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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Glenn Hoskinson  
Department of Commerce, Community, and Economic Development

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

**DATE:** July 8, 2021

**RE:** Filed Permanent Regulations: Marijuana Control Board

Marijuana Control Board regulations re: onsite consumption (3 AAC 306.030; 3 AAC 306.080; 3 AAC 306.370; 3 AAC 306.990(b))

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Attorney General File:	2019200399
Regulation Filed:	7/8/2021
Effective Date:	8/7/2021
Print:	239, October 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 ten pages of regulations, dealing with onsite consumption clean up, are certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its June 24, 2021, 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: JUNE 25, 2021

  
\_\_\_\_\_  
Glen Klinkhart, Director

FILING CERTIFICATION

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

July 8, 2021 at 9:32 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

  
\_\_\_\_\_  
for Lieutenant Governor Kevin Meyer

Effective: August 7, 2021.

Register: 239, October 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.**



A handwritten signature in blue ink, appearing to read "K. Meyer", is written over a horizontal dotted line.

**KEVIN MEYER  
LIEUTENANT GOVERNOR**

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3 AAC 306.030(a) is amended to read:

**3 AAC 306.030. Petition for license or endorsement in area with no local government.** (a) The board will not approve a new license or new onsite consumption endorsement in an area outside, but within 50 miles of, the boundary of a local government unless the board receives a petition to issue the license or endorsement signed by a majority of the permanent residents residing within one mile of the proposed premises.

3 AAC 306.030(b) is amended to read:

(b) The board will not approve a new license or new onsite consumption endorsement in an area that is 50 miles or more from the boundary of a local government unless the board receives a petition to issue the license or endorsement containing the signatures of two-thirds of the permanent residents residing within a radius of five miles of the United States post office station nearest to the proposed licensed premises. If there is no United States post office station within a radius of five miles of the proposed licensed premises, the petition must be signed by two-thirds of the permanent residents residing within a five-mile radius of the proposed licensed premises.

(Eff. 2/21/2016, Register 217; am 8/7/2021, Register 239)

**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 306.080(a) is amended to read:

**3 AAC 306.080. Denial of license or endorsement application.** (a) After review of the application, including the applicant's proposed operating plan and all relevant information, the board will deny an application for a new license or new onsite consumption endorsement if the board finds that

(1) the application is not complete as required under the applicable provisions of 3 AAC 306.020 - 3 AAC 306.055, or contains any false statement of material fact;

(2) the license or endorsement would violate any restriction in 3 AAC 306.010 or 3 AAC 306.015;

(3) the license or endorsement would violate any restriction applicable to the particular license or endorsement type authorized under this chapter;

(4) the license or endorsement is prohibited under this chapter as a result of an ordinance or election conducted under AS 17.38.210, 3 AAC 306.200, or 3 AAC 306.230;

(5) the applicant's actions or the operating plan does not adequately demonstrate that the applicant will comply with applicable provisions of this chapter;

(6) the license or endorsement would not be in the best interests of the public; or

(7) a protest by the local governing body is not arbitrary, capricious, and unreasonable.

The introductory language of 3 AAC 306.080(b) is amended to read:

(b) After review of the application and all relevant information, the board will deny an application for renewal of a marijuana establishment license or onsite consumption

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endorsement if the board finds

...

3 AAC 306.080(b)(3) is amended to read:

(3) that the license or endorsement has been operated in violation of a condition or restriction the board previously imposed;

(Eff. 2/21/2016, Register 217; am 2/21/2019, Register 229; am 8/21/2019, Register 231; am

8 / 7 / 2021, Register 239)

**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 306.370 is repealed and readopted to read:

**3 AAC 306.370. Onsite consumption endorsement for retail marijuana stores. (a)**

Unless prohibited by local or state law, the board may approve an onsite consumption endorsement for a licensed retail marijuana store for consumption, on the marijuana retail store premises,

(1) of edible marijuana products only, in compliance with this section, in an indoor or outdoor area, regardless of whether the licensed retail marijuana store is freestanding;

(2) by any method, in compliance with this section, in an indoor or outdoor area of a freestanding licensed retail marijuana store.

(b) A licensed retail marijuana store with an approved onsite consumption endorsement

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is authorized to sell, for consumption at the time of purchase and only in an area designated as the marijuana consumption area,

(1) marijuana bud or flower, in quantities not to exceed one gram to any one person per day;

(2) edible marijuana products in quantities not to exceed 25 milligrams of THC to any one person per day; and

(3) a vaping device that contains not more than 0.3 grams of marijuana concentrate to any one person per day; a person may not consume marijuana concentrate onsite by a means other than vaping as described in this paragraph.

