THE STATE of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

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MEMORANDUM

TO: Marijuana Control Board   DATE: June 14, 2021

FROM: Carrie Craig, RLS   RE: Licenses in "Delegated" Status

Licenses issued by the board are expected to be operated. The board, the staff, and the industry recognize that there are steps that licensees need to take between board approval and becoming operational, and that these steps can take some time. However, an approval that does not lead to an operating establishment within a reasonable period of time should not stand indefinitely for the following reasons:

- A license approval from the board indicates that the board has determined the application to be compliant with the regulations that exist <u>at the time of review</u>, and particularly that the location of the proposed facility is compliant with regards to appropriate separation from protected land uses (3 AAC 306.010) <u>at that time</u>.
- There could be changes to the surrounding land uses over time leading to a possible conflict with protected land uses, and there can be changes to regulations.
- Licensees who are approved but are not operational for an extended period of time may not be staying familiar with the regulations and keeping up to date on regulatory changes.

What is "a reasonable period of time" can definitely vary depending on each licensee's situation.

The licenses listed in this section of the agenda have remained in "delegated" status for over 12 months, meaning that in a full year after coming before the board, the applicant has not resolved issues related to local government approval, DEC approval, Fire Marshal approval, and/or specific changes required by the board.

I have not requested that licensees be present at the meeting (in person or telephonically) to discuss the status of their facility with the board. **The board should determine on a case-by-case basis whether any board action is necessary or appropriate.**