Eff. 2/21/2016, Register 217; am 5/9/2019, Register 230; am 1 / 1 / 2021, Register 237)

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 306.712. Breastfeeding on ~~Licensed~~ Premises. (a) A licensee or employee of a licensee may bring a child up to 12 months of age, who is the child of the licensee or employee, onto ^{the} ~~a~~ licensed premises, excluding a restricted access area described under 3 AAC 306.710 and an onsite consumption area described under 3 AAC 306.370, for the purpose of breastfeeding the licensee or employee's child.

(b) A licensee may designate an area for breastfeeding or for the expression of breast milk. A designated area may not include a restricted access area described under 3 AAC 306.710 or an onsite consumption area described under 3 AAC 306.370.

(c) This section may not be construed to supersede or change the requirements of 29 U.S.C. 207 (Section 7 of the Fair Labor Standards Act of 1938) or any other law applicable to breastfeeding in the workplace. (Eff. 1 / 1 / 2021, Register 237)

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

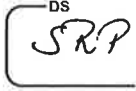
MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: December 2, 2020

File No.: 2019200735

Thru: Susan R. Pollard 
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: infants on premises (3 AAC
306.325(a); 3 AAC 306.712)

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 the circumstances under which, and areas where, a licensee or licensee's employee may take an infant child onto the premises of a retail marijuana store for the purpose of breastfeeding.

The August 24, 2020 public notice and the November 5, 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.

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: Glen Klinkhart, Interim Director
Alcoholic Beverage Control Board

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

Jane Preston Sawyer, Regulations Specialist
Alcohol and Marijuana Control Board
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 INFANTS ON 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 infants on premises, including the following:

3 AAC 306.712(a) would allow a licensee or employee of a licensee to bring the licensee's or employee's child up to 12 months of age on the licensed premises, excluding a restricted access area or an onsite consumption area, for the purposes of breastfeeding.

3 AAC 306.712(b) would allow a licensee, at the licensee's discretion, to designate an area for breastfeeding or for the expression of breast milk on the licensed premises, except that the designated area may not be a restricted access area or an onsite consumption area.

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 Alcohol and Marijuana Control Office at 550 West 7th Avenue, Suite 1600, Anchorage AK 99501. Additionally, the Marijuana Control Board will accept comments by email 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 4:30pm on October 23, 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 October 2, 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 or 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 17.38.150; 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

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

Date: August 22, 2020



Jane P. Sawyer, Regulations Specialist
Marijuana Control Board

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Marijuana Control Board
2. General subject of regulation: Infants on premises
3. Citation of regulation (may be grouped): 3 AAC 306.325; 3 AAC 306.712
4. Department of Law file number, if any: 2019200735

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>21</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., Ste. 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: August 21, 2020

Prepared by: 
Name (printed): Jane P. Sawyer _____
Title (printed): Regulations Specialist _____
Telephone: 907-269-0490 _____

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Jane P. Sawyer, Regulations Specialist, of Alcohol and Marijuana Control Office, under penalty of perjury, certify the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 3 AAC 306.325; 3 AAC 306.712 infants on 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.

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.

11/5/2020

Date: _____

DocuSigned by:



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[original or password-protected electronic signature]

Jane P. Sawyer, Regulations Specialist

State of Alaska
Municipality of Anchorage

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Glen Klinkhart, Interim Director for the Marijuana Control Board, under penalty of perjury, 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 infants on premises.

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.

Date: 11/5/2020

DocuSigned by:



3877CBCDD3CA4CA...

[original or password-protected electronic signature]

Glen Klinkhart, Interim Director

State of Alaska
Municipality of Anchorage



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

Infants on Premises

TAB 92

Status: public comment closed October 23, 2020. Comments Received.

Potential Board Actions: vote to adopt; amend and put out for public comment; send back to staff for revisions; close project without action.

11:06 am: *Bruce motions to adopt. Nick seconds. None opposed, motion carries.*

AFFIDAVIT OF BOARD ACTION


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

The attached motion dealing with infants on 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.

Date: 11/5/2020

DocuSigned by:


3877CBCDD3CA4CA...
[original or password-protected electronic signature]
Glen Klinkhart, Interim Director

State of Alaska
Municipality of Anchorage

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

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

Order #: W0017456

Cost: \$408.4

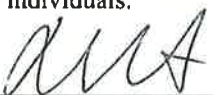
STATE OF ALASKA
THIRD JUDICIAL DISTRICT

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

08/24/2020

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 24th day of August 2020.

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

MY COMMISSION EXPIRES

7/14/2024

NOTARY PUBLIC
JADA L. NOWLING
STATE OF ALASKA
MY COMMISSION EXPIRES July 14, 2024

NOTICE OF PROPOSED CHANGES ON INFANTS ON PREMISES IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD

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Date: August 21, 2020
by: /s/ Jane P. Sawyer,
Regulations Specialist
Marijuana Control Board

Pub: August 24, 2020

AMCO

AUG 26 2020