MEMORANDUM

TO: Marijuana Control Board

FROM: Jane P. Sawyer, Regulations Specialist

DATE: January 13, 2022

RE: Regulations Project – Public Notice for License Applications

Back in March of 2021, the board opened a regulations project to address the issue of in some areas there not being newspapers of regular circulation or a radio station willing to advertise applications for marijuana establishments.

Attached is an initial draft for board discussion. The amendments are all in 3 AAC 306.025.

Options for the board after discussion:

- Put out for public comment
- Amend and put out for public comment
- Send back to staff for revisions
- Close project if not pursuing
3 AAC 306.025(a) is amended to read:

(a) An applicant must initiate a new marijuana establishment license or endorsement application on a form the board prescribes, using the board's electronic system, to create a public notice form. **In the case of a transfer of license to another person under 3 AAC 306.045 or a license conversion under 3 AAC 306.047, the public notice form is a true copy of the application itself filled out.**

3 AAC 306.025(b) is amended to read:

(b) After initiating a new marijuana license or endorsement application, **or filling out the appropriate application in the case of transfer of license to another person or license conversion,** the applicant must give notice of the application to the public by

1. posting a copy of the public notice form for 10 days at
   (A) the location of the proposed licensed premises **or current licensed premises,** whichever applies; and
   (B) one other conspicuous location in the area of the proposed premises **or current licensed premises,** whichever applies. The public notice at either location **must be open, accessible, and viewable by any member of the general public.**

2. publishing an announcement once a week for three consecutive weeks in a newspaper of general circulation in the area; in an area where no newspaper circulates, the applicant must arrange for broadcast announcements on a radio station serving the local area.

Commented [SJP(1)]: Transfer of License and License Conversion do not begin online. They 100% paper based. Hence one would not see the “normal” Public Notice page as in an application for a new license.

Commented [SJP(2)]: Here, the intent is that anyone would be able to see the public notice, and not only certain members of the public. In one example, if the public notice for the transfer of a retail license is posted inside the licensed premises, a 20-year-old who is interested in knowing what is going on in their neighborhood, would not know because they can’t enter the licensed premises. Another reason is that not all age-appropriate adults are consumers, so they would most likely not enter the licensed premises, therefore would not see the public notice.
where the proposed licensee seeks to operate twice a week for three successive weeks [DURING TRIPLE A ADVERTISING TIME] between 6:00 a.m. and 10:00 a.m. or 3:00 p.m. and 7:00 p.m. In an area where the newspaper or radio announcement requirement under this paragraph is not achievable, the announcement may be made by alternate means approved by the board. The newspaper, radio, or alternate announcement notice must state:

   (A) the name of the applicant;

   (B) the name and location of the proposed premises or current licensed premises, whichever applies;

   (C) the type of license or endorsement applied for along with a citation to a provision of this chapter authorizing that type of license or endorsement; and

   (D) a statement that any comment or objection may be submitted to the board; and

   (3) submitting a copy of the public notice form described in (a) of this section to

      (A) each local government with jurisdiction over the proposed licensed premises or current licensed premises, whichever applies; and

      (B) any community council in the area of the proposed licensed premises or current licensed premises, whichever applies.

3 AAC 306.025(d) is amended to read:

   (d) When the director receives an application for a marijuana establishment license or endorsement, the director shall determine if the application is complete. Any application for a marijuana establishment license or endorsement that the director receives without the application
and license fee is incomplete. If the director determines the application is complete, the director shall immediately give written notice to

(1) the applicant;
(2) each local government with jurisdiction over the applicant's proposed licensed premises or current licensed premises, whichever applies;
(3) the community council if the proposed licensed premises or current licensed premise are located within the boundary of a community council established by municipal charter or ordinance; and
(4) any nonprofit community organization that has requested notification in writing.

e) If an application for a marijuana establishment license or endorsement is incomplete, the director shall notify the applicant by electronic mail at the address provided by the applicant and shall either

(1) return an incomplete application in its entirety; or
(2) request the applicant to provide additional identified items needed to complete the application. (Eff. 2/21/2016, Register 217; am 12/28/2017, Register 224; am 2/21/2019, Register 229; am 4/11/2019, Register 230; am 3/25/2020, Register 233; 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