



AGENDA

AMCO WORKING GROUP PROJECT: Fine Schedule for Marijuana Violations

October 22, 2020 10am to noon

Online via Zoom Meeting

<https://amco-alaska-gov.zoom.us/j/94474330627?pwd=eUZMTG9LZjBpaWxQT2YxcGVdQ2dnQT09>

Via Telephone
+1 (669) 900 – 6833 or
+1 (253) 215- 8782

Meeting ID: 944 7433 0627
Passcode: 074619

(*6 on your phone is to mute and unmute *9 is to raise hand)

- **ADMINISTRATION** **10:00 am**
 - A. Call to Order
 - B. Introductions
 - C. Old Draft of MCB Schedule **TAB 1**
 - D. Draft of proposed Alcohol Violations Fine Schedule **TAB 2**
 - E. Marijuana Control Board Regulations – Fine Matrix **TAB 3**
 - F. Discussion
- **Action Items for next working group meeting**
- **ADJOURN**

What is the advisory goal of this working group?

Attempt to find a reasonable series of fines for violations of 3AAC 306 which balance the penalties with the need to obtain long term compliance. Any recommendations may need to become a regulations project.

What is the history of the issue/goals?

There have been several attempts by the board and industry to create a fine schedule. The last series of proposals appear to have stalled, possibly due to the high dollar amounts associated with the proposed fines and limited resources to support ongoing discussions.

Who are the impacted groups and entities?

The Marijuana Control Board

Marijuana Retailers

Manufacturers

Retailers

Cultivators

Handlers

AMCO

The Public

What is the expected lifespan of the working group?

2-3 months (2 to 3 meetings)

What regulations does this affect or is it a policy?

It may only initially be a policy; however, the board may decide to add to 3 AAC 306. Et al.

What regulations does this affect or is it a policy?

It may only initially be a policy; however, the board may decide to add to 3 AAC 306. Et al.

Legal/Procedural Requirements:

Open Meetings Act Obligations

1. Overall Objective --- AS 44.62.312 --- It is the policy of the state that government exists to aid in the conduct of the people's business and as such the government should meet

openly and with notice. The people of the state do not yield their sovereignty to the government.

2. AS 44.62.310

- a. As such, absent an exception, meetings of a public entity are open to the public.
- b. Agency materials that are considered at a meeting shall be made available.
- c. Reasonable notice of the meeting shall be given (past practice helps determine reasonable notice). Notice required on Alaska Online Public Notice System and at the principle place of the office. May, but is not required to be published in the print or broadcast media. A body shall provide notice in a consistent fashion. That fashion may be distinct for working groups.
- d. Meetings subject to this requirement for advisory groups (which these working groups appear to be) are those where more than three members or the majority of the members, whichever is less, are present and the meeting is pre-arranged for the purpose of considering a matter upon which a governmental body is empowered to act.
- e. No specific minutes or recording requirements, but consider that it is best practice to do so.

Working Group Meetings shall:

Have a written agenda prior to the meeting.

Post the meeting notice and agenda within 3 days of the meeting.

Audio Recordings may or may not be not be taken depending on the subject matter.

Minutes or transcription(s) may or may not be not be taken depending on the subject matter.

If three or more members may be present, hence the need to comply with the Open Meetings Act, but it should be made clear that the members are meeting with impacted groups in an advisory fashion only. No government decision to occur.

The working groups may produce written options for the board to review and consider possible action(s), but these written documents should be made public and available for discussion when the board meets to consider them.

If regulations are to be proposed or reviewed, this is not a forum for avoiding the requirements of regulatory rulemaking. Parties should not be given additional opportunity beyond public comment to advise on regulations projects that are out for public comment.

