



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

MEMORANDUM

TO: CANNABIS ADVISORY COMMISSION
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: AUGUST 24, 2017
SUBJECT: SUPPLEMENTAL PACKET

The Marijuana Control Board announced Public Comment Period for draft regulations on the following this week:

Changes to Marijuana Plant Count, Testing of Marijuana and Reporting of Testing Equipment Failure

Page 3

Changes to Financial Interest in Marijuana Business, Restrictions on Advertising of Marijuana, Marijuana Products, and Marijuana Businesses

Page 9

Onsite Marijuana Consumption Endorsement to the Retail Marijuana License

Page 16

Changes on Local Government Jurisdiction Notification and Public Objection Process

Page 24

Changes on the Disposal of Marijuana Waste, Quality Control of Marijuana and Reporting Unauthorized Access to a Licensed Marijuana Facility

Page 30

Marijuana Control Board proposed regulations -- changes to marijuana plant count, testing of marijuana, and reporting of testing equipment failure

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD TO MARIJUANA PLANT COUNT, TESTING OF MARIJUANA AND REPORTING OF TESTING EQUIPMENT FAILURE

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with the testing of marijuana, marijuana plant count, and the reporting of equipment failure at a marijuana testing facility, including the following:

- (1) 3 AAC 306.405 adds new subsections to address plant counts for marijuana cultivation facilities.
- (2) 3 AAC 306.435 adds "kief" to the list of marijuana that may be combined in harvest packages.
- (3) 3 AAC 306.455 adds leaf, trim, and kief to random harvest samples for required testing.
- (4) 3 AAC 306.470 adds a new subsection requiring leaf, trim and other non-flower part of the marijuana plant to be independently tested for THC potency.
- (5) 3 AAC 306.555(d)(1) is proposed to be repealed.
- (6) 3 AAC 306.645 is proposed to add requirements for potency testing.
- (7) 3 AAC 306.670 is proposed to change reporting requirements for marijuana testing facilities.
- (8) 3 AAC 306.990 is proposed to amend definitions of marijuana plant maturity.

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 the Alcohol & Marijuana Control Office at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501. Additionally, the Marijuana Control Board will accept comments by electronic mail at amco.regs@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 not later than 4:30 pm on September 22, 2017.**

You may submit written questions relevant to the proposed action to the Marijuana Control Board by email at amco.regs@alaska.gov or at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501. The questions must be received at least 10 days before the end of the public comment period. The Marijuana Control Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jedediah Smith at amco.regs@alaska.gov or (907) 269-0350 not later than September 12, 2017 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting the Alcohol & Marijuana Control Office at (907) 269-0350 or amco.regs@alaska.gov.

After the public comment period ends, the Marijuana Control Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 17.38.010; AS 17.38.070; AS 17.38.121; AS 17.38.150; AS 17.38.190; AS 17.38.200; AS 17.38.900

Statutes being implemented, interpreted, or made specific: AS 17.38.070; AS 17.38.200

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

Date: August 14, 2017

Erika McConnell, director

[Leave a Comment](#)

▼ **Attachments, History, Details**

Attachments

- [MCB Additional Public Notice LEAF AND KIEF.pdf](#)
- [MCB Public Notice LEAF AND KIEF.pdf](#)
- [MCB Regulation DRAFT LANGUAGE \(leaf and kief\).pdf](#)

Revision History

Created 8/15/2017 12:41:19 PM by jrsmith

Details

Department:	Commerce, Community and Economic Development
Category:	Regulations
Sub-Category:	Notice of Proposed Regulations
Location(s):	Statewide
Project/Regulation #:	JU2017200536
Publish Date:	8/15/2017
Archive Date:	9/23/2017
Events/Deadlines:	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

3 AAC 306.405(a) is amended by adding a new subsection to read:

(8) begin initial operations at the time of preliminary inspection with up to 12 mature, non-flowering plants, designated and used as mother plants; any number of immature plants; and any number of seeds. (Eff. 2/21/2016, Register 217; am __ / __ / __)

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) is amended by adding a new subsection to read:

(6) introduce marijuana or marijuana product, including plants and seeds, onto the licensed premises from any outside source after the initial preliminary inspection, except as acquired from another licensed cultivation facility and accounted for in the marijuana cultivation facility's marijuana inventory tracking system as required under 3 AAC 306.730. (Eff. 2/21/2016, Register 217; am__ / _ / ____)

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 306.435 is amended to read:

(a) A marijuana cultivation facility shall use a marijuana inventory tracking system in compliance with 3 AAC 306.730 to ensure all marijuana propagated, grown or cultivated on the marijuana cultivation facility's premises is identified and tracked from the time the marijuana is

26

27

propagated through transfer to another licensed marijuana establishment or destruction. The

28

marijuana cultivation facility shall assign a tracking number to each plant over eight inches tall.

