THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

Alcohol and Marijuana Control Office

550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

MEMORANDUM

TO: Marijuana Control Board

DATE: August 12, 2021

FROM: Jane P. Sawyer, Regulations Specialist

RE: Regulations Project – Reinstatement of license – failure to renew

At the June 2021 meeting, the board sent this draft out for public comment for the second time (the first draft did not include the reinstatement fee/figure). The draft was out for public comment for about 40 days receiving two comments.

The draft:

- amends section 3 AAC 306.035 (application for renewal of a license), including adding new subsections, to allow for a licensee to submit a renewal application along with a statement of reasons for failure to submit a renewal application on time no later than September 30 of the year in which the license expired.

- repeals and readopts section 3 AAC 306.080 (denial of a license or endorsement application), to re-letter it for logical progression but the "new" language is (c) which lays out provisions for which the board will deny an application for reinstatement, including that the application was submitted later than September 30 of the applicable year, the applicant was granted a reinstatement within ten years prior, or the failure to submit a timely renewal application is due to excusable oversight.

- adds the word/phrase "reinstatement" or "license reinstatement" to applicable sections such as informal conference 3 AAC 306.085, formal hearing 3 AAC 306.090, appeals 3 AAC 306.095, for applicant/licensee due process.

- Amends section 3 AAC 306.100 (fees; refund), to add a non-refundable reinstatement fee of $5000.

Additional info (please read carefully): Dept. of Law suggested some technical changes to the draft. So, attached for the board are two versions of the draft. Version 1.0 is what went out for public comment and for which comments were received. Version 1.3 is the draft which I have amended to include the technical changes suggested by Law AND it also includes the changes to 306.080 that became effective in the middle of this project.

Question for counsel: are the changes to version 1.3 substantive enough for the project to go back out for public? (conversation and options for the board can start from there).