

Department of Commerce, Community, and Economic Development

Alcohol and Marijuana Control Office

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MEMORANDUM

TO: Marijuana Control Board

DATE: June 20, 2022

FROM: Jane P. Sawyer, Regulations Specialist RE:

: Delegation of Authority to Director—list

The board asked for a list of licensing duties that the director may be delegated or currently has delegation.

Sec. 17.38.150. Duties of director.

The director shall enforce this chapter and regulations adopted by the board.

The director shall issue, renew, transfer, suspend, or revoke all licenses and permits and issue product approvals at the direction of the board.

The board may delegate to the director the authority to temporarily grant or deny the issuance, renewal, or transfer of licenses and permits. The director's temporary grant or denial of the issuance, renewal, or transfer of a license or permit is not binding on the board.

The board may delegate to the director any duty imposed by this chapter except its power to propose and adopt regulations.

| MCB may delegate to the director the authority to <u>temporarily</u> grant or deny → (the director's temporary grant or denial is not binding on the board) | New licenses Transfer of licenses Conversion of licenses Onsite Consumption Endorsement Renewal licenses These application packets are made up of several AMCO forms and additional docs → (Aside from renewals, the director does not currently have delegation by board to temporarily approve or deny these applications) | MJ-01, MJ-02, MJ-03, MJ-04, MJ 05, MJ-06, MJ-07, MJ-07a, MJ- 07b, MJ-08, MJ-08a, MJ-09, MJ- 12, MJ-17c, MJ-17d, MJ-19, MJ- 20, MJ-28b. (This list is in numerical order. The required AMCO forms that complete the application or endorsement packet depend on the type of license or endorsement application) |
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| MCB may delegate to the director (temporarily or permanently) the authority to approve or deny → | MJ-10: Marijuana Handler's Course Provide Application—3 AAC 306.701 → MJ-13: Business Name Change—3 AAC 306.100(c)→ | Review and approval are not delegated to director—board reviews and approves or denies Approval or denial is delegated to director—board does not see |
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| | MJ-14: Licensed Premises Change—3 AAC 306.705(c) and (d) → | Approval or denial is delegated to director—board only considers when there are questions for board by staff, or there is an appeal to a staff denial |
| | MJ-15: Operating Plan Change—3 AAC 306.100(c)→ (this application is used to amend a licensee's operating plan and previously approved products. Changes to an operating plan include changing the packaging of a product, serving size of a product, THC content of a product) | This application is filed as a packet (MJ-15 + pages of MJ-01, MJ- 04, MJ-05, MJ-06, and prior approved products). Right now, temporary approval is delegated to director, but the board still considers the application at regular meeting. (the director's temporary grant or denial is not binding on the board) Q for board: is this an application the board would like to delegate approval or denial to the director permanently?—meaning, the board would not see this type of application unless staff had questions or a denial was appealed. |
| | MJ-15d: THC Limit Change→ (this form was specifically created for the purpose of increasing the THC limit per serving size/package—5/50 to 10/100, upon application by licensee, to already approved | This application is approved or denied by the director. The board does not see it unless there is an appeal to a denial. |

| products at the time the regulation change took effect) | |
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| | Approval or denial is not delegated to director—board considers the application at regular meeting. |
| • MJ-16: New Product Application—(3 AAC 306.525(c))→ | Q for board: is this an application the board would like to delegate approval or denial to director permanently?—meaning, the board would not see this type of application unless staff had questions or a denial was appealed, OR |
| | Another option is to delegate <u>temporary</u> approval to director— the board would see the application at regular board meeting. |
| MJ-17: Ownership Change— 3 AAC 306.040 (not to be confused with transfer of license application)→ | Approval or denial of this application is issued by director— board does not see unless there is an appeal to a denial |
| MJ-20a: Residency Exception—3 AAC 306.035(h)→ (Renewal applications <u>only</u>) | Approval or denial of this residency exception application is not delegated to the director— board considers this application together with the renewal application(s) at a regularly scheduled meeting. The board approves or denies on a case by case basis. |
| MJ-22a: Request to Retest— 3 AAC 306.660(c)→ (this is used by a cultivator or manufacturing facility to request a retest when product has failed | Approval or denial of this application is issued by director OR board—right now, only director approves or denies. The board would see the application if there was an appeal to a denial |

| a required test and the licensee wants to validate the test results). | |
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| MJ-22b: Request to Transfer Failed Material—3 AAC 306.660(b)→ (this is used by cultivator to request to for the failed material to be used by a manufacturer to make carbon dioxide- or solvent- based concentrates) | Approval or denial of this application is issued by director OR board—right now, only director approves or denies. The board would see the application if there was an appeal to a denial. |
| MJ-25: Waste Disposal Notice—3 AAC 306.740(c)→ MJ-26: Quality Control Report—3AAC 306.460(d) and 3 AAC 306.557→ | These forms are only a notice to AMCO. They do not need to be approved by AMCO or board |
| MJ-27: Marijuana from Unlicensed Source—3 AAC 306.405(a)(9)→ | Approval or denial of this application is issued by director— board does not see unless there is an appeal do a denial |