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Re: Comment on Proposed Change to 3 AAC 306 Failure to Renew & Reinstatement of Licenses

Dear Honorable Members of the Alaska Marijuana Control Board:

Please accept this letter in regard to the proposed regulation changes to 3 AAC 306.035, .080, .085, .090, .095, and .100 dealing with the reinstatement of licenses after failing to renew. As an initial matter, I want to lend my support to the proposed regulation changes. However, there are several aspects for which I would like to suggest minor revisions.

Currently, responsible applicants who submit their renewals on time must pay a $600 renewal application fee, as well as the applicable license type renewal fee. If a late renewal is filed between July 1st and August 31st, an additional $1,000 late fee must be paid. If no renewal is filed, the license expires on August 31st. The proposed changes would allow holders of expired licenses to apply for license reinstatement no later than September 30th. Reinstatement will not be allowed if an application for reinstatement has been granted in the past ten (10) years.

The current proposed regulations would create a flat-fee of $5,000.00 for license reinstatement. In my previous public comment on this issue, I suggested that the reinstatement fee be $2,500.00 for limited cultivations, testing labs, and concentrate-only license types, as well as a $5,000.00 fee for standard cultivations, product manufacturing facilities and retail establishments without onsite endorsements. For retailers with onsite endorsements, I proposed a reinstatement fee of $5,500.00. The Board has long taken into consideration the different scale of the business when assigning licensing fees. It is unfair to charge the same fee for a limited cultivation as you would a retail store with an onsite consumption endorsement. I would again ask that you consider adopting my proposed fee model, which takes into account the license type.

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The proposed regulations do not allow reinstatement if an application for reinstatement has occurred in the past ten (10) years. As we have seen with the pandemic, there are many occasions upon which mail service is unreliable, and extenuating circumstances cause applicants to miss deadlines. I would again like to propose that the Board consider modifying their proposed regulations to reflect this, reducing the exclusionary time period to a more modest five (5) years.

Thank you for your consideration and thank you for your continued hard work furthering the growth and sustainability of our thriving marijuana industry.

Truly and Sincerely Yours,

Jana D. Weltzin, *Esq.*