

Nancy Dahlstrom
Lieutenant Governor
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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: December 1, 2023

RE: Filed Permanent Regulations: Marijuana Control Board
Marijuana Control Board regulations re: Variety Packs (3 AAC 306.565)

Attorney General File:	2023200346
Regulation Filed:	12/1/2023
Effective Date:	12/31/2023
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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December 1, 2023

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

Re: *3 AAC 306.565: Marijuana Control Board - Variety Packs*
Our file: 2023200346

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 authorize marijuana product manufacturing facilities to create variety packs with mixed products. The authorized variety packs must still comply with the current regulations for singly packed product in regard to labeling and total quantity of THC.

The October 6, 2023, public notice and the November 28, 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.

No technical corrections were necessary to conform the regulations in accordance with AS 44.62.060.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

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

Digitally signed by
Rebecca C. Polizzotto
Date: 2023.12.01
09:33:01 -09'00'

RCP/KMD

CC w/enclosure: Joan Wilson, Director
Alcohol and Marijuana Control Office
Department of Commerce, Community and Economic Development

Kristina Serezhenkov, Regulations Specialist 2
Department of Commerce, Community and Economic Development

Kevin Higgins, 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 variety packs, is certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its November 15, 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: 11/28/2023 _____



Joan M. Wilson, Director

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on December 1, 2023 at 1:07 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: December 31, 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**

Register 248, January 2024 COMMERCE, COMMUNITY, AND EC. DEV.

3 AAC 306.565 is amended by adding a new subsection to read:

(f) A marijuana product manufacturing facility may create a variety pack with one or more products. The single packaged unit requirement under 3 AAC 306.560(2) applies to each product inside the variety pack. All required labels under 3 AAC 306.570 must be affixed to each product inside the variety pack as well as the exterior of the variety pack. The total amount of THC inside the variety pack may not exceed the limits set out under 3 AAC 306.355. (Eff. 2/21/2016, Register 217; am 2/21/2019, Register 229; am 3/13/2020, Register 233; am 4/16/2023, Register 246; am 12 / 31 / 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