29

When harvested, bud and flowers, **kief**, clones or cuttings, or leaves and trim may be combined

30

in harvest batches of distinct strains, not exceeding five pounds. Each harvest batch must be

31

given an inventory tracking number. Clones or cuttings must be limited to 50 or fewer plants and

32

identified by a batch tracking number. (Eff. 2/21/2016, Register 217; am __/__/____)

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

33

34

35 3 AAC 306.455 (b) (1) is amended to read:

36

37

(1) collect a random, homogenous sample for testing by segregating harvest marijuana

38

into batches of individual strains of bud, flower, **leaf, trim, and kief**, then selecting a

39

random sample from each batch in an amount required by the marijuana testing facility. (Eff.

40

2/21/2016, Register 217; am __/__/____)

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

41

42

43 3 AAC 306.470 (a) is amended to add a new subsection and renumber subsequent sections:

44

45

(a) a marijuana cultivation facility that repackages for sale leaf, trim, or any other usable

46

part of the marijuana plant that is not flower or bud must have the product independently tested

47

for THC potency in accordance with 3 AAC 306.345. (Eff. 2/21/2016, Register 217; am

48

__/__/____)

49
50

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

51
52
53

3 AAC 306.555(d)(1) is repealed:

(1) repealed_ / _ / ____;

54
55
56
57
58
59

(Eff. 2/21/2016, Register 217; am ___/___/____)

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

60
61

3 AAC 306.645 (b)(1) is amended by adding a new subparagraph:

(D) Marijuana leaf, trim, kief and other parts of the marijuana plant

62
63
64
65
66
67

must be tested for potency separately from marijuana flower. (Eff. 2/21/2016, Register 217; am ___/___/____)

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

68
69

3 AAC 306.670 is amended to add a new subsection to read:

(d) A marijuana testing facility shall notify the director in writing not later than 24

hours after a significant equipment malfunction or failure that prevents the completion of

required marijuana or marijuana product testing. The licensee shall notify the director of

any action the licensee intends to take to provide for re-testing or destruction of the

marijuana or marijuana product. (Eff. 2/21/2016, Register 217; am ___/___/____)

77
78

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

79
80
81

3 AAC 306.990(a) is amended to read:

82
83
84
85

(5) "immature" means a marijuana plant **18 inches or less in height**, with no

86

visible crystals, buds, or flowers, and in which the exposure to light is scheduled with the intent

87

to prevent formation of crystals, buds, or flowers; (Eff. 2/21/2016, Register 217; am __/__/____)

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

88
89

3 AAC 306.990(a) is amended by adding a new subsection (11)

90
91
92

(11) "mature" means a marijuana plant over 18 inches in height. (Eff. 2/21/2016,

93

Register 217; am __ /_ /____)

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

94

Marijuana Control Board proposed regulations -- changes to financial interest in marijuana business and restrictions on advertising

NOTICE OF PROPOSED CHANGES ON FINANCIAL INTEREST IN MARIJUANA BUSINESSES AND RESTRICTIONS ON ADVERTISING OF MARIJUANA, MARIJUANA PRODUCTS AND MARIJUANA BUSINESSES IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with direct and indirect financial interest in marijuana businesses, and restrictions on advertising of marijuana, marijuana products and marijuana businesses, including the following:

- (1) 3 AAC 306.015(e), related to direct or indirect financial interest in a marijuana business
- (2) 3 AAC 306.360 would be repealed.
- (3) 3 AAC 306.700 would add a new subsection regarding restrictions on advertising of marijuana and marijuana products.
- (4) 3 AAC 306.700 would add a new subsection regarding restrictions on advertising of marijuana businesses.

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 the Alcohol & Marijuana Control Office at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501. Additionally, the Marijuana Control Board will accept comments by electronic mail at amco.regs@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 not later than 4:30 pm on September 29, 2017.**

You may submit written questions relevant to the proposed action to the Marijuana Control Board by email at amco.regs@alaska.gov or at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501. The questions must be received at least 10 days before the end of the public comment period. The Marijuana Control Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jedediah Smith at amco.regs@alaska.gov or (907) 269-0350 not later than September 19, 2017 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting the Alcohol & Marijuana Control Office at (907) 269-0350 or amco.regs@alaska.gov.

After the public comment period ends, the Marijuana Control Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 17.38.010; AS 17.38.070; AS 17.38.121; AS 17.38.150; AS 17.38.190; AS 17.38.200; AS 17.38.900

Statutes being implemented, interpreted, or made specific: AS 17.38.070; AS 17.38.190; AS 17.38.900.

