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: November 9, 2026

FROM: Jane P Sawyer, Program Coordinator RE: Under 21 On Licensed Premises and Restricted Access Areas

This project was initiated as part of the AO-360 directive. This draft attempts to reduce regulatory burden in the form of amending, repealing, or repealing and readopting regulation, including making conforming changes to other povisions, to

- remove the restriction of a retail marijuana store being closed between 5am and 8pm.
- allow a child/children of the licensee to enter and remain on licensed premises and certain restricted access areas;
- allow a person under the age of 21 to enter and remain on the licensed premises of a retail marijuana store with the person's parent or legal guardian;
- remove unnecessary provisions

After careful review and consideration of the draft, the board may consider its options.

Options for the board:

- Move to approve and send to Law for initial review and (with Law's approval) subsequent public comment
- Move to amend, approve and then send to Law for initial review and (with Law's approval) subsequent public comment
- Move to send back to staff for more work
- Close the regulations project
- Table the project

3 AAC 306.310. Acts prohibited at retail marijuana store.

…

(b) A licensed retail marijuana store may not

~~(1) conduct business on or allow a consumer to access the retail marijuana store's licensed premises between the hours of 5:00 a.m. and 8:00 a.m. each day;~~ →repealing/removing.

(2) allow a person to consume marijuana or a marijuana product on the retail marijuana store's licensed premises, except as provided in ~~3 AAC 306.305(a)(4);~~3 AAC 306.370;

(3) offer, deliver, or sell an alcoholic beverage to a consumer for any reason; ~~or~~

(4) allow intoxicated or drunken persons to enter or to remain on the licensed premises; or~~.~~

(5) receive or accept compensation for marijuana or marijuana product by a person under 21 years of age.~~-~~

3 AAC 306.325. Access restricted at retail marijuana store.

~~(a) Except as provided under 3 AAC 306.712, a person under 21 years of age may not enter a retail marijuana store.~~ → repealing/removing

(b) Each entry to a retail marijuana store must be posted with a sign that says "No one under 21 years of age allowed, unless accompanied and supervised by a parent or legal guardian~~.~~" The sign must be not less than 12 inches long and 12 inches wide, with letters at least one-half inch in height in high contrast to the background of the sign. However, a person under the age

of 21 entering the retail marijuana store in compliance with this subsection is not, and may not be, allowed to access or enter a restricted access area of the retail store.

~~(c) An area of a retail marijuana store's licensed premises where marijuana or any marijuana product is stocked for sale or dispensed for sale is a restricted access area. The retail marijuana store must post signs, require identification, and escort visitors in compliance with 3 AAC 306.710.~~

→Reworded into .710 and part already existed in .710

(d) If a retail marijuana store displays marijuana to a consumer for the purpose of smelling the marijuana before purchase, the retail marijuana store shall package the marijuana in a sample jar that is protected by a plastic, metal, or other protective mesh screen, and the jar must remain in the monitored custody of the retail marijuana store during consumer inspection.

3 AAC 306.370. Onsite consumption endorsement for retail marijuana stores.

…

(d) A licensed retail marijuana store with an approved onsite consumption endorsement **may not**

… ~~or~~

(8) advertise or promote in any way, either on or off the licensed premises, a practice prohibited under this section; or

(9) allow a person under 21 years of age in the consumption area.~~.~~

(g) The retail marijuana store holding an onsite consumption endorsement under this chapter shall

(1) destroy all unconsumed marijuana left abandoned or unclaimed in the marijuana consumption area in accordance with the operating plan and 3 AAC 306.740;

(2) monitor patrons in the marijuana consumption area at all times, specifically for overconsumption;

(3) display all warning signs required under 3 AAC ~~306.360~~306.345(b)(3) and 3 AAC 306.365 within the marijuana consumption area, visible to all consumers;

(4) provide, at no cost to patrons, written materials containing marijuana dosage and safety information for each type of marijuana or marijuana product sold for consumption in the marijuana consumption area;

(5) package and label all marijuana or marijuana products sold for consumption on the premises as required in 3 AAC 306.345; and

(6) comply with any conditions set by the local government or placed on the endorsement by the board.