(c) A licensed retail marijuana store with an approved onsite consumption endorsement may

(1) sell food or beverages not containing marijuana or alcohol; and

(2) allow a person to remove from the licensed premises marijuana or marijuana products that have been purchased on the licensed premises for consumption under this section, if they are packaged in accordance with 3 AAC 306.345.

(d) A licensed retail marijuana store with an approved onsite consumption endorsement may not

(1) allow any licensee, employee, or agent of a licensee to consume marijuana or marijuana products, including marijuana concentrate, during the course of a work shift;

(2) allow a person to consume tobacco or tobacco products in the marijuana consumption area;

(3) allow a person to bring into or consume in the marijuana consumption area

any marijuana or marijuana products that were not purchased at the licensed retail marijuana store;

(4) sell, offer to sell, or deliver marijuana or marijuana products at a price less than the price regularly charged for the marijuana or marijuana products during the same calendar week;

(5) sell, offer to sell, or deliver an unlimited amount of marijuana or marijuana products during a set period of time for a fixed price;

(6) sell, offer to sell, or deliver marijuana or marijuana products on any one day at prices less than those charged the general public on that day;

(7) encourage or permit an organized game or contest on the licensed premises that involves consuming marijuana or marijuana products or the awarding of marijuana or marijuana products as prizes; or

(8) advertise or promote in any way, either on or off the licensed premises, a practice prohibited under this section.

(e) A marijuana consumption area must have the following characteristics:

(1) the marijuana consumption area must be isolated from the other areas of the retail marijuana store, must be separated by walls and a secure door, and must have access only from the retail marijuana store;

(2) the licensed marijuana retail store must provide a smoke-free area for employees to monitor the marijuana consumption area;

(3) a marijuana consumption area that is indoors and in which smoking is permitted must have a ventilation system



(A) that is separate from the ventilation system of the other areas of the licensed retail marijuana store or other licensed marijuana establishments in a freestanding building; and

(B) that directs air from the marijuana consumption area to the outside of the building through a filtration system sufficient to remove visible smoke, consistent with all applicable building codes and ordinances, and adequate to eliminate odor at the property line;

(4) if outdoors, the marijuana consumption area must be found by the board to be compatible with uses in the surrounding area through evaluation of

(A) neighboring uses;

(B) the location of air intake vents on neighboring buildings, if consumption by smoking is permitted;

(C) a sight-obscuring wall or fence around the outdoor marijuana consumption area;

(D) objections of property owners, residents, and occupants within 250 linear feet or the notification distance required by the local government, whichever is greater; and

(E) any other information the board finds relevant.

(f) An applicant for an onsite consumption endorsement must file an application on a form the board prescribes, including the endorsement fee set out in 3 AAC 306.100, and

(1) the applicant's operating plan, in a format the board prescribes, describing the retail marijuana store's plan for

(A) security, in addition to what is required for a retail marijuana store,  
including

- (i) doors and locks;
- (ii) windows;
- (iii) measures to prevent diversion; and
- (iv) measures to prohibit access to persons under 21 years of age;

(B) ventilation, if consumption by smoking is to be permitted in an indoor  
area; ventilation plans must be

- (i) signed and approved by a licensed mechanical engineer;
- (ii) sufficient to remove visible smoke; and
- (iii) consistent with all applicable building codes and ordinances;

(C) monitoring overconsumption;

(D) unconsumed marijuana, by disposal or by packaging in accordance  
with 3 AAC 306.345; and

(E) preventing introduction into the marijuana consumption area of  
marijuana or marijuana products not sold by the retail marijuana store, and marijuana or  
marijuana products not sold specifically for onsite consumption;

(2) the applicant's detailed diagram of the marijuana consumption area which  
must show the location of

- (A) the licensed premises of the retail marijuana store;
- (B) the serving area or areas;
- (C) ventilation exhaust points, if applicable;

(D) the employee monitoring area;

(E) doors, windows, or other exits; and

(F) access control points;

(3) the title, lease, or other documentation showing the applicant's sole right of possession of the proposed marijuana consumption area, if the area is not already part of the approved licensed premises for the retail marijuana store; and

(4) for an outdoor marijuana consumption area,

(A) an affidavit that notice of an outdoor marijuana consumption area has been mailed to property owners, residents, and occupants of properties within 250 linear feet of the boundaries of the property on which the onsite consumption endorsement is proposed, or the notification distance required by the local government, whichever is greater.

