

Proposed Regulations Project

Tab 12 (Space Planning & Layout)

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Description:

The proposed change seeks to provide for shared use of support spaces in marijuana facilities between licensees and between tenants.

Narrative:

Businesses seeking to cultivate, process, and/or sell marijuana may occupy buildings where multiple tenants share certain resources (like restrooms or mechanical equipment spaces). This is particularly common in smaller communities with limited available commercial spaces for lease or sale.

Further, some licensees may choose or be required under local ordinance to co-locate two or more licensed premises in the same building. In such a scenario it would be unreasonable to require them to build duplicate functions into the same building simply because they hold multiple licenses under these regulations. Examples might include restrooms, locker rooms, office space, mechanical equipment spaces, and other spaces essential to the operations of the business but where marijuana and marijuana products are not cultivated, processed, stored, or sold.

It is proposed that licensees be allowed to take advantage of such shared resources provided that areas actually used for cultivating or processing marijuana remain under their exclusive control and are secure from unauthorized access.

Proposed change:

Note:

Words in **boldface and underlined** indicate language to be added

Words [CAPITALIZED AND BRACKETED] indicate language being deleted

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(New Section)

3 AAC 306.925. Shared use spaces in marijuana establishments

(a) **A licensed marijuana establishment may share support spaces with other non-licensee tenants of the same building provided that;**

- (1) **No marijuana or marijuana products may be cultivated, processed, stored, or sold in areas not under the direct and exclusive control of the licensee and,**
- (2) **Non-licensee tenants are not able to access the licensed premises via the shared-use space.**

(b) Multiple marijuana establishments may share support spaces provided that;

(1) No marijuana or marijuana products may be cultivated, processed, stored, or sold in areas not under the direct and exclusive control of each licensee and,

(2) Employees of one licensee may not have access to an adjacent licensed premises via the shared space unless that employee is authorized to access both premises.

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