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Lesson 4: Recreational Marijuana Regulations

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Alaska Marijuana Handler Permit Education

Recreational Marijuana Regulations 3AAC 306

Licensed premise; alteration

Time Remaining: 0 seconds

A marijuana establishment license will be issued for specific licensed premises. Specific licensed premises must constitute a place clearly designated in a license application and described by a line drawing submitted with the license application.

The licensed premises must have adequate space for its approved operations, including growing, manufactuandring, processing, packaging, or storing marijuana or marijuana products; and be located and constructed to facilitate cleaning, maintenance, and proper operation.

A marijuana establishment's license must be posted in a conspicuous place within the licensed premises.

A holder of a marijuana establishment license may not alter the functional floor plan or reduce or expand the area of the licensed premises without first obtaining the director's written approval. A marijuana establishment license holder seeking to change or modify the licensed premises must submit a request for approval of the change on a form prescribed by the board, along with:

- the fee prescribed in 3 AAC 306.100
- a drawing showing the proposed change
- evidence that the proposed change conforms to any local restrictions
- evidence that the licensee has obtained any applicable local building permit

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Article 7: Operating Requirements for All Marijuana Establishments

Marijuana handler permit

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Alaska Marijuana Handler Permit Education

Recreational Marijuana Regulations 3AAC 306

Restricted access areas

Time Remaining: 0 seconds

A marijuana establishment shall restrict access to any part of the licensed premises where marijuana or a marijuana product is grown, processed, tested, stored, or stocked.

Except as provided in 3 AAC 306.325 for a retail marijuana store, each entrance to a restricted access area must be marked by a sign that says "Restricted access area".

Visitors must be escorted. A marijuana establishment shall limit the number of visitors to not more than five visitors for each licensee, employee, or agent of the licensee who is actively engaged in supervising those visitors.

In a restricted access area, a licensee, employee, or agent of the marijuana establishment shall wear a current identification badge bearing the person's photograph.

A person under 21 years of age may not enter a restricted access area.

Any visitor to the restricted access area must:

- show identification as required in 3 AAC 306.350 to prove that person is 21 years of age or older
- obtain a visitor identification badge before entering the restricted access area
- be escorted at all times by a licensee, employee, or agent of the marijuana establishment

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Marijuana handler permit

Licensed premise; alteration

Restricted access areas

Alaska Marijuana Handler Permit Education

Recreational Marijuana Regulations 3AAC 306

Security alarm systems and lock standards

Time Remaining: 0 seconds

Each licensee, employee, or agent of a marijuana establishment shall display an identification badge issued by the marijuana establishment at all times when on the marijuana establishment's licensed premises.

The licensed premises of a marijuana establishment must have:

- exterior lighting to facilitate surveillance
- a security alarm system on all exterior doors and windows
- continuous video monitoring as provided in 3 AAC 306.720

A marijuana establishment shall have policies and procedures that:

- are designed to prevent diversion of marijuana or marijuana product
- prevent loitering
- describe the use of any additional security device, such as a motion detector, pressure switch, and duress, panic, or hold-up alarm to enhance security of licensed
- premises
- describe the actions to be taken by a licensee, employee, or agent of the marijuana establishment when any automatic or electronic notification system alerts a local law
- enforcement agency of an unauthorized breach of security

A marijuana establishment shall use commercial grade, non-residential door locks on all exterior entry points to the licensed premises.

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Alaska Marijuana Handler Permit Education

Recreational Marijuana Regulations 3AAC 306

Video surveillance

Time Remaining: 4 seconds

A marijuana establishment shall install and maintain a video surveillance and camera recording system as provided in this section.

The video system must cover:

- each restricted access area and each entrance to a restricted access area within the licensed premises
- each entrance to the exterior of the licensed premises
- each point-of-sale area

At a marijuana establishment, a required video camera must be placed in a way that produces a clear view adequate to identify any individual inside the licensed premises, or within 20 feet of each entrance to the licensed premises.

Both the interior and the exterior of each entrance to the facility must be recorded by a video camera.

