



MEMORANDUM

TO: Marijuana Control Board DATE: November 7, 2023

FROM: Kristina Serezhenkov, Regulations RE: Regulations Project-
Specialist Application Process. Food
Safety Permit

This project was opened at the August 2023 board meeting with the goal of changing the application sequence to allow for a delegated status for a food service permits and to accommodate those establishments that may not require food service permits. The attached regulations draft is for board discussion.

3 AAC 306.315. Application for retail marijuana store license.

This repeals 306.315(1)(A) which required the applicant to submit a copy of an active application for a food safety permit.

3 AAC 306.520. Application for marijuana product manufacturing facility license.

This repeals 306.520(1)(A) which required the applicant to submit a copy of an active application for a food safety permit.

Options for the board:

- Move to approve and send to Law for initial review and (with Law's approval) subsequent public comment
- Move to amend and then send to Law for initial review and (with Law's approval) subsequent public comment
- Move to send back to staff for more work
- Close the regulations project

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

3 AAC 306.315 **(1)(A)** is repealed:

3 AAC 306.315. Application for retail marijuana store license. A person seeking a new retail marijuana store license must

(1) submit an application on a form the board prescribes, including the information required under 3 AAC 306.020 and

(A) repealed ___ / ___ / ___;

(B) a description of the way marijuana and marijuana products at the retail marijuana store will be displayed and sold in the applicant’s operating plan required under 3 AAC 306.020(c); and

(2) demonstrate, to the board’s satisfaction, that the applicant will operate in compliance with

(A) each applicable provision of 3 AAC 306.300 – 3 AAC 306.380 and 3 AAC 306.700 – 3 AAC 306.770; and

(B) **each applicable health, fire, safety, and tax code and ordinance of the state and the local government in which the applicant’s proposed licensed premises is located.**

(Eff. 2/21/2016, Register 217; am 7/27/2017, Register 223; am 1/22/2023, Register 245; am 8/13/2023, Register 247; am ___ / ___ / ___, Register _____)

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

Commented [KRS1]: 306.315(1)(A) read...a copy of an active application for a required food safety permit under 18 AAC 31.020(a) from the Department of Environmental Conservation or a municipality with authority delegated under AS 17.20.072 and 18 AAC 31.945;

AS 17.38.121

3 AAC 306.520(1)(A) is repealed:

3 AAC 306.520. Application for marijuana product manufacturing facility license.

An applicant for a marijuana product manufacturing facility license must

(1) file an application on a form the board prescribes, including the information required under 3 AAC 306.020 and

(A) repealed / / ;

(B) a diagram of the proposed licensed premises required in 3 AAC 306.020(b), identifying the area where

(i) in-house testing, if any, will occur;

(ii) marijuana and any marijuana product, including marijuana concentrate, will be stored;

(C) the applicant's operating plan required under 3 AAC 306.020(c), which includes a description of

(i) the equipment, solvents, gases, chemicals, and other compounds used to create concentrates and the processes to be used;

(ii) each marijuana product the applicant intends to process at this location;

(iii) the color, shape, texture, ingredients and standard production procedure to be used;

(iv) the additional information required for product approval in 3 AAC 306.525;

Commented [KRS2]: 306.520(1) (A) read...a copy of an active application for a required food safety permit under 18 AAC 31.020 from the Department of Environmental Conservation or a municipality with authority delegated under AS 17.20.072 and 18 AAC 31.945;

Register _____, _____ 20__ COMMERCE, COMMUNITY, AND EC. DEV.

(D) the packaging to be used for each type of product;

(E) sample labels showing how the labeling information required in 3 AAC 306.570 will be set out;

(F) the applicant's plan for disposal of waste; and

(2) demonstrate, to the board's satisfaction, that the applicant will operate in compliance with

(A) each applicable provision of 3 AAC 306.500 – 3 AAC 306.570 and 3 AAC 306.700 – 3 AAC 306.770; and

(B) each applicable public health, fire, safety, and tax code and ordinance of the state and the local government in which the applicant's proposed licensed premises are located.

(Eff. 2/21/2016, Register 217; am 7/27/2017, Register 223; am 1/22/2023, Register 245; am 4/16/2023, Register 246; am ___ / ___ / _____, Register _____)

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