



MEMORANDUM

TO: Peter Mlynarik, Chair, and
Members of the Board

DATE: November 14, 2017

FROM: Erika McConnell, Director
Marijuana Control Board

RE: Regulations Project – Definition of
Resident

Summary: As the board is aware, all licensees must be residents of Alaska, and “resident of the state” is defined in 3 AAC 306.015(e)(2) as

a person who meets the residency requirement under AS 43.23 for a permanent fund dividend in the calendar year in which that person applies for a marijuana establishment license under this chapter.

This is somewhat confusing for two reasons: 1) the residency requirement that is evaluated through the PFD is for the prior year; and 2) license applicants who apply in January through May (approximately) would not know their PFD application status for that calendar year. It is likely that in this situation, staff has actually been checking PDF eligibility for the prior year.

With the changes proposed in this regulations project, the most current PFD information will be used to determine residency.

Recommendation: Put out for public comment.

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

3 AAC 306.015(b) is amended to read:

(b): The board will not issue, **renew, or transfer** a marijuana establishment license to

3 AAC 306.015(e)(2) is amended to read:

(2) “resident of the state” means a person who **currently** meets the residency requirement under AS 43.23 for a permanent fund dividend [IN THE CALENDAR YEAR IN WHICH THAT PERSON APPLIES FOR A MARIJUANA ESTABLISHMENT LICNESE UNDER THIS CHAPTER];