Any area where marijuana is grown, cured, or manufactured, or where marijuana waste is destroyed, must have a camera placement in the room facing the primary entry door, and in adequate fixed positions, at a height that will provide a clear, unobstructed view of the regular activity without a sight blockage from lighting hoods, fixtures, or other equipment, in order to allow for the clear and certain identification of any person and activity in the area at all times.

Surveillance recording equipment and video surveillance records must be housed in a locked and secure area or in a lock box, cabinet, closet or other secure area that is accessible only to a marijuana establishment licensee or authorized employee, and to law enforcement personnel including a peace officer or an agent of the board.

A marijuana establishment may use an offsite monitoring service and offsite storage of video surveillance records if security requirements at the offsite facility are at least as strict as onsite security requirements as described in this section.

Each surveillance recording must be preserved for a minimum of 40 days, in a format that can be easily accessed for viewing. All recorded images must clearly and accurately display the time and date, and must be archived in a format that does not permit alteration of the recorded image, so that the images can readily be authenticated.

After 40 days, a marijuana establishment may erase video recordings, unless the licensee knows or should know of any pending criminal, civil, or administrative investigation for which the video recording may contain relevant information.

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- Marijuana inventory tracking system
- Health and safety standards
- Waste disposal
- Transportation
- Business records
- Standardized scales

Alaska Marijuana Handler Permit Education

Recreational Marijuana Regulations 3AAC 306

Inspection of licensed premises

Time Remaining: 1 seconds

A marijuana establishment or an applicant for a marijuana establishment license under this chapter shall, upon request, make the licensed premises or the proposed licensed premises, including any place for storage, available for inspection by the director, an employee or agent of the board, or an officer charged with the enforcement of this chapter.

The board or the director may also request a local fire protection agency or any other state agency with health and safety responsibilities to inspect licensed premises or proposed licensed premises.

Inspection under this section includes inspection of the premises, facilities, qualifications of personnel, methods of operation, business and financial records, marijuana inventory tracking system, policies, and purposes of any marijuana establishment and of any applicant for a marijuana establishment license.

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- Security alarm systems and lock standards ✔
- Video surveillance ✔
- Inspection of licensed premises ✔
- Marijuana inventory tracking system
- Health and safety standards
- Waste disposal
- Transportation
- Business records

Marijuana inventory tracking system

Time Remaining: 4 seconds

A marijuana establishment shall use a marijuana inventory tracking system capable of sharing information with the system the board implements to ensure all marijuana cultivated and sold in the state, and each marijuana product processed and sold in the state, is identified and tracked from the time the marijuana is propagated from seed or cutting, through transfer to another licensed marijuana establishment, or use in manufacturing a marijuana product, to a completed sale of marijuana or a marijuana product, or disposal of the harvest batch of marijuana or production lot of marijuana product.

Marijuana delivered to a marijuana establishment must be weighed on a scale registered in compliance with 3 AAC 306.745

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- Video surveillance ✓
- Inspection of licensed premises ✓
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Recreational Marijuana Regulations 3AAC 306

Health and safety standards

Time Remaining: 0 seconds

A marijuana establishment is subject to inspection by the local fire department, building inspector, or code enforcement officer to confirm that health or safety concerns are not present.

A marijuana establishment shall take all reasonable measures and precautions to ensure that:

- any person who has an illness, an open sore or infected wound, or other potential source of infection does not come in contact with marijuana or a marijuana product while the illness or source of infection persists
- the licensed premises have adequate and readily accessible toilet facilities that are maintained in good repair and sanitary condition; and convenient handwashing facilities with running water at a suitable temperature; the marijuana establishment shall require employees to wash or sanitize their hands, and shall provide effective hand-cleaning, sanitizing preparations, and drying devices
- each person working in direct contact with marijuana or a marijuana product conforms to good hygienic practices while on duty, including maintaining adequate personal cleanliness; and washing hands thoroughly in an adequate hand-washing area before starting work, after using toilet facilities, and at any other time when the person's hands may have become soiled or contaminated
- litter, waste, and rubbish are properly removed; the waste disposal equipment must be maintained and adequate to sold; and repair; avoid contaminating any area where marijuana or any marijuana product is stored, displayed, or prevent causing odors or attracting pests
- floors, walls, and ceilings are constructed to allow adequate cleaning, and are kept clean and in good condition
- adequate lighting is installed in any area where marijuana or a marijuana product is stored, displayed, or sold, and where any equipment or utensil is cleaned
  screening or other protection adequately protects against the entry of pests
- each building, fixture, and other facility is maintained in sanitary condition
- each toxic cleaning compound, sanitizing agent, and pesticide chemical is identified and stored in a safe manner to protect against contamination of marijuana or a marijuana product and in compliance with any applicable local, state, or federal law
- adequate sanitation principles are used in receiving, inspecting, transporting, and storing marijuana or a marijuana product; and
- marijuana or a marijuana product is held in a manner that prevents the growth of bacteria, microbes, or other undesirable microorganisms

A marijuana establishment shall ensure that any marijuana or marijuana product that has been stored beyond its usable life, or was stored improperly, is not salvaged and returned to the marketplace. In this subsection, "stored improperly" means being exposed to extremes in temperature, humidity, smoke, fumes, pressure, or radiation due to a natural disaster, fire, accident, or equipment failure.

If a marijuana establishment does not have reliable information about the age or storage conditions of marijuana or a marijuana product in its possession, the marijuana establishment may salvage the marijuana only if:

- a licensed marijuana testing facility determines from quality assurance testing that the marijuana or marijuana product meets all applicable standards of moisture, potency, and contaminants;
- inspection of the premises where a disaster or accident occurred shows that the marijuana or marijuana product stored there was not adversely affected by the disaster or accident; and
- the marijuana establishment maintains a record of the salvaged marijuana or marijuana product in its marijuana inventory tracking system, including the name, lot number, and final disposition

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- Procedure for action on license suspension or revocation
- Summary suspension to protect public health, safety, or welfare
- Seizure of marijuana or marijuana product

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- ? Quiz: Article 8 Enforcement, Civil Penalties
- Article 9: General Provisions
- Public records

Alaska Marijuana Handler Permit Education

Recreational Marijuana Regulations 3AAC 306

Waste disposal

Time Remaining: 0 seconds

A marijuana establishment shall store, manage, and dispose of any solid or liquid waste, including wastewater generated during marijuana cultivation production, processing, testing, or retail sales, in compliance with applicable federal, state, and local statutes, ordinances, regulations, and other law.

Marijuana waste must be rendered unusable for any purpose for which it was grown or produced before it leaves a marijuana establishment.

Marijuana waste includes:

- marijuana plant waste, including roots, stalks, leaves, and stems that have not been processed with solvent;
- solid marijuana sample plant waste in the possession of a marijuana testing facility; and
- other waste as determined by the board

A marijuana establishment shall:

- in the marijuana inventory tracking system required under 3 AAC 306.730, give the board notice not later than three days before making the waste unusable and disposing of it; however, the director may authorize immediate disposal on an emergency basis; and
- keep a record of the final destination of marijuana waste made unusable

Marijuana plant waste must be made unusable by grinding the marijuana plant waste and mixing it with at least an equal amount of other compostable or non-compostable materials. A marijuana establishment may use another method to make marijuana waste unusable if the board approves the method in advance. Material that may be mixed with the marijuana waste includes:

- compostable materials including food waste, yard waste, vegetable based grease or oils, or other wastes approved by the board when the mixed material can be used as compost feedstock or in another organic waste method such as an anaerobic digester with approval of any applicable local government entity; or
- non-compostable materials including paper waste, cardboard waste, plastic waste, oil, or other wastes approved by the board when the mixed material may be delivered to a permitted solid waste facility, incinerator, or other facility with approval of any applicable local government entity

If marijuana or a marijuana product is found by, or surrendered to, a law enforcement officer including a peace officer or an airport security officer, the officer may dispose of the marijuana or marijuana product as provided in this section or by any method that is allowed under any applicable local ordinance.