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

Date: August 10, 2017

Erika McConnell, director

[Leave a Comment](#)

▼ **Attachments, History, Details**

Attachments

[DRAFT REGULATION ADVERTISING & PROMOTIONS.pdf](#)

[MCB Additional Public NoticeADVERTISING.pdf](#)

[MCB Public Notice advertising.pdf](#)

Revision History

Created 8/14/2017 3:26:57 PM by jrsmith

Details

Department:	Commerce, Community and Economic Development
Category:	Regulations
Sub-Category:	Notice of Proposed Regulations
Location(s):	Statewide
Project/Regulation #:	JU2017200533
Publish Date:	8/14/2017
Archive Date:	9/30/2017
Events/Deadlines:	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

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

3 AAC 306.015(e)(1) is amended to read:

(e) In this section,

(1) "direct or indirect financial interest" means

(A) a legal or equitable interest in the operation of a business licensed

under this chapter;

(B)) does not include a person's right to receive

(i) rental charges on a graduated [OR PERCENTAGE] lease-rent

agreement for real estate leased to a licensee; or

(ii) consulting fee from a licensee for services that are allowed

under this chapter;

(Eff. 2/21/2016, Register 217, am___/___/____, Register____)

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200

25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59

3 AAC 306.360 is repealed:

3 AAC 306.360. Restriction on advertising of marijuana and marijuana products

Repealed. (Eff. 2/21/2016, Register 217; repealed__/_/____, Register____)

3 AAC 306 is amended by adding a new subsection in Article 7 to read:

3 AAC 306.7xx. Restriction on advertising of marijuana and marijuana products

(a) An advertisement for marijuana or a marijuana product must include the business

name and license number.

(b) An advertisement for marijuana or a marijuana product may not contain a statement

or illustration that

(1) is false or misleading;

(2) promotes excessive consumption;

(3) represents that the use of marijuana has curative or therapeutic effects;

(4) depicts a person under 21 years of age consuming marijuana; or

(5) includes any object or character, including a toy, a cartoon character, or any

other depiction that appeals to a person under 21 years of age.

(c) A licensed marijuana business may not place an advertisement for marijuana or a

marijuana product;

(1) within 1,000 feet of the perimeter of any child-centered facility, including a

school, a child care facility or other facility providing services to children, a playground or

recreation center, a public park, a library, or a game arcade that is open to persons under 21 years

of age;

60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92

- (2) on or in a public transit vehicle or public transit shelter;
 - (3) on or in a publicly owned or operated property;
 - (4) within 1,000 feet of a substance abuse or treatment facility; or
 - (5) on a campus for postsecondary education.
- (d) A licensed marijuana business may not encourage the sale of marijuana or marijuana products
- (1) by using giveaway coupons as promotional materials;
 - (2) by conducting games or competitions; or
 - (3) by tying give-away items to the purchase of marijuana or marijuana products.
- (e) All advertising for marijuana or any marijuana product must contain each of the following warnings, which must be plainly visible and at least half the font size of an advertisement on a sign, and no smaller than size 9 font when the advertisement is in printed form. Audio advertisements warnings must be understandable and played at the same speed as the advertisement.
- (1) “Marijuana has intoxicating effect and may be habit forming and addictive”;
 - (2) “Marijuana impairs concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence.”;
 - (3) “There are health risks associated with consumption of marijuana.”;
 - (4) “For use only by adults twenty-one and older. Keep out of the reach of children.”;
 - (5) “Marijuana should not be used by women who are pregnant or breast feeding.”

93

3 AAC 306 is amended by adding a new subsection in Article 7 to read:

94

95

3 AAC 306.7xx. Restriction on advertising of a marijuana business

96

97

(a) A licensed marijuana business may have not more than three signs, visible to the

98

general public from the public right-of-way. A sign may only be placed in the marijuana

99

business' window or attached to the outside of the licensed premises. The size of each sign may

100

not exceed 4,800 square inches.

101

(b) A licensed marijuana business may place advertisements that include its name, logo,

102

business type, contact information, location, and hours of operation.

103

(c) A licensed marijuana business may not place a business advertisement, except as

104

provided in (a) of this section,

105

(1) within 1,000 feet of the perimeter of any child-centered facility, including a

106

school, a child care facility or other facility providing services to children, a playground or

107

recreation center, a public park, a library, or a game arcade that is open to persons under 21 years

108

of age;

109

(2) on or in a public transit vehicle or public transit shelter;

110

(3) on or in a publicly owned or operated property;

111

(4) within 1,000 feet of a substance abuse or treatment facility; or

112

(5) on a campus for postsecondary education.

