

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

**MEMORANDUM**

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

**FROM:** April Simpson, Office of the Lieutenant Governor   
465.4081

**DATE:** July 17, 2024

**RE:** Filed Permanent Regulations: Marijuana Control Board  
Marijuana Control Board regulations re: Plant height (3 AAC 306.435(a))

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Attorney General File:	2024200076
Regulation Filed:	7/17/2024
Effective Date:	8/16/2024
Print:	251, October 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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July 15, 2024

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

Re: *3 AAC 306.435(a): Marijuana Control Board - Plant height*  
Our file: 2024200076

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulation 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 regulation. The regulation was adopted by the Marijuana Control Board after the close of the public comment period.

The regulation amends 3 AAC 306.435 to update the height at which a marijuana plant is subject to marijuana plant tagging and tracking requirements.

Both the May 10, 2024 public notice and the June 27, 2024 order certifying changes to regulations 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: 2024.07.15  
12:36:01 -08'00'

RCP/bws

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

Kevin Higgins, Assistant Attorney General  
Department of Law

Brad Sharp, Assistant Attorney General  
Department of Law

APPENDIX J: Certification Order

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF THE MARIJUANA CONTROL BOARD

The attached two pages of regulations, dealing with plant height for tagging, is certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its June 26, 2024, 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: 6/27/2024

  
Joan M. Wilson, Director

FILING CERTIFICATION

*April Simpson for*

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on

July 17, 2024 at 9:51 a. .m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

*April Simpson*  
for Lieutenant Governor *Nancy Dahlstrom*

Effective: August 16, 2024.

Register: 251, October 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.**



*Nancy Dahlstrom*

**NANCY DAHLSTROM  
LIEUTENANT GOVERNOR**

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

3 AAC 306.435(a) is amended to read:

(a) A marijuana cultivation facility shall

**(1)** use a marijuana inventory tracking system in compliance with 3 AAC 306.730 to ensure all marijuana propagated, grown, or cultivated on the marijuana cultivation facility's premises is identified and tracked from the time the marijuana is propagated through transfer to another licensed marijuana establishment, including when marijuana or marijuana product is

**(A)** relocated to **a** [THE] new licensed premises in the case of a transfer of a marijuana establishment license to another location approved by the board; [,] or

**(B)** **destroyed**; [DESTRUCTION. THE MARIJUANA CULTIVATION FACILITY SHALL]

**(2)** assign a tracking number to each

**(A)** plant over **18** [EIGHT] inches tall; and

**(B)** package of marijuana to be transferred to another facility; **a** [. A] package of marijuana may not exceed 10 pounds; [. THE MARIJUANA CULTIVATION FACILITY SHALL ALSO]

**(3)** assign a plant batch name or number to each batch of clones or cuttings; **a** [. A] batch may not consist of more than 50 clones or cuttings.

(Eff. 2/21/2016, Register 217; am 03/13/2020, Register 233; am 1/22/2023, Register 245; am 8 / 16 / 2024, Register 251)

Register 251, October 2024

COMMERCE, COMMUNITY, AND EC. DEV.

**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 17.28.121