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Alaska Marijuana Handler Permit Education

Recreational Marijuana Regulations 3AAC 306

Transportation

Time Remaining: 3 seconds

A marijuana establishment shall transport marijuana as follows:

- a marijuana cultivation facility may transport marijuana to another marijuana cultivation facility, a marijuana product manufacturing facility, a marijuana testing facility, or a retail marijuana store
- a marijuana product manufacturing facility may transport a marijuana product to another marijuana product manufacturing facility, a marijuana testing facility, or a marijuana retail store
- a marijuana testing facility may transport marijuana or a marijuana product to the facility from which it received the marijuana or another marijuana testing facility
- a retail marijuana store may transport marijuana or a marijuana product to another retail marijuana store

A marijuana establishment from which a shipment of marijuana or marijuana product originates is responsible for preparing, packaging, and securing the marijuana or marijuana product during shipment, for recording the transfer in the marijuana inventory tracking system, and for preparing the transport manifest. An individual transporting marijuana in compliance with this section shall have a marijuana handler permit required under 3 AAC 306.700.

When a marijuana establishment receives marijuana or a marijuana product transported in compliance with this section, the recipient of the shipment shall use the marijuana inventory tracking system to report the type, amount, and weight of marijuana or marijuana product received. The recipient shall refuse to accept any shipment of marijuana or marijuana product that is not accompanied by the transport manifest.

A marijuana establishment shall keep records of all marijuana or marijuana products shipped from or received at that marijuana establishment as required under 3 AAC 306.755.

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Alaska Marijuana Handler Permit Education

Recreational Marijuana Regulations 3AAC 306

Business records

Time Remaining: 4 seconds

A marijuana establishment shall maintain in a format that is readily understood by a reasonably prudent business person.

This includes:

- all books and records necessary to fully account for each business transaction conducted under its license for the current year and three preceding calendar years; records for the last six months must be maintained on the marijuana establishment's licensed premises; older records may be archived on or off premises
- a current employee list setting out the full name and marijuana handler permit number of each licensee, employee, and agent who works at the marijuana establishment
- the business contact information for vendors that maintain video surveillance systems and security alarm systems for the licensed premises;
  records related to advertising and marketing
- a current diagram of the licensed premises including each restricted access area
- a log recording the name, and date and time of entry of each visitor permitted in a restricted access area
- all records normally retained for tax purposes
- accurate and comprehensive inventory tracking records that account for all marijuana inventory activity from seed or immature plant stage until the retail marijuana or retail marijuana product is sold to a consumer, to another marijuana establishment, or destroyed
- transportation records for marijuana and marijuana products as required under 3 AAC 306.750(f)

A marijuana establishment shall provide any record required to be kept on the licensed premises to an employee of the board upon request. Any record kept off premises must be provided to the board's employees not later than three business days after a request for the record.

A marijuana establishment shall exercise due diligence in preserving and maintaining all required records. Loss of records and data, including electronically maintained records, does not excuse a violation of this section. The board may determine a failure to retain records required under this section to be a license violation affecting public safety.

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Alaska Marijuana Handler Permit Education

Recreational Marijuana Regulations 3AAC 306

Standardized scales

Time Remaining: 4 seconds

A marijuana establishment shall use registered scales in compliance with AS 45.75.080 (Weights and Measures Act).

A marijuana establishment shall maintain registration and inspection reports of scales registered under AS 45.75.080 and 17 AAC 90.920 - 17 AAC 90.935; and, upon request by the board or the director, provide a copy of the registration and inspection reports of the registered scales to the board or the director for review.

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Alaska Marijuana Handler Permit Education

Recreational Marijuana Regulations 3AAC 306

Question 1 of 7

Choose the option which best answers the question.

To obtain a marijuana handler permit, a person who has completed the marijuana handler permit education course described above shall present the course completion certificate to the director. The director shall issue a marijuana handler permit card valid for _____ from the date of issue.

