

Kevin Meyer
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

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

FROM: April Simpson
Office of the Lieutenant Governor 
465.4081

DATE: November 5, 2021

RE: Filed Permanent Regulations: Department of Commerce, Community, and Economic Development

Department of Commerce, Community, and Economic Development regulations re:
marijuana product packaging (3 AAC 306.345)

Attorney General File:	2021200278
Regulation Filed:	11/5/2021
Effective Date:	12/5/2021
Print:	240, January 2022

cc with enclosures: Joseph Felkl, 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 exit packaging - opacity, are certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its August 19, 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: AUG 25, 2021



Glen Klinkhart, Director

FILING CERTIFICATION

April Simpson for
↑

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

November 5, 2021 at 1:53 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for 

Lieutenant Governor *Kevin Meyer*

Effective: December 5, 2021.

Register: 240, January 2022.

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**

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

3 AAC 306.345(a) is amended to read:

3 AAC 306.345. Packaging and labeling. (a) A retail marijuana store shall assure that

(1) marijuana sold on its licensed premises is packaged and labeled in compliance with 3 AAC 306.470 and 3 AAC 306.475;

(2) any marijuana product sold on its licensed premises is packaged and labeled in compliance with 3 AAC 306.565 and 3 AAC 306.570; [AND]

(3) at the point of sale, marijuana or a marijuana product sold is packaged in [OPAQUE] ^{resalable} resealable, child-resistant packaging [WHEN THE PURCHASER LEAVES THE RETAIL SECTION OF THE LICENSED PREMISES; THE PACKAGING MUST BE] designed or constructed to be significantly difficult for children under five years of age to open, but not normally difficult for adults to use properly; and

(4) unless already packaged by the cultivation facility or the manufacturing facility in an opaque package for final retail sale, ^{any ((bold, u.l.))} prior to the consumer exiting the store, all marijuana or marijuana product purchased by the consumer is placed in an opaque exit ^{retail marijuana ((bold, u.l.))} package by the store or the consumer ^{before the consumer exits the retail marijuana store. ((bold/u.l. text but not see period))}

3 AAC 306.345 is amended by adding a new subsection to read:

(c) ^{In} For the purpose of this section, "Opaque" means that ^{a packaging material} the package does not allow the ^{contents of the package} product to be seen without opening the package. (Eff. 2/21/2016, Register 217; am 11/8/2018,

Register 228; am 12/5/2021, Register 240)

Register 240, January 2022

COMMERCE, COMMUNITY, AND EC. DEV.

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