THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

Alcohol and Marijuana Control Office

550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

MEMORANDUM

TO: Marijuana Control Board

DATE: June 24, 2022

FROM: Jane P. Sawyer, Regulations Specialist

RE: Regulations Project – Transfer of License to Another Location

At the August 2021 meeting, the board opened this regulations project to address relocation of a license. At the January 2022 meeting, the board sent the draft out for public comment for 90 days. It received only three comments which are attached.

This project is 30 some pages long because the amendments affect several sections and provisions of 3 AAC 306. It is by no means a simple project.

The project intends to allow the transfer of a license to another location, including to another local government, by meeting application requirements and procedures, board approval of the application/transfer of location, and more, including approval of affected local governments.

Potential board actions:

- Adopt as is after considering public comment received.
- Amend and send back out for public comment.
- Send back to staff for more work.
- Close project.

Summary of changes:

3 AAC 306.010. License restrictions – would add a transfer of license to another location as one of the applications the board will deny under this section.

3 AAC 306.015. License conditions – is repealed and readopted for logical progression but the new language is (d). Consequently, old (d) would be (e), and old (e) would be (f). (d) would require a person to apply for and receive approval from the board before transferring a license to another location.

3 AAC 306.030. Petition for license or endorsement in an area with no local government – transfer of location of a license is added to this section. A petition signed in approval by the community would be required to accompany an application for the transfer of location.

3 AAC 306.045(d): is amended to make this provision specific to an application for transfer of license to another person. The date in which a renewal application must accompany an application to transfer the license to another person is also changed.

3 AAC 306.046. Application for transfer of a license to another location – this is a new section.

3 AAC 306.047. License conversion – this proposes rewording that would make the section clearer to the reader.

3 AAC 306.050. Relocation of licensed premises not allowed – this section is repealed.

3 AAC 306.055(a): criminal background check – the proposed changes would make it clear what types of applications require the applicant to submit fingerprints for background check.

3 AAC 306.060. Protest by local government – this section proposes changes to incorporate the transfer of a license to another location including to a different local government's jurisdiction.

3 AAC 306.065. Public participation – this section proposes changes to incorporate a transfer of a license to another location application as one the public may comment on or object to.

3 AAC 306.075(a): procedure for action on license application – proposes to add "for a license".

3 AAC 306.080. Denial of license or endorsement application – this section changes the phrase "local governing body" to "local government", and it proposes to add a new section regarding the transfer of a license to another location.

3 AAC 306.085(a); 3 AAC 306.090(a); 3 AAC 306.095; 3 AAC 306.100 are amended to incorporate transfer of a license to another location.

3 AAC 306.110. Endorsement generally – this section proposes to add a new subsection regarding transfer of an endorsement.

3 AAC 306.250. Effect on licenses of restriction on sale (local option)– is amended to incorporate reinstatement of license and transfer of license to another location.

3 AAC 306.300(a) is amended to remove language that is proposed to be moved to 306.315.

3 AAC 306.315. Application for retail marijuana store license. – the removed language from 306.300(a) is moved to this section.

3 AAC 306.330(a) and 3 AAC 306.435(a) are amended to incorporate the relocation of marijuana in the case of a transfer of a license to another location.

3 AAC 306.500(b) is repealed and the language is moved to 306.520.

3 AAC 306.520. Application for marijuana product manufacturing facility license. – the removed language from 306.500(b) is moved to this section.

3 AAC 306.605(b) is repealed and the language is moved to 306.615.

3 AAC 306.615. Application for marijuana testing facility license. – the removed language from 306.605(b) is moved to this section.

3 AAC 306.655; 3 AAC 306.750; 3 AAC 306.755(a) are amended to incorporate relocation of marijuana in the case of a transfer of a license to another location.

3 AAC 306.930(c) is amended for consistency across Chapter 306.