…

3 AAC 306.380. Walk-up or drive-through exterior window pick-up for retail marijuana stores.

…

(e) Before completing a sale at a walk-up or drive-through exterior window, the licensee or the employee shall physically handle ~~view~~ and inspect the consumer's photographic identification and match it to the consumer. ~~Each person in a vehicle at the drive-through exterior window must be 21 years of age or older, unless the person is the consumer's own child, grandchild, or~~

~~ward who is not older than seven years of age seated or otherwise required by local or state law to be seated in a car seat or booster seat.~~ →Note: in this scenario, the driver would not have to be 21 or older. Something to think about ?.. when the passenger needs to pass the payment of the product through the drive up window.

…

~~(i) Sales of marijuana or marijuana products via a walk-up or drive-through exterior window are subject to requirements and restrictions imposed by the relevant local government.~~ →not needed.

3 AAC 306.405. Standard marijuana cultivation facility: privileges and prohibited acts.

…

(c) A licensed standard marijuana cultivation facility may not

(1) sell, distribute, or transfer marijuana or a marijuana product to a consumer, with or without compensation;

(2) allow any person, including a licensee, employee, or agent, to consume marijuana or a marijuana product on the licensed premises or within 20 feet of the exterior of any building or outdoor cultivation facility on the licensed premises;

(3) treat or otherwise adulterate marijuana with any organic or nonorganic chemical or other compound to alter the color, appearance, weight, or odor of the marijuana;

(4) sell marijuana that is not packaged and labeled in compliance with 3 AAC 306.470 and 3 AAC 306.475;

(5) introduce marijuana or a marijuana product, including plants and seeds, onto the licensed premises from any outside source after the initial preliminary inspection, except

(A) as acquired from another licensed marijuana cultivation facility and accounted for in each marijuana cultivation facility's marijuana inventory tracking system as required under 3 AAC 306.730; or

(B) as provided under this section; or

(6) product or possess marijuana concentrate that was extracted using any process described in 3 AAC 306.555 on the marijuana cultivation facility's licensed premises, unless the licensee of the standard marijuana cultivation facility also has a marijuana product manufacturing facility license; a licensed standard marijuana cultivation facility must conduct any extraction or production of marijuana concentrate on the premises

(A) in a room that

(i) is separate as required in (b) of this section from the marijuana cultivation area; and

(ii) is posted with a sign that complies with 3 AAC 306.710(b) and warns unauthorized persons to stay out; and

(B) in compliance with all applicable provisions of 3 AAC 306.500 – 3 AAC 306.570~~.~~; or

(7) emit an odor that is detectable by the public from outside the cultivation facility except as specifically allowed by a local government approval. (Eff. 2/21/2016, Register 217; am 10/20/2018, Register 228; am 12/10/2020, Register 236; am 12/31/2023, Register 248; am

1/5/2024, Register 249; am 8/16/2024, Register 251)

~~3 AAC 306.430. Restricted access area.~~

~~(a) A marijuana cultivation facility shall conduct any operation in a restricted access area in compliance with 3 AAC 306.710 and this section.~~ →Moved to .710

~~(b) A marijuana cultivation facility shall conduct any marijuana growing operation within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors. Where not prohibited by local government, outdoor production may take place in non-rigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight- obscuring wall or fence at least six feet high.~~ →Moved to .705

~~(c) A marijuana cultivation facility shall ensure that any marijuana at the marijuana cultivation facility~~

~~(1) cannot be observed by the public from outside the marijuana cultivation facility; and~~ →Reworded into .705

~~(2) does not emit an odor that is detectable by the public from outside the cultivation facility except as specifically allowed by a local government approval.~~ →Moved to 306.405

~~(d) A marijuana cultivation facility shall have full video surveillance of the licensed premises as required under 3 AAC 306.720, including any area where marijuana is grown, processed, packaged, or stored, or where marijuana~~

~~waste is destroyed.~~ →This is already covered under .720

3 AAC 306.505. Marijuana product manufacturing facility privileges.

(a) Except as provided in 3 AAC 306.515, a licensed marijuana product manufacturing facility is authorized to

…

~~(9) store inventory in a restricted access area on the licensed premises as provided in 3 AAC 306.535~~; → already part of .710

(10) transport marijuana in compliance with 3 AAC 306.750;

(11) conduct in-house testing for the marijuana product manufacturing facility's own use.

