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- Limited marijuana cultivation facility: privileges and prohibited acts

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Recreational Marijuana Regulations 3AAC 306

Time Remaining: 2 seconds

Petition for license in area with no local government

The board will not approve a new license in an area outside, but within 50 miles of, the boundary of a local government unless the board receives a petition to issue the license signed by a majority of the permanent residents residing within one mile of the proposed premises.

The board will not approve a new license in an area that is 50 miles or more from the boundary of a local government unless the board receives a petition to issue the license containing the signatures of two-thirds of the permanent residents residing within a radius of five miles of the United States post office station nearest to the proposed licensed premises.

If there is no United States post office station within a radius of five miles of the proposed licensed premises, the petition must be signed by two-thirds of the permanent residents residing within a five-mile radius of the proposed licensed premises. This petition must be on a form the board prescribes.

The applicant must obtain the required signatures within the 90-day period immediately before submitting the petition to the board. A signature may not be added to or removed from the petition after the board has approved the application.

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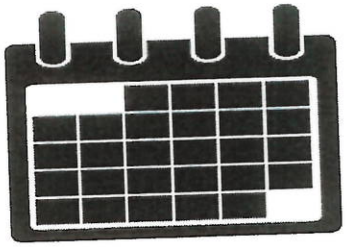
Time Remaining: 3 seconds

Application for renewal of license



On or before May 1 of each year, the director shall send notice that a marijuana establishment must file a renewal application not later than June 30 of the current year.

A marijuana establishment's renewal application must:

- identify the license sought to be renewed by license number, license type, establishment name, and premises address
- provide the information required for a new license application *under 3 AAC 306.020(b)(1) - (9)*
- report any change from the marijuana establishment's new license application or last renewal application

A licensee that does not deliver a renewal application to the director on or before June 30 of each year is delinquent and must pay the late renewal application fee under 3 AAC 306.100(b) with the renewal application.

On or before August 15 of each year, the director shall deliver a notice of expiration to each marijuana establishment that has not filed a complete application for renewal of a license, along with any applicable affidavit and the required fee, unless the marijuana establishment has notified the director that it does not intend to seek a renewal of its license.

If a marijuana establishment fails to deliver a complete license renewal application or fails to pay the required renewal fee and the late renewal application fee on or before August 31 of each year, that marijuana establishment license expires at 12:00 midnight on August 31 of that year.

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Time Remaining: 4 seconds

Ownership change to be reported

A licensed marijuana establishment shall, not later than 10 days after an ownership change, report the change on a form prescribed by the board.

If any change required to be reported under this section will result in a change in controlling interest of the marijuana establishment license, the marijuana establishment must file an application for transfer of license to another person under 3 AAC 306.045.

In this section, "ownership change" means:

- if the licensee is a partnership, including a limited partnership, any change in the identity of the partners, or in the ownership percentages held by any partners;
- if the licensee is a limited liability company, any change in the identity of the members, or in the ownership percentage held by any member; or
- if the licensee is a corporation, any sale of corporate stock to a person not currently an owner, or any change of the percentage ownership of an existing shareholder

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A person may not receive or transfer a marijuana establishment license or a controlling interest in a marijuana establishment license without applying for and receiving the written consent of the board.

Transfer of a license includes a sale of all or part of the interest of an individual owner.

The application must name the current holder of the marijuana establishment license and the proposed transferee.

The application must contain the following:

- the same information about each transferee as is required of an applicant for a new license
- a statement, under oath, executed by the current holder of the marijuana establishment license, listing all debts of the business, all taxes the business owes, current contact information for each creditor, and an affirmation that the current holder of the marijuana establishment license has submitted a copy of the transfer application to all creditors; and
- any other information required by the board for the type of marijuana establishment license sought to be transferred.

