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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

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

**FROM:** April Simpson, Office of the Lieutenant Governor   
465.4081

**DATE:** December 6, 2023

**RE:** Filed Permanent Regulations: Marijuana Control Board  
Marijuana Control Board regulations re: Overlapping Premises (3 AAC 306.705)

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Attorney General File:	2023200349
Regulation Filed:	12/6/2023
Effective Date:	1/5/2024
Print:	249, April 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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December 5, 2023

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

Re: *3 AAC 306.705: Marijuana Control Board - Overlapping Premises*  
Our file: 2023200349

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 concern an amendment to 3 AAC 306.705(d) to clarify that licensed premises may overlap at a restricted area only if approved by the board. Additional changes are made to conform language accordingly.

Both the October 11, 2023 public notice and November 30, 2023 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: 2023.12.05  
13:11:01 -09'00'

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 two pages of regulations, dealing with overlapping premises, is certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its November 15, 2023, 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: 11/30/2023 \_\_\_\_\_


  
Joan M. Wilson, Director

April Simpson for

FILING CERTIFICATION

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

December 6, 2023 at 1:42 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

  
for Lieutenant Governor Nancy Dahlstrom

Effective: January 5, 2024.

Register: 249, April 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.**



*Nancy Dahlstrom*

**NANCY DAHLSTROM  
LIEUTENANT GOVERNOR**

The section heading for 3 AAC 306.705 is changed to read:

**3 AAC 306.705. Licensed premises [PREMISE]; alteration.**

3 AAC 306.705(d) is amended to read:

(d) The board may approve **two or more licenses for** overlapping premises **that are** [FOR TWO OR MORE LICENSES,] owned by the same person or [THE] same group of persons [,] and within the same building or with abutting premises [,] to use in common for an office, [AN] employee breakroom, **bathroom** [BATHROOMS], non-marijuana storage **area** [AREAS], or **a** [ANY] combination of those uses. The overlapping premises may not be restricted access areas, **unless approved by the board** [AS PRESCRIBED] under 3 AAC 306.710. (Eff. 2/21/2016, Register 217; am 12/10/2020, Register 236; am 1 / 5 / 2024, Register 249)

<b>Authority:</b>	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		

The introductory language of 3 AAC 306.710(d) is amended to read:

(d) The board may approve **two or more licenses for** overlapping premises [FOR TWO OR MORE LICENSES,] owned by the same person or [THE] same group of persons [,] and within the same building [,] to use in common for a marijuana or marijuana product storage area if

...

Register 249, April 2024 COMMERCE, COMMUNITY, AND EC. DEV.

(Eff. 2/21/2016, Register 217; am 12/10/2020, Register 236; am 1/19/2022, Register 241; am 1 / 5 / 2024, Register 249)

**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