3 AAC 306.535. Restricted access and storage areas.

~~(a) A marijuana product manufacturing facility shall conduct any extraction or product manufacturing operation in a restricted access area in compliance with 3 AAC 306.710.~~

~~(b) A marijuana product manufacturing facility shall have full video surveillance of the licensed premises as provided in 3 AAC 306.720, including each area where~~

~~(1) marijuana concentrate is produced;~~

~~(2) any operation involved in manufacturing any product containing marijuana occurs;~~

~~(3) marijuana or a marijuana product is stored or stockpiled; or~~

~~(4) marijuana waste is destroyed.~~ →Reworded into .710

~~(c) Any area where marijuana or a marijuana product is stored must be moisture- and temperature-controlled and protected from pests and vermin.~~ →moved to health safety Kris' project.

3 AAC 306.705. Licensed premises; alteration.

(a) A marijuana establishment license will be issued for specific licensed premises. Unlicensed areas may not separate portions of licensed premises, except that the board may approve adjacent portions of the licensed premises that are not restricted access area as permitted under 3 AAC 306.710. Specific licensed premises must constitute a place clearly designated in a license application and described by a line drawing submitted with the license application. The licensed premises ~~must~~

(1) must have adequate space for its approved operations, including growing, manufacturing, processing, packaging, or storing marijuana or marijuana products; and

(2) must be located and constructed to facilitate cleaning, maintenance, and proper operation.

(3) of a cultivation facility must be fully enclosed and secure indoor facility or greenhouse with rigid walls, a roof, and doors. Marijuana cannot be observed by the public from outside the cultivation facility. Where not prohibited by local government, outdoor cultivation may take place in non-rigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor cultivation must be enclosed by a sight-obscuring wall or fence at least

six feet high.

(b) A marijuana establishment's license and, if applicable, an endorsement issued under 3 AAC 306.110, including 3 AAC 306.370, must be posted in a conspicuous place within the licensed premises.

(c) A holder of a marijuana establishment 1icense may not alter the functional floor plan or reduce or expand the area of the licensed premises without first obtaining the director's written approval. A marijuana establishment license holder seeking to change or modify the licensed premises must submit a request for approval of the change on a form prescribed by the board, along with

(1) the fee prescribed in 3 AAC 306.100;

(2) a drawing showing the proposed change;

(3) evidence that the proposed change conforms to any local restrictions; and

(4) evidence that the licensee has obtained any applicable local building permit.

(d) The board may approve two or more licenses for overlapping premises that are owned by the same person or same group of persons and within the same building or with abutting premises to use in common for an office, employee breakroom, bathroom, non-marijuana storage area, or a combination of those uses. The overlapping premises may not be restricted access areas, unless approved by the board under 3 AAC 306.710.

3 AAC 306.710. Restricted access areas. Entire 306.710 will show as repealed and readopted in the technical draft

(a) A marijuana establishment shall designate as a ~~restrict~~ restricted access area ~~to~~ any part of the licensed premises where marijuana or a marijuana product is planted, propagated, cultivated, harvested, ~~grown,~~ trimmed, dried, cured, processed, produced, manufactured, stocked or dispensed for sale, tested, packaged, stored, stockpiled, ~~or stocked~~ or destroyed.

