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**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 *AS*
465.4081

DATE: December 20, 2021

RE: Filed Permanent Regulations: Marijuana Control Board
Marijuana Control Board regulations re: civil fine schedule (3 AAC 306.840(a))

Attorney General File: 2019200187
Regulation Filed: 12/20/2021
Effective Date: 1/19/2022
Print: 241, April 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 marijuana fine schedule, are certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its October 26-28, 2021, 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: Nov 4, 2021




Glen Klinkhart, Director

April Simpson for
↑

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on December 20, 2021 at 3:19 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: January 19, 2022.

Register: 291, April 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.**



Kevin Meyer
.....

**KEVIN MEYER
LIEUTENANT GOVERNOR**

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

3 AAC 306.840 is amended to read as follows:

3 AAC 306.840. Civil Fines. (a) The board may, in addition to any other penalties imposed under this chapter, impose a civil fine in accordance with the Marijuana Control Board fine schedule dated March 23, 2021, and adopted by reference, on a marijuana establishment, licensee, or person that the board determines has violated a provision of AS 17.38 or this chapter.

(b) In a proceeding under 3 AAC 306.810 - 3 AAC 306.830, the board may impose a civil fine, not to exceed the greater of

(1) an amount that is three times the monetary gain realized by the marijuana establishment, licensee, or person as a result of the violation, as determined by the board;

(2) the amount imposed in the fine schedule identified in paragraph (a); *(a) of this section; or*

in bold/u.2.)) (3) if applicable because of the seriousness of the conduct and the related facts;

(A) \$10,000 for the first violation;

(B) ~~\$30,000~~ *[(3)]* for the second violation; or

(C) ~~\$50,000~~ *[(4)]* for the third or subsequent violation. (Eff. 2/21/2016, Register

217; am 1 / 19 / 2022, Register 241)

Authority:	AS 17.38.010	AS 17.38.131	AS 17.38.200
	AS 17.38.070	AS 17.38.150	AS 17.38.900

AS 17.38.121

AS 17.38.190

« initial copy »

Editor's note: Copies of the Marijuana Control Board fine schedule dated March 23, 2021, adopted by reference in 3 AAC 306.840, are available for inspection at the Alcohol and Marijuana Control Office in Anchorage. The Marijuana Control Board fine schedule dated March 23, 2021, is also available on AMCO's website
<https://www.commerce.alaska.gov/web/amco/>