



MEMORANDUM

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

DATE: January 24, 2018

FROM: Erika McConnell, Director
Marijuana Control Board

RE: Regulations Project – Revocation of
Handler’s Permit (JU2017200165-2)

Summary: New subsection (f) in 3 AAC 306.700 states that handler cards will not be issued to people who

- have been convicted of a felony in the last five years in Alaska or are currently on probably or parole for a felony;
- have been convicted of a class A misdemeanor involving a controlled substance other than a Schedule VI controlled substance in the last two years in Alaska;
- have been convicted of a class A misdemeanor relating to selling, furnishing, or distributing marijuana in the last two years in Alaska; and
- are currently under indictment for any of the above.

New subsection 3 AAC 306.8xx allows the board to suspend or revoke a handler permit, refuse to renew a permit, or impose a civil fine if the board finds that a permit holder has acted in violation of the regulations.

Public Comment: Comment period 11/8/17 to 12/15/17. No public comments were received.

Recommendation: Amend 3 AAC 306.8xx as follows: “The board may suspend or revoke a permit issued under this chapter, refuse to renew a permit, or impose a civil fine if the board finds that a permit holder **has acted** [IS FOUND TO ACT] in violation of this chapter.”

Adopted changes to 3 AAC 306.700 and new section 3 AAC 306.8xx.

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

3 AAC 306.700 is amended by adding new subsections to read:

(f) The board may not issue a marijuana handler permit to a person that

(1) has been convicted of a felony in the state and either

(A) less than five years have elapsed from the time of the person's

conviction; or

(B) the person is currently on probation or parole for that felony.

(2) has within two years, before submitting an application, been convicted of a

class A misdemeanor crime in the state involving a controlled substance other than a Schedule VI controlled substance.

(3) has within two years, before submitting an application, been convicted of a

class A misdemeanor in the state relating to selling, furnishing, or distributing marijuana; or,

(4) is currently under indictment for an offense listed in this section that would

prevent qualification for a permit. (Eff.)__/_/____, Register__)

Authority: AS 17.38.010 AS 17.38.070 AS 17.38.121
AS 17.38.200 AS 17.38.900

3 AAC 306 is amended by adding a new section to read:

3 AAC 306.8xx Suspension or revocation of marijuana handler permit. (a) The board may suspend or revoke a permit issued under this chapter, refuse to renew a permit, or impose a civil fine if the board finds that a permit holder is found to act in violation of this chapter. (Eff. __/__/____, Register__)

Authority: AS 17.38.010 AS 17.38.070 AS 17.38.121
AS 17.38.200 AS 17.38.900