



## MEMORANDUM

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

DATE: September 14, 2017

FROM: Erika McConnell, Director  
Marijuana Control Board

RE: Regulations Project – Separation  
Distance

**Summary:** On April 5, 2017, the board voted to open a regulations project relating to the required separation distance from protected land uses in 3 AAC 306.010(a), due to a letter received from Representative Westlake of Kotzebue. Mr. Springer volunteered to draft language for this project.

Mr. Springer's proposed language would allow local governments to adopt a shorter separation distance by ordinance which would override the state's separation distance.

**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 306.010 License restrictions. (a) The board will not issue a marijuana establishment license if the licensed premises will be located within 500 feet of a school ground, a recreational or youth center, a building in which religious services are regularly conducted, or a correctional facility, **unless a local government has adopted by ordinance a shorter distance**. The distance specified in this subsection must be measured by the shortest pedestrian route from the public entrance of the building in which the licensed premises would be located to the outer boundaries of the school ground, the outer boundaries of the recreational or youth center, the main public entrance of the building in which religious services are regularly conducted, or the main public entrance of the correctional facility. This section does not prohibit the renewal of an existing marijuana establishment license or the transfer of an existing marijuana establishment license to another person if the licensed premises were in use before the school ground, recreation or youth center, the building in which religious services are regularly conducted, or the correctional facility began use of a site within 500 feet. If an existing marijuana establishment license for premises located within 500 feet of a school ground, a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility is revoked or expires, the board will not issue another marijuana establishment license for the same premises unless the school ground, the recreation or youth center, the building in which religious services are regularly conducted, or the correctional facility no longer occupies the site within 500 feet.