When the board receives a complete application for transfer, the director shall immediately send written notice of the proposed transfer to the following:

- each listed creditor of the current holder of the marijuana establishment license
- the local government in the area in which the licensed premises are located;
- the community council if the licensed premises are located within the boundary of a community council established by municipal charter or ordinance; and
- any nonprofit community organization that has requested notification in writing

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Time Remaining: 4 seconds

Relocation of licensed premises not allowed

A marijuana establishment license may not be relocated to any other premises.

A holder of a marijuana establishment license that wishes to operate a marijuana establishment at a different location must submit a new application for any new premises, and must surrender an existing license for any premises where the marijuana establishment does not intend to continue its operation.

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Time Remaining: 4 seconds

Protest by local government

Local government may protest an application by sending the director and the applicant a written protest and the reasons for the protest.

If a local government protests an application for a new or renewal license or for a transfer of a license to another person, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

A local government may recommend that the board approve an application for a new license, renewal of a license, or transfer of a license to another person subject to a condition.

The board will impose a condition that a local government recommends unless the board finds the recommended condition is arbitrary, capricious, and unreasonable.

If the board imposes a condition that a local government recommends, the local government shall assume responsibility for monitoring compliance with the condition unless the board provides otherwise.

If a local government determines that a marijuana establishment has violated a provision of AS 17.38, Chapter 306, or a condition the board has imposed on the licensee, the local government may notify the board. Unless the director finds that the local government's notice is arbitrary, capricious, and unreasonable, the director shall prepare the determination as an accusation against the licensee and conduct proceedings to resolve the matter.

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Criminal justice information and records

When filing an application for a new marijuana establishment license or transfer of a license, the applicant(s) must submit fingerprints and the fees required by the Department of Public Safety for criminal justice information.

The director shall submit the fingerprints to the Department of Public Safety to obtain a report of criminal justice information.

The board will use the information obtained to determine if an applicant is qualified for a marijuana establishment license.

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Public participation

A person may object to an application for a new license, renewal of a license, or transfer of a license to another person by submitting a written statement of reasons for the objection to the board and the applicant not later than 30 days after notice of the application, but not later than the deadline for objections stated in a posted or published notice of the application.

The objection must be sent to the applicant at the mailing address or electronic mail address provided in the notice of application.

If the board determines to conduct a public hearing under this section, an interested person may give oral testimony at the public hearing.

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Time Remaining: 4 seconds

Procedure for action on license application

The board will decide whether to grant or deny an application not later than 90 days after receiving the complete application.

However, the board will not grant or deny the application before the time allowed for a protest, unless the local government waives its right to protest; or the time allowed for an objection has elapsed.

Not later than seven (7) days before the date set for board action on an application, the director shall post a meeting agenda listing the matters scheduled for action at that meeting.

The board will consider any written objection, protest, suggested condition, or petition, and also will consider any testimony received at a hearing on public protest held (if applies) when it considers the application.

The director shall retain the written objection, protest, or suggested condition or petition, and the hearing record as part of the permanent record of the board's review of an application.

☑ YES

☒ NO

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DENIED

After review of the application, including the applicant's proposed operating plan and all relevant information, the board will deny an application for a new license if the board finds that:

- the application is not complete as required or contains any false statement of material facts
- the license would violate any restrictions
- the license is prohibited under Chapter 306 as a result of an ordinance or election conducted
- the board finds that the operating plan does not adequately demonstrate that the applicant will comply with applicable provisions of Chapter 306, or
- the license would not be in the best interests of the public

After review of the application and all relevant information, the board will deny an application for renewal of a marijuana establishment license if the board finds:

- any cause listed above;
- that the transferor has not paid all debts or taxes arising from the operation of the business (unless the transferor gives security for the payment of the debts or taxes satisfactory to the creditor or taxing authority)
- that the prospective transferee does not have the qualifications of an original applicant required under Chapter 306

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Time Remaining: 4 seconds

Informal conference

If an applicant for a new license, renewal of a license, or transfer of a license to another person is aggrieved by an action of the board denying the application, the applicant may request an informal conference with the director or the board.