(g) The retail marijuana store holding an onsite consumption endorsement under this chapter shall

(1) destroy all unconsumed marijuana left abandoned or unclaimed in the marijuana consumption area in accordance with the operating plan and 3 AAC 306.740;

(2) monitor patrons in the marijuana consumption area at all times, specifically for overconsumption;

(3) display all warning signs required under 3 AAC 306.360 and 3 AAC 306.365 within the marijuana consumption area, visible to all consumers;

(4) provide, at no cost to patrons, written materials containing marijuana dosage and safety information for each type of marijuana or marijuana product sold for consumption in

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the marijuana consumption area;

(5) package and label all marijuana or marijuana products sold for consumption on the premises as required in 3 AAC 306.345; and

(6) comply with any conditions set by the local government or placed on the endorsement by the board.

(h) The holder of an onsite consumption endorsement must apply for renewal annually at the time of renewal of the underlying retail marijuana store license. (Eff. 4/11/2019, Register 230; am 8 / 7 / 2021, Register 239)

**Authority:** AS 17.38.010 AS 17.38.150 AS 17.38.900

AS 17.38.070 AS 17.38.190 **AS 18.35.301**

AS 17.38.121 AS 17.38.200

3 AAC 306.990(b)(42) is amended to read:

(42) "freestanding"

**(A)** has the meaning given in AS 18.35.301(i)(1);

**(B) does not include a building that contains a tenant other than one or more licensed marijuana establishments owned by the same business, individual, or group of individuals that seeks an onsite consumption endorsement;**

3 AAC 306.990(b)(44) is amended to read:

(44) "marijuana consumption area" means a designated area within the licensed premises of a retail marijuana store that holds a valid onsite consumption endorsement, where

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marijuana and marijuana products may be consumed, excluding marijuana concentrates other than those consumed by vaping under 3 AAC 306.370(b)(3); [, MAY BE CONSUMED.]

3 AAC 306.990(b) is amended by adding new paragraphs to read:

(49) "smoking" has the meaning given in AS 18.35.399;

(50) "vaping" means the action or practice of inhaling the aerosol produced by an electronic device that heats up and vaporizes a liquid or solid. (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 8 / 7 / 2021, Register 239 )

<b>Authority:</b>	AS 17.38.010	AS 17.38.121	AS 17.38.200
	AS 17.38.040	AS 17.38.150	AS 17.38.900
	AS 17.38.070	AS 17.38.190	<u><b>AS 18.35.301</b></u>

# MEMORANDUM

## State of Alaska Department of Law

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

**Date:** June 29, 2021

**File No.:** 2019200399

**Thru:** Susan R. Pollard Digitally signed by Susan R Pollard  
Date: 2021.06.29 14:30:23  
-08'00'  
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: onsite consumption (3 AAC  
306.030; 3 AAC 306.080; 3 AAC  
306.370; 3 AAC 306.990(b))

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 onsite consumption on licensed retail marijuana store premises, and in part reflect the analysis of *In the Matter of The Fairbanks Cut, LLC* (Office of Administrative Hearings (OAH) No. 19-0685-MCB), with respect to the requirement that a store be freestanding within the meaning of AS 18.35.301.

The February 6, 2020 public notice and the June 25, 2021 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.

Honorable Kevin Meyer, Lieutenant Governor  
File No. 2019200399: Onsite consumption of Marijuana

June 29, 2021  
Page 2 of 2

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 ONSITE CONSUMPTION CLEAN-UP  
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 onsite consumption clean-up, including the following:

- 3 AAC 306.030(a) and (b) would allow a retail marijuana store located in an area without a local government to apply for onsite consumption endorsement.
- 3 AAC 306.080(a) and (b) adds onsite endorsement as one of the applications that may be denied by the board.
- 3 AAC 306.370 is repealed and readopted.
- 3 AAC 306.990 further defines “freestanding” and adds definitions for “smoking” and “vaping”.

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 7<sup>th</sup> Avenue, Suite 1600, Anchorage AK 99501. Additionally, the Marijuana Control Board will accept comments by email 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 4:30pm on May 15, 2020**.

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) 269-0350 **not later than May 5, 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](mailto:amco.regs@alaska.gov) or (907) 269-0350.