1. 1 year
2. 2 years
3. 3 years ✔ Your answer is correct
4. 4 years

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Question 2 of 7

Choose the option which best answers the question.

A marijuana establishment shall limit the number of visitors into a Restricted Access Area to not more than _____visitors for each licensee, employee, or agent of the licensee who is actively engaged in supervising those visitors.

1. 2
2. 4
3. 5 Your answer is correct
4. 7

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Alaska Marijuana Handler Permit Education

Recreational Marijuana Regulations 3AAC 306

Question 3 of 7

Choose the option which best answers the question.

The licensed premises of a marijuana establishment must have:

1. Exterior lighting to facilitate surveillance
2. A security alarm system on all exterior doors and windows
3. Continuous video monitoring with surveillance recording preserved for a minimum of 40 days
4. All of the above ✔ Your answer is correct

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Recreational Marijuana Regulations 3AAC 306

Question 4 of 7

Choose the option which best answers the question.

A marijuana establishment shall use _____, nonresidential door locks on all exterior entry points to the licensed premises.

1. commercial grade ✔ Your answer is correct
2. deadbolt style
3. auto-locking
4. auto-closing

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Question 5 of 7

Choose the option which best answers the question.

At a marijuana establishment, a required video camera must be placed in a way that produces a clear view adequate to identify any individual inside the licensed premises, or within ____ feet of each entrance to the licensed premises.

1. 10
2. 20 ✔ Your answer is correct
3. 30
4. 40

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Question 6 of 7

Choose the option which best answers the question.

A marijuana establishment is subject to inspection by a/the _____to confirm that health or safety concerns are not present.

1. local fire department
2. building inspector
3. code enforcement officer
4. All of the above ✔ Your answer is correct

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Alaska Marijuana Handler Permit Education

Recreational Marijuana Regulations 3AAC 306

Question 7 of 7

Choose the option which best answers the question.

When marijuana or a marijuana product is transported, the marijuana establishment that originates the transport shall use the marijuana inventory tracking system to record the _____ of marijuana or marijuana product being transported.

1. type
2. amount
3. weight
4. All of the above ✔ Your answer is correct

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Alaska Marijuana Handler Permit Education

Recreational Marijuana Regulations 3AAC 306

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Lesson 4: Recreational Marijuana Regulations

- Report or notice of violation
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- Procedure for action on license suspension or revocation
- Summary suspension to protect public health, safety, or welfare
- Seizure of marijuana or marijuana product
- Hearing

Article 8: Enforcement; Civil Penalties

Time Remaining: 1 seconds

Article 8 covers the following

- 3 AAC 306.800. Inspection and investigation
- 3 AAC 306.805. Report or notice of violation
- 3 AAC 306.810. Suspension or revocation of license
- 3 AAC 306.815. Suspension or revocation based on act of employee
- 3 AAC 306.820. Procedure for action on license suspension or revocation
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Inspection and investigation

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- Procedure for action on license suspension or revocation
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- Hearing

The director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity, may:

- inspect the licensed premises of a marijuana establishment, including any marijuana and marijuana product on the premises, equipment used in cultivating, processing, testing, or storing marijuana, the marijuana establishment's marijuana inventory tracking system, business records, and computers, at any reasonable time and in a reasonable manner
- issue a report or notice as provided in 3 AAC 306.805
- as authorized under AS 17.38.131, exercise peace officer powers and take any other action the director determines is necessary

A marijuana establishment, and any licensee, employee, or agent in charge shall cooperate with the director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity, to enforce the laws related to marijuana, including:

- permitting entry upon and inspection of the licensed premises; and
- providing access to business records at reasonable times when requested by the director, an enforcement agent, an employee of the board, or a peace officer.

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Report or notice of violation

Time Remaining: 3 seconds

The director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity, may issue an inspection report, an advisory report, or a notice of violation before taking action to suspend or revoke a marijuana establishment license.