An informal conference must be held at a time and place convenient to the applicant and the board, but not later than the next scheduled meeting of the board. An informal conference may be conducted by telephone.

If the informal conference does not resolve the matter to the applicant's satisfaction, the applicant may request a formal hearing by filing a notice of defense.

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Formal hearing

If an applicant or transforee of a license is aggrieved by an action of the board denying the application, the applicant may request a formal hearing.

Failure to file a notice of defense as provided in this section constitutes a waiver of the right to a formal hearing.

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Appeals

An aggrieved applicant or marijuana establishment license holder may appeal to the board regarding any action of the director, or an employee or agent of the board regarding an application for a new license, a license renewal, or a transfer of license to another person.

An applicant or marijuana establishment license holder aggrieved by a final decision of the board regarding an application for a new license, a license renewal, or a transfer of license to another person may appeal to the superior court *under AS 44.62.560.*

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Time Remaining: 4 seconds

Fees; refund

Non-Refundable Fees:

The non-refundable application fee for a new marijuana establishment license or an application to transfer a license to another person is $1,000.

The non-refundable application fee for a license renewal application is $600. If a renewal application is late *as provided under 3 AAC 306.035*, an additional non-refundable late renewal application fee is $1,000.

The non-refundable fee to request board approval of a change in a licensed marijuana establishment's business name, licensed premises diagram, operating plan, or proposed new marijuana product is $250. A change fee does not apply to an application for transfer of a license to another person.

The annual license fee, to be paid with each application for a new marijuana establishment facility license and each license renewal application are as follows:

- for a retail marijuana store license, $5,000
- for a limited marijuana cultivation facility license, $1,000
- for a marijuana cultivation facility license, $5,000
- for a marijuana concentrate manufacturing facility license, $1,000
- for a marijuana product manufacturing facility license, $5,000
- for a marijuana testing facility license, $1,000

The fee for a marijuana handler permit card is $50.

Refundable Fees:

If the board denies an application for a license or for renewal of a license, the board will refund the annual license fee. The board will not refund a license fee after the license has been issued.

Processing fees for late renewal after failure to pay taxes are as follows:

- if a licensee pays its delinquent tax after a local government protests renewal of the license, but before the board denies license renewal, $200;
- if a licensee pays its delinquent tax after appealing the board's denial of a license renewal, but before a hearing officer is appointed to hear the applicant's appeal, $500;
- if a licensee pays its delinquent tax after appealing the board's denial of a license renewal, but before the administrative hearing begins, $5,000;
- if a licensee pays its delinquent tax after an administrative hearing that results in a hearing officer recommendation to deny the license renewal, $10,000.

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Alaska Marijuana Handler Permit Education

Recreational Marijuana Regulations 3AAC 306

Question 1 of 11

Choose the option which best answers the question.

A marijuana establishment _____ operate in the state unless it has obtained the applicable marijuana establishment license from the board.

- 1. may
- 2. may not
- 3.
- 4.

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Recreational Marijuana Regulations 3AAC 306

Question 2 of 11

Choose the option which best answers the question.

A licensed premises must not be located within _____ feet of a school ground, a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility.

1. 100
2. 200
3. 500
4. 1000

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Question 3 of 11

Choose the option which best answers the question.

All those with direct or indirect financial interest (including all shareholders) must be residents of the state of Alaska and must be qualified to do business in Alaska. True or False?

1. True
2. False
3.
4.

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Question 4 of 11

Choose the option which best answers the question.

A marijuana establishment license application must include the applicant's operating plan, describing to the board's satisfaction the proposed marijuana establishment's plans. Which of the following are not required on the operating plan?

1. Security plans
2. Inventory tracking procedures
3. Employee qualification and training plans
4. First year operating budget

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Question 5 of 11

Choose the option which best answers the question.

A licensee that does not deliver a renewal application to the director on or before _____ of each year is delinquent and must pay the late renewal application fee.

- 1. January 1
- 2. June 30
- 3. August 15
- 4. December 31

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