(b) ~~Except as provided in 3 AAC 306.325 for a retail marijuana store, each~~ Each entrance to a restricted access area must be marked by a sign that says "Restricted access area. Visitors must be escorted." ~~A marijuana establishment shall limit the number of visitors to not more than five visitors for each licensee, employee, or agent of the licensee who is actively engaged in supervising those visitors.~~

(c) In a restricted access area, a licensee, employee, or agent of the marijuana establishment shall have on display, either on the person or in a readily accessible location on the licensed premises, a current identification badge bearing the person's photograph. A person under 21 years of age who is not the child of the licensee, may not enter a restricted access area. A licensee is strictly prohibited from permitting the licensee's child to enter a room of the facility, which adheres to or should adhere to federal, state, or local rules, laws, or industry guidelines related to hazardous, flammable, and explosive materials, including butane, propane, or ethanol.

(d) Any visitor to the restricted access area must

(1) show identification as required in 3 AAC 306.350 to prove that person is 21 years of age or older;

(2) obtain a visitor identification badge before entering the restricted access area; and

Commented [JS1]: Look up C1D1 (Class 1, Division 1, under the National Fire Protection Association) it is a very strict environment/room engineered to safely contain and continuously ventilate areas where flammable vapors can exist under normal conditions. There are strict guidelines to adhere to under and they industry guidelines. I tried to use general words to get the point across.

(3) be escorted at all times by a licensee, employee, or agent of the marijuana establishment.

(~~d~~c) The board may approve two or more licenses for overlapping premises owned by the same person or same group of persons and within the same building to use in common as a restricted access area if

(1) the marijuana or marijuana product is properly accounted for in the marijuana establishment's inventory tracking system required under 3 AAC 306.730;

(2) the marijuana or marijuana product is expressly identified as inventory of the appropriate marijuana establishment to which the marijuana or marijuana product belongs; and

(3) the area is in compliance with this section and any other provision of this chapter that applies to restricted access areas, including video surveillance as required under 3 AAC 306.720 and restricted access area provisions specific to the license type to which the marijuana or marijuana product belongs.

~~(e) Failure to comply with (d) of this section is grounds for issuance of a notice of violation under 3 AAC 306.805(a) or other enforcement action under 3 AAC 306.800 – 3 AAC 306.850~~. → extra, not needed. (Eff. 2/21/2016, Register 217; am 12/10/2020, Register 236; am 1/19/2022, Register 241; am 1/5/2024, Register 249; am 8/16/2024, Register 251)

3 AAC 306.712. Breastfeeding on licensed premises.

(a) A licensee or employee of a licensee may bring a child up to 18

months of age, who is the child of the licensee or employee, onto the licensed premises for the purpose of breastfeeding.

(b) A licensee may designate an area for breastfeeding or for the expression of breast milk. An area designated for breastfeeding must not expose the child in any way to marijuana or any marijuana product, including marijuana pollen. A designated area may not include an onsite consumption area described under 3 AAC 306.370.

(c) This section may not be construed to supersede or change the requirements of 29 U.S.C. 207 (Section 7 of the Fair Labor Standards Act of 1938) or any other law applicable to breastfeeding in the workplace (Eff. 1/1/2021, Register 237; am 10/11/2023, Register 248)

Commented [JS2]: Reconsider keeping this provision as this is related to a child up to 18 months of age for a licensee AND employee. Whereas the access by under 21 years of age is only for licensee's children. I'm thinking to avoid confusion.
Further, employers with fewer than 50 employees are not subject to this federal law (they are not required by federal law to provide such benefit/accomodation/I don't know the right word).

List of conforming changes due to repeal and readopt of 306.710.

3 AAC 306.020(b)(8)

3 AAC 306.046(c)(3)

3 AAC 306.047(a)(3)

3 AAC 306.305(c)(1)

3 AAC 306.405(b)(1)

3 AAC 306.505(b)(1)

3 AAC 306.720(d)

3 AAC 306.725(a)

3 AAC 306.755(a)(5)

3 AAC 306.801(a)(1)(A)

3 AAC 306.990(b)(23)

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

3 AAC 306.310(b) is amended to read:

(b) A licensed retail marijuana store may not

(1) repealed __/__/____, Register ____;

(2) allow a person to consume marijuana or a marijuana product on the retail marijuana store's licensed premises, except as provided in **3 AAC 306.370** [3 AAC 306.305(a)(4)];

(3) offer, deliver, or sell an alcoholic beverage to a consumer for any reason; [OR]

(4) allow intoxicated or drunken persons to enter or to remain on the licensed premises**; or** [.]