An inspection report documents an investigator's inspection of licensed premises. An inspection report must be prepared on a form the board prescribes and include information prescribed under AS 17.38 or this chapter or that the board requires.

The director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity may issue an advisory notice when an incident occurs or a defect is noted that could result in a violation of a statute, regulation, or municipal ordinance. An advisory notice may result from an inspection report, but is not a basis for administrative action unless the incident or defect continues or is not corrected.

The director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity may issue a notice of violation if an inspection report or other credible information shows a marijuana establishment is in violation of AS 17.38, this chapter, or other law relating to marijuana.

The notice of violation must be delivered to the marijuana establishment at its licensed premises, and to the board.

The notice must describe any violation, and cite the applicable statute, regulation, or order of the board. A marijuana establishment that receives a notice of violation may respond to the notice orally or in writing, and may, not later than 10 days after receiving the notice, request an opportunity to appear before the board. A notice of violation may be the basis of a proceeding to suspend or revoke a marijuana establishment's license as provided under 3 AAC 306.810.

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Recreational Marijuana Regulations 3AAC 306

Time Remaining: 0 seconds

Suspension or revocation of license

The board will suspend or revoke a marijuana establishment license issued under this chapter if any licensee is convicted of a felony or of a crime listed in 3 AAC 306.010(d)(2) or (3), or if the board becomes aware that a licensee did not disclose a previous felony conviction or a conviction of a crime listed in 3 AAC 306.010(d)(2) or (3).

The board may suspend or revoke a license issued under this chapter, refuse to renew a license, or impose a civil fine, if the board finds that a licensee for any marijuana establishment:

- misrepresented a material fact on an application for a marijuana establishment license, or an affidavit, report, or signed statement under AS 17.38 or this chapter; or
- is following any practice or procedure that is contrary to the best interests of the public, including using any process not approved by the board for extracting or manufacturing marijuana concentrate or products; or board; selling or distributing any marijuana concentrate or product that has not been approved by the board
- failed, within a reasonable time after receiving a notice of violation from the director, to correct any defect that is the subject of the notice of violation of AS 17.38 or this chapter; a condition or restriction imposed by the board; or other applicable law;
- knowingly allowed an employee or agent to violate AS 17.38, this chapter, or a condition or restriction imposed by the board;
- failed to comply with any applicable public health, fire, safety, or tax statute, ordinance, regulation, or other law in the state; or
- used the licensed premises for an illegal purpose including gambling, possession or use of narcotics other than marijuana, prostitution, or sex trafficking

A local government may notify the director if it obtains evidence that a marijuana establishment has violated a provision of AS 17.38, this chapter, or a condition or restriction the board has imposed on the marijuana establishment. Unless the board finds that the local government's notice is arbitrary, capricious, and unreasonable, the director shall prepare the notice and supporting evidence as an accusation against the marijuana establishment under AS 44.62.360, and conduct proceedings to resolve the matter as described under 3 AAC 306.820.

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- Inspection and investigation

Suspension or revocation based on act of employee

Time Remaining: 2 seconds

If, in a proceeding to suspend or revoke a marijuana establishment license under 3 AAC 306.810 and 3 AAC 306.820, evidence shows that an employee or agent of a licensed marijuana establishment was responsible for an act that would justify suspension or revocation of the marijuana establishment's license if committed by a licensee, the board may find that licensee knowingly allowed the act if:

- the licensee was physically present when the violation occurred; knew or should have known the violation was occurring; and did not take action to stop the violation; or
- the licensee failed to adequately supervise the agent or employee; or
- the licensee failed to adequately train the agent or employee in the requirements of AS 17.38 and this chapter relating to marijuana; or
- the licensee was reckless or careless in hiring the agent or employee

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Procedure for action on license suspension or revocation

Time Remaining: 4 seconds

A proceeding to suspend or revoke a license must be initiated by service of an accusation on the marijuana establishment in compliance with AS 44.62.360 and 44.62.380, and conducted in compliance with AS 44.62.330 - 44.62.630.