After the public comment period ends, the Alcoholic Beverage 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 17.38.200; 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 AMCO 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 5, 2020



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Glen Klinkhart, Interim Director  
Marijuana Control Board

ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(d))

1. Adopting agency: Marijuana Control Board
2. General subject of regulation: Onsite Consumption Clean-up
3. Citation of regulation (may be grouped): 3 AAC 306.030; 3 AAC 306.080; 3 AAC 306.370; 3 AAC 306.990
4. Department of Law file number, if any: 2019200399

5. Reason for the proposed action:

- ( ) Compliance with federal law or action (identify): \_\_\_\_\_
- ( ) Compliance with new or changed state statute
- ( ) Compliance with federal or state court decision (identify): \_\_\_\_\_
- ( ) Development of program standards
- (x) Other (identify): \_\_\_\_\_

6. Appropriation/Allocation: none

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

11. Date: February 5, 2020

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

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 306.030, 3AAC 306.080, 3 AAC 306.370, 3 AAC 306.990, regarding Onsite Consumption Clean-up, has been given by being

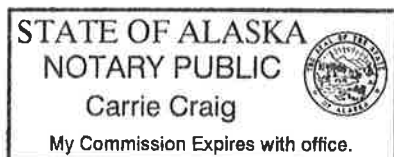
- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with 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: 6-15-2020

  
\_\_\_\_\_  
Jane P. Sawyer, Regulations Specialist

Subscribed and sworn to before me at Anchorage, Alaska, on 6/15/2020.




  
\_\_\_\_\_  
Notary Public in and for the State of Alaska

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

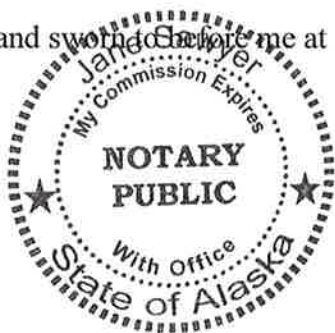
I, Glen Klinkhart, Interim Director for the Marijuana Control Board, being duly sworn, state the following:

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 onsite consumption clean-up.

Date: 6-15-2020

  
Glen Klinkhart, Interim Director

Subscribed and sworn to before me at Anchorage, Alaska, on 6-15-2020.



  
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, ANCHORAGE, AK 99501

Order #: W0013425

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

02/06/2020

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 6th day of February 2020.

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

STATE OF ALASKA  
NOTARY  
PUBLIC

Jada L. Nowling

MY COMMISSION EXPIRES

7/17/2020

### NOTICE OF PROPOSED CHANGES ON ONSITE CONSUMPTION CLEAN-UP 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 onsite consumption clean-up, including the following:

3 AAC 306.030(a) and (b) would allow a retail marijuana store located in an area without a local government to apply for onsite consumption endorsement. 3 AAC 306.080(a) and (b) adds onsite endorsement as one of the applications that may be denied by the board. 3 AAC 306.370 is repealed and readopted. 3 AAC 306.990 further defines "freestanding" and adds definitions for "smoking" and "vaping".

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](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 4:30pm on May 15, 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](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) 269-0350 not later than May 5, 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](mailto:amco.regs@alaska.gov) or (907) 269-0350.

After the public comment period ends, the Alcoholic Beverage 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 17.38.200; 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 AMCO 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 5, 2020

By: /s/ Glen Klinkhart  
Interim Director  
Marijuana Control Board

Published: February 6, 2020

AFFIDAVIT OF MARIJUANA CONTROL BOARD ACTION

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

The attached motion dealing with onsite consumption clean-up was passed by the Marijuana Control Board during its June 24, 2021, meeting.

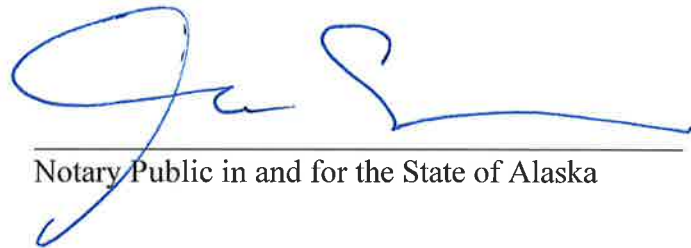
Date: JUNE 25, 2021

  
\_\_\_\_\_  
Glen Klinkhart, Director

Subscribed and sworn to before me at Anchorage, Alaska on

JUNE 25, 2021  
\_\_\_\_\_  
(date)



  
\_\_\_\_\_  
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 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
Main: 907.269.0350

### **Marijuana Control Board Meeting June 24, 2021, Excerpt from Unapproved Minutes**

**1. Onsite Consumption – clean up:** Rekeyed. Counsel to address the Board.

**TAB 65**

*Joan Wilson provides a summary of the rekey work. **Bruce S. motions to adopt the rekeyed version. Christopher J. seconds. None opposed, motion passes.***