(5) receive or accept compensation for marijuana or marijuana product by a person under 21 years of age. (Eff. 2/21/2016, Register 217; am 4/11/2019, Register 230; em am 4/17/2020 – 8/14/2020, Register 234; am 11/24/2020, Register 236; am 8/13/2023, Register 247, am 10/08/2023, Register 248; 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

3 AAC 306.325(a) is repealed:

(a) Repealed ____/____/_____;

3 AAC 306.325(b) is amended to read:

(b) Each entry to a retail marijuana store must be posted with a sign that says "No one under 21 years of age allowed**, unless accompanied and supervised by a parent or legal**

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guardian." The sign must be not less than 12 inches long and 12 inches wide, with letters at least one-half inch in height in high contrast to the background of the sign. **However, a person under 21 years of age entering the retail marijuana store in compliance with this subsection is not, and may not be, allowed to access or enter a restricted access area of the retail store.**

3 AAC 306.325(c) is repealed:

(c) Repealed ____/____/_____;

(Eff. 2/21/2016, Register 217; am 5/9/2019, Register 230; am 1/1/2021, Register 237; 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

3 AAC 306.370(d)(9) is amended to read:

(8) advertise or promote in any way, either on or off the licensed premises, a practice prohibited under this section**;** [.] **or**

(9) allow a person under 21 years of age in the consumption area

3 AAC 306.370(g)(3) is amended to read:

(3) display all warning signs required under **3 AAC 306.345(b)(3)** [3 AAC 306.360] and 3 AAC 306.365 within the marijuana consumption area, visible to all consumers;

(Eff. 4/11/2019, Register 230; am 8/7/2021, Register 239; am 12/8/2024, Register 252; am __/__/____, Register ____)

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.900
AS 17.38.070 AS 17.38.190 AS 18.35.301

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AS 17.38.121 AS 17.38.200

3 AAC 306.380(e) is amended to read:

(e) Before completing a sale at a walk-up or drive-up exterior window, the licensee or the employee shall physically **handle** [VIEW] and inspect the consumer's photographic identification **and match it to the consumer.** [EACH PERSON IN A VEHICLE AT THE DRIVE THROUGH EXTERIOR WINDOW MUST BE 21 YEARS OF AGE OR OLDER, UNLESS THE PERSON IS THE CONSUMER'S OWN CHILD, GRANDCHILD, OR WARD WHO IS NOT OLDER THAN SEVEN YEARS OF AGE SEATED OR OTHERWISE REQUIRED BY LOCAL OR STATE LAW TO BE SEATED IN A CAR SEAT OR BOOSTER SEAT.]

3 AAC 306.380(i) is repealed:

(i) Repealed __/__/____. (Eff. 8/13/2023, Register 247; am 12/8/2024, Register 252; repealed __/__/____, 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

3 AAC 306.405(c) is amended to read:

(c) A licensed standard marijuana cultivation facility may not

(1) sell, distribute, or transfer marijuana or a marijuana product to a consumer, with or without compensation;

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(2) allow any person, including a licensee, employee, or agent, to consume marijuana or a marijuana on the licensed premises or within 20 feet of the exterior of any building or outdoor cultivation facility on the licensed premises;

(3) treat or otherwise adulterate marijuana with any organic or nonorganic chemical or other compound to alter the color, appearance, weight, or odor of the marijuana;

(4) sell marijuana that is not packaged and labeled in compliance with 3 AAC 306.470 and 3 AAC 306.475;

(5) introduce marijuana or a marijuana product, including plants and seeds, onto the licensed premises from any outside source after the initial preliminary inspection, except

