

NOTICE OF PROPOSED REGULATIONS
REGARDING MARIJUANA AND LOCAL OPTIONS.
ALCOHOLIC BEVERAGE CONTROL BOARD/MARIJUANA CONTROL BOARD

The Alcoholic Beverage Control Board proposes to adopt regulations to implement the marijuana law which was voted on as Ballot Measure 2 in November, 2014. These proposed regulations relate to definitions, as well as local options for communities to “opt out” of having certain kinds of marijuana establishments.

The Alcoholic Beverage Control Board proposes to adopt regulation changes in Title 3 of the Alaska Administrative Code, dealing with local option regulations and definitions relating to marijuana and marijuana establishments, including the following:

- (1) local option regulations are proposed as follows:

The regulations consist of a series of provisions establishing a local governing body’s ability, by ordinance or popular vote, to opt out of allowing marijuana establishments to operate in their jurisdiction. The proposed local option regulations are modeled on the local option statutes for liquor licensed establishments in AS 04.11. The proposed regulations include rules prescribing types of local options, a change of a local option, the removal of a local option, the effect on licenses of a prohibition on sale, the prohibition of importation or purchase after a local option election, the effect on licenses of a restriction on sale, licensing after a prohibition on sale except on premises operated by a municipality, the procedure for local option elections, the establishment of the perimeter of an established village, and notice of results of a local option election.

- (2) Definitions are proposed to be adopted, including the following:

Definitions of the terms “assist”, “personal cultivation”, “adulterated food or drink product”, “edible marijuana product”, “licensed premises”, “local governing body”, “marijuana concentrate”, “marijuana product”, “marijuana plant”, and “possess”.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to John Calder, Alcoholic Beverage Control Board at 550 W. 7th Ave, Suite 1600, Anchorage, AK 99501. Additionally, the Alcoholic Beverage Control Board will accept comments by electronic mail at john.calder@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the "comment" link. The comments must be received no later than 4:30 p.m. on June 20, 2015.

You may submit written questions relevant to the proposed action to John Calder by email and physical address. Please do not submit questions through the Alaska Online Public Notice System. The questions must be received at least 10 days before the end of the public comment period. The Alcoholic Beverage Control Board will aggregate its response to substantially similar questions and make the questions and response available on the Alcoholic Beverage Control Board website. The Alcoholic Beverage Control Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact John Calder at (907) 754-3427 no later than June 10, 2015 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and/or through the electronic link to the complete text on the Alaska Online Public Notice System and by contacting John Calder at 550 W. 7th Ste 1600, Anchorage, AK 99501.

A copy of material proposed for adoption by reference is available on the Alaska Online Public Notice System or through the electronic link to the complete text on the Alaska Online Public Notice System.

After the public comment period ends, the Alcoholic Beverage Control Board will either adopt the proposed regulations or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.**

Statutory Authority: AS 17.38090;

Statutes Being Implemented, Interpreted, or Made Specific: AS 17.38.100; AS 17.38.110

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: May 19, 2015

Cynthia A. Franklin, Director, Alcoholic Beverage
Control Board/Marijuana Control Board