THE STATE of ALASKA
GOVERNOR BILL WALKER

Department of Commerce, Community, and Economic Development

ALCOHOL AND MARIJUANA CONTROL OFFICE

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MEMORANDUM

TO:	Peter Mlynarik, Chair, and Members of the Marijuana Control Board	DATE:	July 12, 2017
FROM:	Erika McConnell, Director	RE:	Rosie Creek Farm #10005, Standard Cultivation Facility

This cultivation facility licensee, located in Fairbanks, has submitted both an MJ-14 for a licensed premises diagram change and an MJ-15 for an operations plan change. Rosie Creek Farm is proposing to change its licensed premises from one large fenced area with three restricted access areas, to multiple smaller licensed premises areas. On the diagram, the difference between the licensed premises and the restricted access areas is not entirely clear—it is possible that the licensee intends that the entirety of each restricted access areas (seven separate areas) may be intended to be licensed premises areas.

As discussed in my director's report, 3 AAC 306.430(a) states, "A marijuana cultivation facility shall conduct <u>any operation</u> in a restricted access area in compliance with 3 AAC 306.710 and this section." The board must determine what "any operation" means. Clearly the licensee will be moving plants and product from hoop houses, outdoor growing area, and high tunnels to processing and storage buildings. Does the moving of plants and product around an area and between buildings qualify as "operations"?

Other significant changes proposed:

- The current approved licensed premises diagram (MJ-02) states:

  > At any point in the season when marijuana is being harvested or moved between restricted access areas the entire farm inside the security fence will be considered a restricted access area and any persons who are not authorized employees of the licensee and who hold a marijuana handlers card will not be allowed on any part of the Farm until the harvesting, processing and movement of marijuana product is complete.

  This assurance does not exist in the MJ-14 submitted for the licensed premises change.

- In the MJ-04 changes, information on size of buildings and grow tunnels, as well as the total area under cultivation, is removed. This information is a requirement of 3 AAC 306.420 and needs to be provided.

Due to these issues and the inconsistency in the regulations regarding who is authorized to approve licensed premises diagram changes, I was not willing to approve the MJ-14 submitted by this licensee, nor give temporary approval for the MJ-15.