3 AAC 306.020(b)(8) is amended to read:

(8) the address of the premises to include global positioning system (GPS) coordinates where the applicant intends to operate a marijuana establishment, and a detailed diagram of the proposed licensed premises; the diagram must show all entrances and boundaries of the premises, restricted access areas, [AND] storage areas**, and, if applicable, overlapping premises that the board may approve under 3 AAC 306.705(d) and 3 AAC 306.710(d)**;

(Eff. 2/21/2016, Register 217; am 8/11/2018, Register 227; 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 306.047(c)(3) is amended to read:

(3) a detailed diagram of the proposed licensed premises; the diagram must show all entrances and boundaries of the premises, restricted access areas, [AND] storage areas**, and, if applicable, overlapping premises that the board may approve under 3 AAC 306.705(d) and 3 AAC 306.710(d)**;

(Eff. 2/21/2019, Register 229; 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 306.305 is amended by adding a new subsection to read:

(c) A licensee of a retail marijuana store may also apply for a marijuana cultivation facility license, marijuana product manufacturing facility license, or both. A licensee of a retail marijuana store who obtains a marijuana cultivation facility license, marijuana product manufacturing facility license, or both shall

(1) conduct any marijuana cultivation operation in a room separate from any other operation and the retail marijuana store, and shall conduct any marijuana product manufacturing operation in a room separate from any other operation and the retail marijuana store; if the rooms are connected and co-located, a secure door must separate the rooms from each other; a secure door must separate any room connected to and co-located with the retail marijuana store; and

(2) comply with each provision of this chapter that applies to any other type of marijuana establishment license that the licensee of a retail marijuana store obtains. (Eff. 2/21/2016, Register 217; 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 306.405(b) is amended to read:

(b) A **licensee of a** [LICENSED] standard marijuana cultivation facility may also apply for a marijuana product manufacturing facility license**,** [AND A] retail marijuana store license**, or both**. A **licensee of a** standard marijuana cultivation facility **who** [THAT] obtains a marijuana

product manufacturing facility license**,** [OR A] retail marijuana store license**, or both** shall

(1) conduct any product manufacturing [OR RETAIL MARIJUANA STORE] operation in a room **separate from any other operation and** [COMPLETELY SEPARATED FROM] the marijuana cultivation facility**, and shall conduct any retail marijuana store operation in a room separate from any other operation and the marijuana cultivation facility; if the rooms are connected and co-located,** [BY] a secure door **must separate the rooms from each other; a secure door must separate any room connected to and co-located with the marijuana cultivation facility** [WHEN CO-LOCATED]; and

(2) comply with each provision of this chapter that applies to any other type of marijuana establishment license that the **licensee of a** standard marijuana cultivation facility [LICENSEE] obtains.

3 AAC 306.405(c) is amended to read:

(c) A licensed standard marijuana cultivation facility may not

(1) sell, distribute, or transfer marijuana or a marijuana product to a consumer, with or without compensation;

(2) allow any person, including a licensee, employee, or agent, to consume marijuana or a marijuana product on the licensed premises or within 20 feet of the exterior of any building or outdoor cultivation facility on the licensed premises;

(3) treat or otherwise adulterate marijuana with any organic or nonorganic chemical or other compound to alter the color, appearance, weight, or odor of the marijuana;

(4) [EXCEPT AS PERMITTED UNDER A MARIJUANA PRODUCT

MANUFACTURING FACILITY LICENSE, EXTRACT MARIJUANA CONCENTRATE, USING ANY PROCESS DESCRIBED IN 3 AAC 306.555, AT THE LICENSED PREMISES;

(5)] sell marijuana that is not packaged and labeled in compliance with 3 AAC 306.470 and 3 AAC 306.475;

(5) [(6)] introduce marijuana or a marijuana product including plants and seeds, onto the licensed premises from any outside source after the initial preliminary inspection, except

(A) as acquired from another licensed marijuana cultivation facility and accounted for in each marijuana cultivation facility's marijuana inventory tracking system as required under 3 AAC 306.730; or

(B) as provided under this section**; or**

(6) produce or possess marijuana concentrate that was extracted using any process described in 3 AAC 306.555 on the marijuana cultivation facility's licensed premises, unless the licensee of the standard marijuana cultivation facility also has a marijuana product manufacturing facility license; a licensed standard marijuana cultivation facility must conduct any extraction or production of marijuana concentrate on the premises

(A) in a room that

(i) is separate as required in (b) of this section from the marijuana cultivation area; and

(ii) is posted with a sign that complies with 3 AAC 306.710(b) and warns unauthorized persons to stay out; and

(B) in compliance with all applicable provisions of 3 AAC 306.500 -

3 AAC 306.570. (Eff. 2/21/2016, Register 217; am 10/20/2018, Register 228 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 306.450 is repealed:

3 AAC 306.450. Production of marijuana concentrate prohibited. Repealed. (Eff. 2/21/2016, Register 217; repealed ___/___/____, Register ____)

[EDITOR'S NOTE: AS OF REGISTER 227 (OCTOBER 2018), THE REGULATIONS ATTORNEY MADE A TECHNICAL CORRECTION UNDER AS 44.62.125(b)(6), TO 3 AC 306.450.]

3 AAC 306.505(5) is amended to read:

(5) provide and transport samples of marijuana concentrate or other marijuana product to a licensed marijuana testing facility for testing**;** [.]