The accusation must be served at the address of the licensed premises, or at the address of the licensee who is responsible for management and compliance with laws as listed in the marijuana establishment license application in compliance with 3 AAC 306.020(b)(5). The marijuana establishment is entitled to a hearing as provided under AS 44.62.390.

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Summary suspension to protect public health, safety, or welfare

Time Remaining: 4 seconds

If the director finds that a person holding a marijuana establishment license has acted and appears to be continuing to act in a way that constitutes an immediate threat to the public health, safety or welfare, the director may issue an order immediately suspending the license of that person, and ordering an immediate stop to the activity that constitutes the threat to the public health, safety, or welfare.

When the director issues a summary suspension under this section, the director shall immediately give the marijuana establishment subject to the summary suspension order notice of the reasons for the summary suspension, and of the time and place for an expedited hearing before the board. Unless the marijuana establishment subject to the summary suspension order requests a delay, the hearing will be held not later than five days after the director gives notice of the reasons for the summary suspension and the scheduled hearing.

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Seizure of marijuana or marijuana product

Time Remaining: 0 seconds

The director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity, may seize marijuana or any marijuana product from a licensed or previously licensed marijuana establishment if the marijuana establishment has:

- any marijuana or marijuana product not properly logged into the marijuana establishment's marijuana inventory tracking system;
- any adulterated marijuana food or drink product prohibited under 3 AAC 306.510(a)(4);
- any marijuana or marijuana product that is not properly packaged and labeled as provided in (A) 3 AAC 306.470 and 3 AAC 306.475; or (B) 3 AAC 306.565 and 3 AAC 306.570; or
- not renewed its license as required under 3 AAC 306.035

If the director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity seizes marijuana or a marijuana product under this section, the director shall update the marijuana inventory control tracking system to reflect the seizure and ensure that the seized items are stored in a reasonable manner.

The director shall immediately give the marijuana establishment from which the marijuana or marijuana product was seized notice of the reasons for the seizure and the time and place of a hearing before the board.

Unless the marijuana establishment from which the marijuana or marijuana product was seized requests a delay, the hearing will be held not later than 10 days after the director gives notice of the reasons for seizure and the scheduled hearing. If the seizure occurs in connection with a summary suspension under 3 AAC 306.825, the hearing will be combined with a hearing on the summary suspension.

If the marijuana establishment from which the marijuana or marijuana product was seized does not request or participate in a hearing under this section, or if after a hearing the board finds that seizure of the marijuana or marijuana product was justified, the marijuana or marijuana product will be destroyed by burning, crushing, or mixing with other material to make the marijuana or marijuana product unusable as provided in 3 AAC 306.740.

If a seizure under this section is of marijuana plants in place in a licensed standard or limited marijuana cultivation facility, the seizure order may direct the marijuana cultivation facility to continue care of the plants until the hearing, but prohibit any transfer, sale, or other commercial activity related to the plants.

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Hearing

Time Remaining: 3 seconds

Except as provided in 3 AAC 306.825 or 3 AAC 306.830, a person aggrieved by an action of the director, an enforcement agent, or an employee of the board may request a hearing in compliance with AS 44.62.390 by filing a notice of defense not later than 15 days after receiving a written accusation.

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

When an aggrieved person requests a hearing under this section, the board may request the office of administrative hearings to conduct the hearing in compliance with due process, AS 44.62.330 - 44.62.630 (Administrative Procedure Act), and 2 AAC 64.100 - 2 AAC 64.990, as applicable.

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Civil fines

Time Remaining: 4 seconds

The board may, in addition to any other penalties imposed under this chapter, impose a civil fine on a marijuana establishment, licensee, or person that the board determines has violated a provision of AS 17.38 or this chapter.

In a proceeding under 3 AAC 306.810 - 3 AAC 306.830, the board may impose a civil fine, not to exceed the greater of:

- an amount that is three times the monetary gain realized by the marijuana establishment, licensee, or person as a result of the violation, as determined by the board
- $10,000 for the first violation
- $30,000 for the second violation
- $50,000 for the third or subsequent violation

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