113

114

115

116

(Eff. __ / __ / ____ . Register _____)

117

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200

118

AS 17.38.070 AS 17.38.190 AS 17.38.900

AS 17.38.121

119

Marijuana Control Board proposed regulations – – marijuana retail store onsite consumption endorsement

NOTICE OF PROPOSED CHANGES TO THE REGULATIONS OF THE MARIJUANA CONTROL BOARD REGARDING THE ADDITION OF AN ONSITE MARIJUANA CONSUMPTION ENDORSMENT TO THE RETAIL MARIJUANA LICENSE

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with onsite marijuana consumption endorsements for retail marijuana establishments, including the following:

- (1) 3 AAC 306.370 proposes to allow retail marijuana licensees to apply for an onsite consumption endorsement if certain conditions are met.
- (2) 3 AAC 306.990 proposes to define “marijuana consumption area” and “retail marijuana store premises.”

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 the Alcohol & Marijuana Control Office at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501. Additionally, the Marijuana Control Board will accept comments by electronic mail at amco.regs@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 not later than 4:30 pm on October 27, 2017.**

You may submit written questions relevant to the proposed action to the Marijuana Control Board by email at amco.regs@alaska.gov or at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501. The questions must be received at least 10 days before the end of the public comment period. The Alcohol & Marijuana Control Office will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jedediah Smith at amco.regs@alaska.gov or (907) 269-0350 not later than October 16, 2017 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting the Alcohol & Marijuana Control Office at (907) 269-0350 or amco.regs@alaska.gov.

After the public comment period ends, the Marijuana Control Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 17.38.010; AS 17.38.070; AS 17.38.121; AS 17.38.150; AS 17.38.190; AS 17.38.200; AS 17.38.900

Statutes being implemented, interpreted, or made specific: AS 17.38.070 AS 17.38.200 AS 17.38.210

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

Date: August 21, 2017

Erika McConnell, director

[Leave a Comment](#)

Attachments

- [MCB Additional Public Notice \(onsite consumption\).pdf](#)
- [MCB Public Notice \(onsite consumption\).pdf](#)
- [Onsite Draft for public comment 2017-08-21.pdf](#)

Revision History

Created 8/21/2017 2:56:37 PM by jrsmith
Modified 8/21/2017 4:15:09 PM by jrsmith
Modified 8/21/2017 4:21:41 PM by jrsmith

Details

Department: Commerce, Community and Economic Development
Category: Regulations
Sub-Category: Notice of Proposed Regulations
Location(s): Statewide
Project/Regulation #: JU2017200548

Publish Date: 8/21/2017
Archive Date: 10/28/2017

Events/Deadlines:

1 3 AAC 306 is amended by adding a new section to read:

2
3 **3 AAC 306.370. Onsite consumption endorsement for retail marijuana stores.**

4
5 (a) A licensed retail marijuana store with an approved onsite consumption endorsement is
6 authorized to

7 (1) sell marijuana and marijuana product, excluding marijuana concentrates, to
8 patrons for consumption on the licensed premises only in an area designated as the marijuana
9 consumption area and separated from the remainder of the premises, either by being in a separate
10 building or by a secure door and having a separate ventilation system;

11 (2) sell for consumption on the premises

12 (A) marijuana bud or flower in quantities not to exceed one gram to any
13 one person in a single transaction, unless prohibited by local ordinance or state law;

14 (B) edible marijuana products in quantities not to exceed 10 mg of THC to
15 any one person in a single transaction; and

16 (C) food or beverages not containing marijuana or alcohol; and

17 (3) allow a person to remove from the licensed premises marijuana or marijuana
18 product that has been purchased on the licensed premises for consumption under this section,
19 provided it is packaged in accordance with 3 AAC 306.345.

20 (b) A licensed retail marijuana store with an approved onsite consumption endorsement
21 may not

22 (1) sell marijuana concentrate for consumption in the marijuana consumption
23 area;

24 (2) allow any licensee, employee, or agent of a licensee to consume marijuana or
25 marijuana product, including marijuana concentrate, during the course of a work shift;
26
27
28
29