3 AAC 306.505 is amended by adding a new subsection to read:

(b) A licensee of a marijuana product manufacturing facility, including a licensee of a marijuana concentrate manufacturing facility, may also apply for a marijuana cultivation facility license, retail marijuana store license, or both. A licensee of a marijuana product manufacturing

facility, including a licensee of a marijuana concentrate manufacturing facility, who obtains a marijuana cultivation facility license, retail marijuana store license, or both shall

(1) conduct any marijuana cultivation operation in a room separate from any other operation and the marijuana product manufacturing facility, and shall conduct any retail marijuana store operation in a room separate from any other operation and the marijuana product manufacturing facility; if the rooms are connected and co-located, a secure door must separate the rooms from each other; a secure door must separate any room connected to and co-located with the marijuana product manufacturing facility; and

(2) comply with each provision of this chapter that applies to any other type of marijuana establishment license that the licensee of a marijuana product manufacturing facility or marijuana concentrate manufacturing facility obtains. (Eff. 2/21/2016, Register 217; 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 306.610(b) is amended to read:

(b) A licensed marijuana testing facility may not

(1) have a licensee, employee, or agent who holds a type of marijuana establishment license other than a marijuana testing facility license issued under this chapter;

(2) sell, deliver, distribute, or transfer marijuana or a marijuana product to a consumer, with or without compensation; [OR]

(3) allow a person to consume marijuana or a marijuana product on its licensed premises**; or**

(4) have overlapping premises, including restricted access areas, with any other any other marijuana establishment licensee. (Eff. 2/21/2016, Register 217; 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

The introductory language of 3 AAC 306.705(a) is amended to read:

(a) A marijuana establishment license will be issued for specific licensed premises. **Unlicensed areas may not separate portions of licensed premises, except that the board may approve adjacent portions of the licensed premises that are not a restricted access area as permitted under 3 AAC 306.710.** 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

. . .

3 AAC 306.705(b) is amended to read:

(b) A marijuana establishment's license **and, if applicable, an endorsement issued under 3 AAC 306.110, including 3 AAC 306.370,** must be posted in a conspicuous place within the licensed premises.

3 AAC 306.705 is amended by adding a new subsection to read:

(d) The board may approve overlapping premises for two or more licenses, owned by the same person or the same group of persons, and within the same building or with abutting premises, to use in common for an office, an employee breakroom, bathrooms, non-marijuana storage areas, or any combination of those uses. The overlapping premises may not be restricted access areas as prescribed under 3 AAC 306.710. (Eff. 2/21/2016, Register 217; 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 306.710 is amended by adding new subsections to read:

(d) The board may approve overlapping premises for two or more licenses, owned by the same person or the same group of persons, and within the same building, to use in common for a marijuana or marijuana product storage area if

(1) the marijuana or marijuana product is properly accounted for in the marijuana establishment's inventory tracking system required under 3 AAC 306.730;

(2) the marijuana or marijuana product is expressly identified as inventory of the appropriate marijuana establishment to which the marijuana or marijuana product belongs; and

(3) the area is in compliance with this section and any other provision of this chapter that applies to restricted access areas, including video surveillance as required under 3 AAC 306.720 and restricted access area provisions specific to the license type to which the

marijuana or marijuana product belongs.

(e) Failure to comply with (d) of this section is grounds for issuance of a notice of violation under 3 AAC 306.805(a) or other enforcement action under 3 AAC 306.800 - 3 AAC 306.850. (Eff. 2/21/2016, Register 217; 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 306.720 is repealed and readopted to read:

3 AAC 306.720. Video surveillance. (a) A marijuana establishment shall install and maintain a video surveillance and camera recording system as provided in this section. The video system must cover

(1) each restricted access area and each entrance to a restricted access area within the licensed premises;

(2) each entrance to the exterior of the licensed premises; and

(3) each point-of-sale area.

(b) 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.

(c) 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.

(d) 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 house surveillance recording equipment and video surveillance records in an area approved by the board under 3 AAC 306.705(d) and 3 AAC 306.710(d) if the area meets the security requirements under this subsection.

(e) 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 (d) of this section.

(f) 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. (Eff. 2/21/2016, Register 217; 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 306.725(a) is amended to read:

3 AAC 306.725. Inspection of licensed premises. (a) 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 **and overlapping premises described under 3 AAC 306.705(d) and 3 AAC 306.710(d)**, 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.

(Eff. 2/21/2016, Register 217; 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 306.755(a)(1) is amended to read:

(1) 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 **or in overlapping premises approved by the board under 3 AAC 306.705(d)**; older records may be archived on or off premises;

3 AAC 306.755(a)(5) is amended to read:

(5) a current diagram of the licensed premises including each restricted access area **and all overlapping premises approved by the board under 3 AAC 306.705(d) and 3 AAC 306.710(d)**;

(Eff. 2/21/2016, Register 217; 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 306.800(a)(1) is amended to read:

(1) inspect the licensed premises of a marijuana establishment, including **overlapping premises approved by the board under 3 AAC 306.705(d) and 3 AAC 306.710(d),** 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;

(Eff. 2/21/2016, Register 217; am ___/___/____, Register ____; 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 306.990(b)(23) is amended to read:

(23) "licensed premises" means any or all designated portions of a building or structure, or rooms or enclosures in the building or structure, **including overlapping premises approved by the board under 3 AAC 306.705(d) and 3 AAC 306.710(d) or designated outdoor areas,** at the specific **location** [ADDRESS] for which a marijuana establishment license is issued, and used, controlled, or operated by the marijuana establishment to carry out the business for which it is licensed;

(Eff. 2/24/2015, Register 213; am 2/21/2016, Register 217; am 10/11/2017, Register 224; am 8/11/2018, Register 227; am 10/20/2018, Register 228; am 4/11/2019, Register 230; am 5/9/2019, Register 230; am 3/13/2020, Register 233; am ___/___/____, Register ____; 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