(A) as acquired from another licensed cultivation facility and accounted for in each marijuana cultivation facility's marijuana inventory tracking system as required under 3 AAC 306.730; or

(B) as provided under this section; [OR]

(6) product or possess marijuana concentrate that was extracted using any process described in 3 AAC 306.555 on the marijuana cultivation facility's licensed premises, unless the licensee of the standard marijuana cultivation facility also has a marijuana product manufacturing facility license; a licensed standard cultivation facility must conduct any extraction or production of marijuana concentrate on the premises

(A) in a room that

(i) is separate as required in (b) of this section from the marijuana cultivation area; and

(ii) is posted with a sign that complies with 3 AAC 306.710(b) and warns unauthorized persons to stay out; and

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(B) in compliance with all applicable provisions of 3 AAC 306.500 – 3 AAC 306.570**; or**

(7) emit an odor that is detectable by the public from outside the cultivation facility except as specifically allowed by a local government approval. (Eff. 2/21/2016, Register 217; am 10/20/2018, Register 228; am 12/10/2020, Register 236; am 12/31/2023, Register 248; am 1/5/2024, Register 249; am 8/16/2024, Register 251; 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

3 AAC 306.430 is repealed:

3 AAC 306.430. Restricted access area. Repealed. (Eff. 2/21/2016, Register 217; am 8/11/2018, Register 227; repealed __/__/____, 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

3 AAC 306.505(a)(9) is repealed:

(9) repealed __/__/____;

(Eff. 2/21/2016, Register 217; am 12/10/2020, Register 236; am 4/16/2023, Register 246; am 1/5/2024, Register 249; am 8/16/2024, Register 251; 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

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AS 17.38.121

3 AAC 306.535 is repealed:

3 AAC 306.535. Restricted access and storage areas. Repealed. (Eff. 2/21/2016, Register 217; repealed __/__/____, 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

3 AAC 306.705(a) is amended to read:

(a) A marijuana establishment license will be issued for specific licensed premises. Unlicensed areas may not separate portions of licensed premises, except that the board may approve adjacent portions of the licensed premises that are not restricted access area as permitted under 3 AAC 306.710. Specific licensed premises must constitute a place clearly designated in a license application and described by a line drawing submitted with the license application. The licensed premises [MUST]

(1) **must** have adequate space for tis approved operations, including growing, manufacturing, processing, packaging, or storing marijuana or marijuana products; [AND]

(2) **must** be located and constructed to facilitate cleaning, maintenance, and proper operation;

(3) **of a cultivation facility must be fully enclosed and secure indoor facility or greenhouse with rigid walls, a roof, and doors. Marijuana cannot be observed by the public from outside the cultivation facility. Where prohibited by local government, outdoor cultivation may take place in non-rigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public**

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view of the premises, outdoor cultivation must be enclosed by a sight-obscuring wall or fence at least six feet high.

(Eff. 2/21/2016, Register 217; am 12/10/2020, Register 236; am 1/5/2024, Register 249; 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

3 AAC 306.710 is repealed and readopted to read:

3 AAC 306.710. Restricted access areas. (a) A marijuana establishment shall designate as a restricted access area any part of the licensed premises where marijuana or a marijuana product is planted, propagated, cultivated, harvested, trimmed, dried, cured, processed, produced, manufactured, stocked or dispensed for sale, tested, packaged, stored, stockpiled, or destroyed.

(b) Each entrance to a restricted access area must be marked by a sign that says "Restricted access area. Visitors must be escorted."

(c) In a restricted access area, a licensee, employee, or agent of the marijuana establishment shall have on display, either on the person or in a readily accessible location on the licensed premises, a current identification badge bearing the person's photograph. A person under 21 years of age who is not the child of the licensee, may not enter a restricted access area. A licensee is strictly prohibited from permitting the licensee’s child to enter a room of the facility, which adheres to or should adhere to federal, state, or local rules, laws, or industry guidelines related to hazardous, flammable, and explosive materials, including butane, propane, or ethanol.

