



Marijuana Control Board
Resolution Regarding Separation of Personal Use Marijuana and
Commercial Marijuana

Draft – ~~October~~ December 2016, 2018

WHEREAS, AS 17.38.020 and 17.38.030 authorize and set guidelines for personal use and possession of marijuana; and

WHEREAS, AS 17.38.070 establishes the lawful operation of marijuana-related facilities with a current, valid registration (license) issued by the Marijuana Control Board under AS 17.38.121; and

WHEREAS, marijuana grown and possessed for personal use is not monitored by AMCO and is not tracked in the marijuana inventory tracking system; and

WHEREAS, marijuana grown and possessed for commercial sale is monitored by AMCO and tracked in the marijuana inventory tracking system; and

WHEREAS, marijuana grown and possessed for personal use is intended to be grown in dwellings (AS 17.38.020(2)) and used in private spaces, as public consumption of marijuana is prohibited (AS 17.38.040); and

WHEREAS, the mixing of marijuana for personal use and marijuana for commercial use inhibits enforcement of the statutes at AS 17.38 and the regulations at 3 AAC 306 which govern commercial marijuana establishments, by introducing untracked marijuana into a system based on tracking all marijuana; and

WHEREAS, consumption of marijuana on a licensed premises is prohibited unless specifically authorized by the board (3 AAC 306.310(b)(2); 3 AAC 306.405(c)(2); 3 AAC 306.510(a)(3); 3 AAC 306.610(b)(3)),

NOW, THEREFORE, BE IT RESOLVED that it is the policy of the Marijuana Control Board that:

- (1) Except as noted below, an applicant for a marijuana facility license may not bring or have marijuana grown and possessed for personal use at a location proposed to be a licensed premises for a commercial marijuana facility.

- (2) An applicant for a limited cultivation facility located at the applicant's dwelling or in an outbuilding on the applicant's property may maintain their personal marijuana allowed under AS 17.38.020 and AS 17.38.030 during the application process. After approval by the board, no marijuana grown and possessed for personal use may be in the licensed premises.
- (3) A licensed testing facility may provide testing services for individuals who wish to test marijuana grown and possessed for personal use. A licensed testing facility should have policies and procedures that clearly separate marijuana on the premises for required testing under 3 AAC 306 and marijuana on the premises for testing for private individuals.
- (4) Except as allowed for a licensed testing facility, no untracked marijuana may be in a licensed premises, including marijuana grown and possessed for personal use.

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