

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: November 8, 2024

RE: Filed Permanent Regulations: Marijuana Control Board

Marijuana Control Board regulations re: Edibles-only onsite consumption (3 AAC 306.370(e)(1))

Attorney General File:	2024200288
Regulation Filed:	11/8/2024
Effective Date:	12/8/2024
Print:	252, January 2025

cc with enclosures: Beth Parsons, 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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November 7, 2024

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

Re: *3 AAC 306.370(e)(1): MCB - Edibles-only onsite consumption*
Our file: 2024200288

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 onsite consumption areas of licensed retail marijuana stores. The regulations modify existing requirements for onsite consumption areas limited to edible marijuana products by removing the requirement that such areas be isolated and physically separated from other areas of the retail store.

The August 7, 2024 public notice and the October 2, 2024 certification of adoption 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: 2024.11.07
15:09:33 -09'00'

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

Parker W. Patterson, Assistant Attorney General
Department of Law

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 edibles only for onsite consumption, is certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its September 12, 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: 10/2/2024



Lizzie Kubitz, Acting Director

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on November 8, 2024 at 10:30 a.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 8, 2024.

Register: 252, January 2025.

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**

3 AAC 306.370(e)(1) is amended to read:

(e) A marijuana consumption area must have the following characteristics:

(1) if consumption would be permitted by any method under 3 AAC

306.370(a)(2), the marijuana consumption area must

(A) be isolated from the other areas of the retail marijuana store; [,

MUST]

(B) be separated by walls and a secure door; [,] and [MUST]

(C) have access only from the retail marijuana store;

(Eff. 4/11/2019, Register 230; am 8/7/2021, Register 239; am 12/8/2024, Register

252)

Authority:	AS 17.38.010	AS 17.38.150	AS 17.38.900
	AS 17.38.070	AS 17.38.190	AS 18.35.301
	AS 17.38.121	AS 17.38.200	