(d) Any visitor to the restricted access area must

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(1) show identification as required in 3 AAC 306.350 to prove that person is 21 years of age or older;

(2) obtain a visitor identification badge before entering the restricted access area; and

(3) be escorted at all times by a licensee, employee, or agent of the marijuana establishment.

(e) The board may approve two or more licenses for overlapping premises owned by the same person or same group of persons and within the same building to use in common as a restricted access area if

(1) the marijuana or marijuana product is properly accounted for in the marijuana establishment's inventory tracking system required under 3 AAC 306.730;

(2) the marijuana or marijuana product is expressly identified as inventory of the appropriate marijuana establishment to which the marijuana or marijuana product belongs; and

(3) the area is in compliance with this section and any other provision of this chapter that applies to restricted access areas, including video surveillance as required under 3 AAC 306.720 and restricted access area provisions specific to the license type to which the marijuana or marijuana product belongs. (Eff. 2/21/2016, Register 217; am 12/10/2020, Register 236; am 1/19/2022, Register 241; am 1/5/2024, Register 249; am 8/16/2024, Register 251; 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

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3 AAC 306.712 is repealed:

3 AAC 306.712. Breastfeeding on licensed premises. Repealed. (Eff. 1/1/2021, Register 237; am 10/11/2023, Register 248; repealed ____/____/_____, 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

3 AAC 306.020(b)(8) is amended to read:

(8) the address of the premises to include global positioning system (GPS) coordinates where the applicant intends to operate a marijuana establishment, and a detailed diagram of the proposed licensed premises; the diagram must show all entrances and boundaries of the premises, restricted access areas, storage areas, and, if applicable, overlapping premises that the board may approve under 3 AAC 306.705(d) and **3 AAC 306.710(e)** [3 AAC 306.710(d)];

(Eff. 2/21/2016, Register 217; am 8/11/2018, Register 227; am 12/10/2020, Register 236; 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

3 AAC 306.046(c)(3) is amended to read:

(3) an operating plan and proposed licensed premises as described under 3 AAC 306.020(b)(8), 3 AAC 306.020(c), 3 AAC 306.315(1)(B), 3 AAC 306.420, 3 AAC 306.520(2)

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and (3), 3 AAC 306.615, 3 AAC 306.705(d), and **3 AAC 306.710(e)** [3 AAC 306.710(d)], if applicable;

(Eff. 1/22/2023, Register 245; am ____/____/_____, Register _____)

3 AAC 306.047(a)(3) is amended to read:

(3) a detailed diagram of the licensed premises; the diagram must show all entrances and boundaries of the premises, restricted access areas, storage areas, and, if applicable, overlapping premises that the board may approve under 3 AAC 306.705(d) and **3 AAC 306.710(e) [**3 AAC 306.710(d)];

(Eff. 2/21/2019, Register 229; am 12/10/2020, Register 236; am 1/22/2023, Register 245; am 4/16/2023, Register 246; 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

3 AAC 306.305(c)(1) is amended to read:

(1) except for overlapping premises approved by the board under **3 AAC 306.710(e)** [3 AAC 306.710(d)], conduct a marijuana cultivation operation or marijuana product manufacturing operation in a room separate from any other operation and the retail marijuana store; if the rooms are connected and co-located in an area that is not approved by the board as overlapping premises, a secure door must separate the rooms from each other; a secure door must separate any room connected to and co-located with the retail marijuana store; and

(Eff. 2/21/2016, Register 217; em am 4/17/2020 – 8/14/2020, Register 234; am 11/24/2020, Register 236; am 12/10/2020, Register 236; am 12/10/2020, Register 236; am 8/13/2023,

Register 247; am 1/5/2024, Register 249; am 8/16/2024, Register 251; 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

3 AAC 306.405(b)(1) is amended to read:

(1) except for overlapping premises approved by the board under **3 AAC 306.710(e)** [3 AAC 306.710(d)], conduct a marijuana product manufacturing operation or retail marijuana store operation in a room separate from any other operation and the marijuana cultivation facility; if the rooms are connected and co-located in an area that is not approved by the board as overlapping premises, a secure door must separate the rooms from each other; a secure door must separate any room connected to and co-located with the marijuana cultivation facility; and

