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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Sara Chambers, Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 465.4081 

DATE: July 17, 2024

RE: Filed Permanent Regulations: Marijuana Control Board

Marijuana Control Board regulations re: Broadening Overlapping Premises (3 AAC 306.710(d))

| | |
|------------------------|-------------------|
| Attorney General File: | 2024200053 |
| Regulation Filed: | 7/17/2024 |
| Effective Date: | 8/16/2024 |
| Print: | 251, October 2024 |

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis
Jane P. Sawyer, Regulations Specialist
Kristina Serezhenkov, Regulations Specialist



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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July 15, 2024

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *3 AAC 306.710(d): Marijuana Control Board - Broadening Overlapping
Premises*
Our file: 2024200053

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Marijuana Control Board against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Marijuana Control Board after the close of the public comment period.

The regulations amend 3 AAC 306 to clarify requirements related to when a premises that is permitted to be used for a marijuana cultivation or product manufacturing operation may overlap with a restricted access area or differently permitted type of premises, when approved by the Marijuana Control Board to do so.

Both the May 10, 2024 public notice and June 27, 2024 order certifying the changes to regulations state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

No technical corrections were necessary to conform the regulations in accordance with AS 44.62.060.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto**
Digitally signed by
Rebecca C. Polizzotto
Date: 2024.07.15
12:37:04 -08'00'
Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

RCP/bws

CC w/enclosure: **Kristina Serezhenkov, Regulations Specialist**
Department of Commerce, Community and Economic Development

Kevin Higgins, Assistant Attorney General
Department of Law

Brad Sharp, Assistant Attorney General
Department of Law

APPENDIX J: Certification Order

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE MARIJUANA CONTROL BOARD


The attached three pages of regulations, dealing with broaden overlapping premises areas, is certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its June 26, 2024, meeting, under the authority of AS 17.38.121 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Marijuana Control Board paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 6/27/2024


Joan M. Wilson, Director

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on

July 17, 2024 at 9:30 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


for Lieutenant Governor Nancy Dahlstrom

Effective: August 16, 2024.

Register: 25, October 2024

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

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

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

(1) **except for overlapping premises approved by the board under 3 AAC 306.710(d)**, conduct **a** [ANY] marijuana cultivation operation **or marijuana product manufacturing operation** in a room separate from any other operation and the retail marijuana store [, AND SHALL CONDUCT ANY 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 / 10 / 2024, Register 251)

| | | | |
|-------------------|--------------|--------------|--------------|
| 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(d)**, conduct **a marijuana** [ANY] product manufacturing operation **or retail marijuana**

store operation in a room separate from any other operation and the marijuana cultivation facility [, AND SHALL CONDUCT ANY 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)

| | | | |
|-------------------|--------------|--------------|--------------|
| 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(d), conduct a [ANY] marijuana cultivation operation **or retail marijuana store operation** in a room separate from any other operation and the marijuana product manufacturing facility [, AND SHALL CONDUCT ANY 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

Register 251, October 2024

COMMERCE, COMMUNITY, AND EC. DEV.

(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)

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(d) is amended to read:

(d) 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** [FOR A MARIJUANA OR MARIJUANA PRODUCT STORAGE AREA] if

(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)

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