



THE STATE  
of **ALASKA**  
GOVERNOR MICHAEL J. DUNLEAVY

**Department of Commerce, Community,  
and Economic Development**

ALCOHOL AND MARIJUANA CONTROL OFFICE  
550 West 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
Main: 907.269.0350

**MEMORANDUM**

TO: Marijuana Control Board                      DATE: May 1, 2019

FROM: Erika McConnell, Director              RE: Requested Revision to Resolution  
Marijuana Control Board                      Regarding Separation of Personal-Use  
and Commercial Marijuana

In December of 2018, the board adopted a resolution that set your policy on keeping personal-use marijuana and commercial marijuana separate in facilities with an application submitted to be a licensed marijuana facility, and in licensed marijuana facilities.

Since that time, it has come to the staff's attention that a marijuana testing facility asserts the need to use marijuana to validate their testing methods and demonstrate testing competency to the board's contractor. An onsite inspection and assessment of competency has been required by the board's contractor before a license is issued to a testing facility approved by the board.

A revision to the board's resolution is attached for the board's consideration.



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

*Adopted (passed 4-0) – December 20, 2018*

*Revised May 1, 2019 (vote)*

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:

**DRAFT**

- (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) An applicant for a testing facility may, after approval by the board but before the license is issued and effective, bring small amounts of marijuana and marijuana product onto the licensed premises for the purposes of validating testing methods. The testing facility applicant may not perform any tests for any licensees or individuals before their license is issued and effective.
- ~~(4)~~ 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.

---

Mark Springer  
Chair  
Marijuana Control Board

---

Erika McConnell  
Director  
Alcohol & Marijuana Control Office