(Eff. 2/21/2016, Register 217; am 10/20/2018, Register 228; am 12/10/2020, Register 236; am 12/31/2023, Register 248; am 1/5/2024, Register 249; am 8/16/2024, Register 251; 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

3 AAC 306.505(b)(1) is amended to read:

(1) except for overlapping premises approved by the board under **3 AAC 306.710(e)** [3AAC 306.710(d)], conduct a marijuana cultivation operation or retail marijuana store operation in a room separate from any other operation and the marijuana product

manufacturing facility; if the rooms are connected and co-located in an area that is not approved by the board as overlapping premises, a secure door must separate the rooms from each other; a secure door must separate any room connected to and co-located with the marijuana product manufacturing facility; and

(Eff. 2/21/2016, Register 217; am 12/10/2020, Register 236; am 4/16/2023, Register 246; am 1/5/2024, Register 249; am 8/16/2024, Register 251; 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

3 AAC 306.720(d) is amended to read:

(d) Surveillance recording equipment and video surveillance records must be housed in a locked and secure area or in a lock box, cabinet, closet or other secure area that is accessible only to a marijuana establishment licensee or authorized employee, and to law enforcement personnel including a peace officer or an agent of the board. A marijuana establishment may house surveillance recording equipment and video surveillance records in an area approved by the board under 3 AAC 306.705(d) and **3 AAC 306.710(e)** [3 AAC 306.710(d)] if the area meets the security requirements under this subsection.

(Eff. 2/21/2016, Register 217; am 12/10/2020, Register 236; 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

3 AAC 306.725(a) is amended to read:

(a) A marijuana establishment or an applicant for a marijuana establishment license under this chapter shall, upon request, make the licensed premises or the proposed licensed premises, including any place for storage and overlapping premises described under 3 AAC 306.705(d) and **3 AAC 306.710(e)** [3 AAC 306.710(d)], available for inspection by the director, an employee or agent of the board, or an officer charged with the enforcement of this chapter. The board or the director may also request a local fire protection agency or any other state agency with health and safety responsibilities to inspect licensed premises or proposed licensed premises.

(Eff. 2/21/2016, Register 217; am 12/10/2020, Register 236; 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

3 AAC 306.755(a)(5) is amended to read:

(5) a current diagram of the licensed premises including each restricted access area and all overlapping premises approved by the board under 3 AAC 306.705(d) and **3 AAC 306.710(e)** [3 AAC 306.710(d)];

(Eff. 2/21/2016, Register 217; am 12/10/2020, Register 236; am 1/22/2023, Register 245; 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

3 AAC 306.801(a)(1)(A) is amended to read:

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(A) overlapping premises approved by the board under 3 AAC 306.705(d) and **3 AAC 306.710(e)** [3 AAC 306.710(d)];

(Eff. 7/23/2023, Register 247; 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

3 AAC 306.990(b)(23) is amended to read:

(23) "licensed premises" means any or all designated portions of a building or structure, or rooms or enclosures in the building or structure, including overlapping premises approved by the board under 3 AAC 306.705(d) and **3 AAC 306.710(e)** [3 AAC 306.710(d)] or designated outdoor areas, at the specific location for which a marijuana establishment license is issued, and used, controlled, or operated by the marijuana establishment to carry out the business for which it is licensed;

(Eff. 2/24/2015, Register 213; am 2/21/2016, Register 217; am 10/11/2017, Register 224; am 8/11/2018, Register 227; am 10/20/2018, Register 228; am 4/11/2019, Register 230; am 5/9/2019, Register 230; am 03/13/2020, Register 233; am 12/6/2020, Register 236; am 12/10/2020, Register 236; am 8/7/2021, Register 239; am 7/23/2023, Register 247; am 4/19/2025, Register 254; am 4/25/2025, Register 254; 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

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