

Nancy Dahlstrom
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Sara Chambers, Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: September 11, 2023

RE: Filed Permanent Regulations: Marijuana Control Board

Alcohol & Marijuana Control Office regulations re: Infants on Licensed Premises (3
AAC 306.712)

Attorney General File:	2023200160
Regulation Filed:	9/11/2023
Effective Date:	10/11/2023
Print:	248, January 2024

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis
Jane P. Sawyer, Regulations Specialist
Kristina Serezhenkov, Regulations Specialist



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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September 11, 2023

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *3 AAC 306.712: AMCO - Infants on Licensed Premises*
Our file: 2023200160

Dear Lieutenant Governor Dahlstrom:

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 letter 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 regulation of infants on licensed marijuana premises. Licensees and employees are permitted to bring a child onto a licensed premises for purposes of breastfeeding, and licensees may designate an area on the licensed premises for that purpose. These regulations raise the age of a child covered by these provisions from 12 to 18 months and lift the existing exclusion for breastfeeding and expression of breastmilk in restricted areas.

The June 26, 2023 public notice and the September 6, 2023 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.060. The corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto** Digitally signed by
Rebecca C. Polizzotto
Date: 2023.09.11
13:18:45 -08'00'

Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

RCP/pwp

CC w/enclosure: Kristina Serezhenkov, Regulations Specialist
Department of Commerce, Community and Economic Development

Kevin A. Higgins, Assistant Attorney General
Department of Law

Parker W. Patterson, Assistant Attorney General
Department of Law

APPENDIX J: Certification Order

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE MARIJUANA CONTROL BOARD

The attached one page of regulations, dealing with infants on licensed premises-breastfeeding, is certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its August 23, 2023, 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: September 6, 2023


Joan M. Wilson, Director

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on September 11, 2023 at 4:18 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


for Lieutenant Governor Nancy Dahlstrom

Effective: October 11, 2023.

Register: 248, January 2024.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, 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:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

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

3 AAC 306.712(a) is amended to read:

3 AAC 306.712. Breastfeeding on licensed premises. (a) A licensee or employee of a licensee may bring a child up to **18** [12] months of age, who is the child of the licensee or employee, onto the 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].

3 AAC 306.712(b) is amended to read:

(b) A licensee may designate an area for breastfeeding or for the expression of breast milk. **An area designated for breastfeeding must not expose the child in any way to marijuana or any marijuana product, including marijuana pollen.** 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. (Eff. 1/1/2021, Register 237; am 10/11/2023, Register 248)

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