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: Alcoholic Beverage Control Board DATE: August 21, 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 and is meant to reduce regulatory burden by removing restrictions on retail operating hours, allowing accompanied persons under 21 years of age on licensed premises and restricted access areas, and more. Some sections are being repealed, other are being reworded into other sections.

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;~~

(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.

(5) receive or accept compensation for marijuana or marijuana product by a person under 21 years of age →What do you all think of this one…

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.~~ →Reworded into .705 & .710

~~(b) Each entry to a retail marijuana store must be posted with a sign that says "No one under 21 years of age allowed." 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.~~ →Reworded into .705

~~(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. → do we still need this regulation, if we do, we can move to new 306.727.

~~3 AAC 306.365. Required consumer notices for retail marijuana stores.~~

→Repealing entire section.

~~(a) A retail marijuana store shall post, in a conspicuous location visible to customers, the following notices:~~

~~(1) "Consumption of marijuana in public is prohibited by law.";~~

~~(2) "Transportation or carriage of marijuana or marijuana products on Alaska waterways, including cruise ships, or by air carrier is prohibited by federal law.";~~

~~(3) "Transportation or shipment of marijuana or marijuana products outside the State of Alaska is prohibited by federal law.";~~

~~(4) "Providing marijuana to persons under 21 years of age is~~

~~prohibited by law.”.~~

~~(b) Notification signs required under (a) of this section must be at least 11 inches by 14 inches in size. Lettering must be at least one-half inch in height and in colors that contrast with the background.~~

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

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

(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.

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

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(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.

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(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. →Do we still need this regulation? If we keep it, we can move it to health and safety.

3 AAC 306.705. Licensed premises; alteration.

(a) A person under 21 years of age may not enter or remain on the licensed premises of a marijuana establishment without a parent or legal

guardian. Each entry to a licensed premises must be posted with a sign that says, "No one under 21 years of age allowed without a parent or legal guardian."

~~(a~~b~~)~~ 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~~c~~)~~ 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.

(~~e~~d) 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.

(e~~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.

(a) A marijuana establishment shall restrict access 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 may not enter a restricted access area without parent or legal guardian. ~~Any~~ Except for a visitor under the age of 21 who is accompanied by a parent or legal guardian, a 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

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

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~~**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)~~ →don't need if under 21 will be allowed on licensed premises with a parent or legal guardian.

3 AAC 306.720. Video surveillance.

(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~~e) and 3 AAC 306.710(d) if the area meets the security requirements under this subsection.

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3 AAC 306.725. Inspection of licensed premises.

(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~~e) and 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.

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3 AAC 306.755. Business records.

(a) A marijuana establishment shall maintain in a format that is readily understood by a reasonably prudent business person

(1) all books and records necessary to fully account for each business transaction conducted under its license for the current year and three preceding calendar years; records for the last six months must be maintained on the marijuana establishment's licensed premises or in overlapping premises approved by the board under 3 AAC 306.705(e~~d~~); older records may be archived on or off premises;

(2) a current employee list setting out the full name and marijuana handler permit number of each licensee, employee, and agent

who works at the marijuana establishment;

(3) the business contact information for vendors that maintain video surveillance systems and security alarm systems for the licensed premises;

(4) records related to advertising and marketing;

(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(ec~~d~~) and 3 AAC 306.710(d);

(6) a log recording the name, and date and time of entry of each visitor permitted in a restricted access area;

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…

3 AAC 306.801. Powers and duties.

(a) The director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity may

(1) inspect, at a reasonable time and in a reasonable manner, the licensed premises of a marijuana establishment, including

(A) overlapping premises approved by the board under 3 AAC 306.705(ec~~d~~) and 3 AAC 306.710(d);

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3 AAC 306.990. Definitions.

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(10) “compensation"

(A) means money, bartered objects or services, or anything else of value, whether given as payment or voluntarily as a donation, when accepted by a person who gives, distributes, or delivers marijuana to another;

(B) includes a cover charge, a delivery charge, and a packaging charge;

(12) “consumer"

(A) means an individual who purchases and uses marijuana or a marijuana product; and

(B) does not include a marijuana establishment that resells marijuana or incorporates marijuana into a manufactured product;

(19) "individual" means a natural person;

(21) “licensed"

(A) means holding a current and valid license that the board has issued under this chapter;

(B) does not include holding a formerly valid license that has expired or that the board has suspended or revoked;

(22) “licensee" means each individual identified in 3 AAC 306.020 who must be listed in an application for a marijuana establishment license under this chapter;

(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(ec~~d~~) and 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;

(32) “person" has the meaning given in AS 01.10.060;

(36) “retail marijuana store" has the meaning given in AS 17.38.900;

(40) "transaction" means one single occurrence in which marijuana or a marijuana product not exceeding the limits set out in 3 AAC 306.355 is passed from a licensed marijuana establishment to another person.

(44) “marijuana consumption area” means a designated area within the licensed premises of a retail marijuana store that holds a valid onsite consumption endorsement, where marijuana and marijuana products may be consumed, excluding marijuana concentrates other than those consumed by vaping under 3 AAC 306.370(b)(3);

(45) “retail marijuana store premises” means an area encompassing both the retail marijuana store and any marijuana consumption area.

(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 is repealed:

3 AAC 306.325. Access restricted at retail marijuana store. Repealed. (Eff. 2/21/2016, Register 217; am 5/9/2019, Register 230; am 1/1/2021, Register 237; repealed __/__/____, Register) This is only if (d) is not kept or is moved somewhere else.

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 306.365 is repealed:

3 AAC 306.365. Required consumer notices for retail marijuana stores. Repealed.

(Eff. 7/22/2017, Register 223; repealed __/__/____, Register ____)

Authority: AS 17.38.190 AS 17.38.220 AS 17.38.900

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 the warning signs under 3 AAC 306.345(b)(3) within the marijuana consumption area;** [DISPLAY ALL WARNING SINGS REQUIRED UNDER 3 AAC 306.360 AND 3 AAC 306.365 WITHIN THE MARIJUANA CONSUMPTION AREA]

(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

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:

(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
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 ____) This is only if it is decided subsection ‘c’ is not needed.

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