

NOTICE OF PROPOSED CHANGES ON TRANSFER OF LICENSE TO ANOTHER LOCATION IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD

Brief description: The Marijuana Control Board proposes to change regulations in Title 3, Chapter 306 of the Alaska Administrative Code dealing with transfer of license to another location. The changes intend to allow the transfer of a license to another location by following application requirements and procedures, and board approval of the application. Several sections and provisions are proposed to be amended to accommodate this concept.

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with transfer of license to another location, including the following:

3 AAC 306.010. License restrictions – would add a transfer of license to another location as one of the applications the board will deny under this section.

3 AAC 306.015. License conditions – is repealed and readopted for logical progression but the new language is (d). Consequently, old (d) would be (e), and old (e) would be (f). (d) would require a person to apply for and receive approval from the board before transferring a license to another location.

3 AAC 306.030. Petition for license or endorsement in an area with no local government – transfer of location of a license is added to this section. A petition signed in approval by the community would be required to accompany an application for the transfer of location.

3 AAC 306.045(d): is amended to make this provision specific to an application for transfer of license to another person. The date in which a renewal application must accompany an application to transfer the license to another person is also changed.

3 AAC 306.046. Application for transfer of a license to another location – this is a new section.

3 AAC 306.047. License conversion – this proposes rewording that would make the section clearer to the reader.

3 AAC 306.050. Relocation of licensed premises not allowed – this section is repealed.

3 AAC 306.055(a): criminal background check – the proposed changes would make it clear what types of applications require the applicant to submit fingerprints for background check.

3 AAC 306.060. Protest by local government – this section proposes changes to incorporate the transfer of a license to another location including to a different local government's jurisdiction.

3 AAC 306.065. Public participation – this section proposes changes to incorporate a transfer of a license to another location application as one the public may comment on or

object to.

3 AAC 306.075(a): procedure for action on license application – proposes to add “for a license”.

3 AAC 306.080. Denial of license or endorsement application – this section changes the phrase “local governing body” to “local government”, and it proposes to add a new section regarding the transfer of a license to another location.

3 AAC 306.085(a); 3 AAC 306.090(a); 3 AAC 306.095; 3 AAC 306.100 are amended to incorporate transfer of a license to another location.

3 AAC 306.110. Endorsement generally – this section proposes to add a new subsection regarding transfer of an endorsement.

3 AAC 306.250. Effect on licenses of restriction on sale (local option)– is amended to incorporate reinstatement of license and transfer of license to another location.

3 AAC 306.300(a) is amended to remove language that is proposed to be moved to 306.315.

3 AAC 306.315. Application for retail marijuana store license. – the removed language from 306.300(a) is moved to this section.

3 AAC 306.330(a) and 3 AAC 306.435(a) are amended to incorporate the relocation of marijuana in the case of a transfer of a license to another location.

3 AAC 306.500(b) is repealed and the language is moved to 306.520.

3 AAC 306.520. Application for marijuana product manufacturing facility license. – the removed language from 306.500(b) is moved to this section.

3 AAC 306.605(b) is repealed and the language is moved to 306.615.

3 AAC 306.615. Application for marijuana testing facility license. – the removed language from 306.605(b) is moved to this section.

3 AAC 306.655; 3 AAC 306.750; 3 AAC 306.755(a) are amended to incorporate relocation of marijuana in the case of a transfer of a license to another location.

3 AAC 306.930(c) is amended for consistency across Chapter 306.

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 May 27, 2022.**

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 April 29, 2022, 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 17.38.150; AS 17.38.190; AS 17.38.200; AS 17.38.210; AS 17.38.900

Statutes being implemented, interpreted, or made specific: AS 17.38.070; AS 17.38.121; AS 17.38.200; AS 17.38.210; AS 17.38.330; AS 17.38.340

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: February 24, 2022



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