

Register _____, _____ 20__

COMMERCE, COMMUNITY, AND EC. DEV.

(Words in boldface and underlined indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

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.**

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.

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;**

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.

(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

Register _____, _____ 20__

COMMERCE, COMMUNITY, AND EC. DEV.

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 [THE] newspaper, [OR] 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

Commented [SJP(3):
We at the office, do not know what "during triple A advertising time" means. This language was copied from alcohol but alcohol laws are very old. We called one radio station and they did not seem to know what that meant. So, instead of spending anymore time researching, we are proposing specific hours of broadcasting for license applications.

Commented [SJP(4): This project came about because there are some areas where a newspaper ad or radio broadcast is not achievable for various reasons. So, we thought that allowing the applicant to research another means to notify the public of a license application in lieu of newspaper or radio, and so long as the alternate means is approved by the board, it would be acceptable. The trick here is that we didn't want to make so specific as to limit the applicant. So, this would probably have to be a case by case scenario where the director is delegated the authority to accept or deny the alternate means....

Register _____, _____ 20__

COMMERCE, COMMUNITY, AND EC. DEV.

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