

NOTICE OF PROPOSED CHANGES TO SECURITY INTEREST TRANSFER 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 security interest transfer.

The Marijuana Control Board proposes to make changes dealing with security interest transfer including the following:

3 AAC 306.049 is a new section dealing with foreclosures and outlines that a marijuana establishment license is not subject to foreclosure and may not be used as collateral to secure a debt. It allows for a transferor of a marijuana establishment license to secure payment for real and personal property conveyed to the transferee during the course of the transfer, and, in cases of default, a retransfer of the marijuana establishment license back to the prior licensee.

3 AAC 306.051 is a new section that establishes the transfer application process for a licensee wishing to establish a security interest in a license being transferred to another person.

3 AAC 306.052 is a new section that lays out the conditions that must be met for a prior licensee to seek to compel the retransfer of a marijuana establishment license with a held security interest because of default in payment.

3 AAC 306.080(d)(2) is amended to allow the board to approve the retransfer of a marijuana establishment license back to the prior licensee with an established security interest.

You may comment on the proposed regulations, including the potential costs to private persons of complying with the proposed regulations, by submitting written comments to Alcohol and Marijuana Control Office at 550 W. 7<sup>th</sup> Avenue, Suite 1600, Anchorage, Alaska, 99501. Additionally, the Marijuana Control Board will accept comments by electronic mail 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 4:30 pm on December 22, 2023.**

You may submit written questions relevant to the proposed action to Alcohol and Marijuana Control Office by email to [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov) or by mail to 550 W. 7<sup>th</sup> Avenue, Suite 1600, Anchorage, Alaska, 99501. 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 <https://www.commerce.alaska.gov/web/amco/>

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Kristina Serezhenkov at [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov) or at 907-269-0359 not later than December 8, 2023 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulations 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)

APPENDIX B-2: Notice of Proposed Regulations (Non-Newspaper)

After the public comment period ends, the Marijuana Control Board will either adopt the proposed regulations 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.

**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

**Statutes being implemented, interpreted, or made specific:** 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

**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 Alcohol and Marijuana Control 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.

Individuals can also signup to receive automated notifications of all State of Alaska notices, including public notice for regulation changes, by subscribing to the Alaska Online Public Notices System: <https://aws.state.ak.us/OnlinePublicNotices/Default.aspx>.

Date: November 20, 2023 \_\_\_\_\_



Kristina Serezhenkov, Regulations Specialist 2