



MEMORANDUM

TO: Marijuana Control Board DATE: September 11, 2019

FROM: Erika McConnell, Director RE: Regulations Project – Application and
Marijuana Control Board Renewal Date

The board opened this regulations project at the July 2019 meeting. The purpose of this project is to clarify what document(s) the applicant is required to post at the location of the proposed licensed premises and at another conspicuous location (3 AAC 306.025(b)) and provide to each applicable local government and any community council; and to clarify the deadline for renewal applications to be submitted.

The draft proposes that the regulations are clarified to stated that the initiation of a license application through the electronic system creates a “public notice form,” and this public notice form is what the applicant posts in the two required locations and sends to local governments and community councils. In reality, this is what is actually happening. However, there has been some confusion expressed by a community council because they were not provided the full application (everything listed in 3 AAC 306.020).

In addition, the renewal section is amended to state that a renewal application and fee may be postmarked by the renewal deadline and still be considered to be submitted on time. When discussing this issue with the board at the last meeting, I did not point the board to 3 AAC 306.925, which states, “Except as otherwise specifically provided in this chapter, applications and communications of a formal nature must be submitted in writing, upon prescribed forms as appropriate, to the board at its main office, and are not considered timely filed until received there.” This section of regulation provides clarity to the question I raised at the last meeting regarding renewal applications, so if the board wishes, you may conclude that this change to the regulations is not necessary. If you do so, however, renewal applications would be considered late if the application documents and fee were not received in the AMCO office by the deadline.

Options for the board:

- Put out for public comment
- Amend and put out for public comment
- Send back to staff for revisions
- Close the project without action

3 AAC 306.025(a) is amended to read:

(a) An applicant must initiate a new marijuana establishment license or endorsement application on a form the board prescribes, using the board's electronic system, **to create a public notice form.**

3 AAC 306.025(b) is amended to read:

(b) After initiating a new marijuana license or endorsement application, the applicant must give notice of the application to the public by

(1) posting a copy of the **public notice form** [APPLICATION, ON THE FORM THE BOARD PRESCRIBES,] for 10 days at

(A) the location of the proposed licensed premises; and

(B) one other conspicuous location in the area of the proposed premises;

(2) publishing an announcement once a week for three consecutive weeks in a newspaper of general circulation in the area; in an area where no newspaper circulates, the applicant must arrange for broadcast announcements on a radio station serving the local area where the proposed licensee seeks to operate twice a week for three successive weeks during triple A advertising time; the newspaper or radio notice must state

(A) the name of the applicant;

(B) the name and location of the proposed premises;

(C) the type of license or endorsement applied for along with a citation to a provision of this chapter authorizing that type of license or endorsement; and

(D) a statement that any comment or objection may be submitted to the board; and

(3) submitting a copy of the **public notice form** [APPLICATION ON THE FORM THE BOARD PRESCRIBES] to

(A) each local government with jurisdiction over the licensed premises;

and

(B) any community council in the area of the proposed licensed premises.

(Eff. 2/21/2016, Register 217; am 12/28/2017, Register 224; am 2/21/2019, Register 229; am 4/11/2019, Register 230; am ___/___/_____, Register _____)

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200
AS 17.38.070 AS 17.38.190 AS 17.38.900
AS 17.38.121

3 AAC 306.035(a) is amended to read:

(a) On or before May 1 of each year, the director shall send notice that a marijuana establishment with a license in active and operating status must file a renewal application not later than June 30 of the current year. The director shall send the notice to the marijuana establishment's electronic mailing address on file with the board. In the notice the director shall include a hyperlink for the marijuana establishment to access the electronic renewal application by means of the Internet, along with instructions on using and submitting the form. Any marijuana establishment with a license in active and operating status on or before June 30 of the current year must submit the completed renewal application [ELECTRONICALLY], along with the license renewal fee, to the director not later than June 30 of each year. If June 30 falls on a Saturday or Sunday, the deadline is extended to 4:30 p.m. on the first business day following June 30. **If mailed, the complete renewal application and fee must be postmarked by the**

deadline. A marijuana establishment must maintain a current electronic mailing address on file with the director. A marijuana establishment is not excused from filing a renewal application as required in this section even if the marijuana establishment fails to receive a renewal notice from the director.

(Eff. 2/21/2016, Register 217; am 12/28/2017, Register 224; am 2/21/2019, Register 229; am ___/___/____, Register _____)

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200
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