- 30 (3) allow a person to consume tobacco or tobacco products in the marijuana
31 consumption area;
- 32 (4) allow intoxicated or drunken persons to enter or to remain in the marijuana
33 consumption area;
- 34 (5) sell, give, or barter marijuana or marijuana product to an intoxicated or
35 drunken person;
- 36 (6) allow a person to bring into or consume in the marijuana consumption area
37 any marijuana or marijuana product that was not purchased at the licensed retail marijuana store;
- 38 (7) deliver marijuana or marijuana product to a person already known to be in
39 possession of marijuana or marijuana product that was purchased for consumption on the
40 premises;
- 41 (8) sell, offer to sell, or deliver marijuana or marijuana product at a price less than
42 the price regularly charged for the marijuana or marijuana product during the same calendar
43 week;
- 44 (9) sell, offer to sell, or deliver an unlimited amount of marijuana or marijuana
45 product during a set period of time for a fixed price;
- 46 (10) sell, offer to sell, or deliver marijuana or marijuana product on any one day at
47 prices less than those charged the general public on that day;
- 48 (11) encourage or permit an organized game or contest on the licensed premises
49 that involves consuming marijuana or marijuana product or the awarding of marijuana or
50 marijuana product as prizes; or
- 51 (12) advertise or promote in any way, either on or off the premises, a practice
52 prohibited under this section.

53 (c) An applicant for an onsite consumption endorsement must file an application on a
54 form the board prescribes, including the documents and endorsement fee set out in this section,
55 which must include

56 (1) the applicant's operating plan, in a format the board prescribes, describing the
57 retail marijuana store's plan for

58 (A) security, in addition to what is required for a retail marijuana store,
59 including:

60 (i) doors and locks;

61 (ii) windows;

62 (iii) measures to prevent diversion; and

63 (iv) measures to prohibit access to persons under the age of 21;

64 (B) ventilation. If consumption by inhalation is to be permitted, ventilation
65 plans must be

66 (i) signed and approved by a licensed mechanical engineer;

67 (ii) sufficient to remove visible smoke; and

68 (iii) consistent with all applicable building codes and ordinances;

69 (C) isolation of the marijuana consumption area from other areas of the

70 retail marijuana store. The marijuana consumption area must

71 (i) include a smoke-free area for employees monitoring the

72 marijuana consumption area; and

73 (ii) be entirely outdoors in a designated smoking area or separated

74 from other retail areas by a wall with a secure door;

86 (D) unconsumed marijuana, by disposal or by packaging in accordance
87 with 3 AAC 306.345; and

88 (E) preventing introduction into the marijuana consumption area of
89 marijuana or marijuana products not sold by the retail marijuana store; and

90 (2) a detailed premises diagram showing the location of

91

92 (A) serving area or areas;

93

94 (B) ventilation exhaust points, if applicable;

95

96 (C) doors, windows, or other exits;

97

98 (D) access control points; and

99

100 (E) adequate separation from non-consumption areas of the retail

101 marijuana store and consistent with 3 AAC 306.370(a)(1).

102 (d) An application for a new onsite consumption endorsement must meet the
103 requirements of 3 AAC 306.025(b) and include in that notice the license number of the retail
104 marijuana store requesting the endorsement.

105 (e) The non-refundable fee for a new or renewal onsite consumption endorsement is
106 \$1,000.
107

108

109 (f) The retail marijuana store holding an onsite consumption endorsement under this
110 chapter shall

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

113 (2) maintain a ventilation system that directs air from the marijuana consumption
114 area to the outside of the building through a filtration system adequate to reduce odor;

115 (3) include in the security plan how the licensee intends to restrict access to the
116 marijuana consumption area to persons under the age of 21;

117 (4) monitor patrons for overconsumption;

118
119 (5) display all warning signs required under 3 AAC 360.360 within the marijuana
120 consumption area, visible to all consumers;

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

124 (7) label all marijuana or marijuana product sold for consumption on the premises
125 as required in 3 AAC 306.345.

126 (g) The right of local governments to protest the issuance or renewal of individual retail
127 marijuana store onsite consumption endorsements is separate from the right to protest the
128 issuance of a retail marijuana store license. Not later than 60 days after the director sends notice
129 of an application for a new or renewal onsite consumption endorsement, a local government may
130 protest the application by sending the director and the applicant a written protest and the reasons
131 for the protest. The director may not accept a protest received after the 60-day period. If a local
132 government protests an application for a new or renewal onsite consumption endorsement, the
133 board will deny the application unless the board finds that the protest is arbitrary, capricious and
134 unreasonable.

135 (h) A local government may recommend that the board approve an application for a new
136 or renewal onsite consumption endorsement with conditions. The board will impose a condition
137 recommended by a local government unless the board finds the recommended condition to be
138 arbitrary, capricious and unreasonable. If the board imposes a condition recommended by a local

139 government, the local government will assume responsibility for monitoring compliance with the
140 condition unless the board provides otherwise.

141 (i) The holder of an onsite consumption endorsement must apply for renewal annually at
142 the time of renewal of the underlying retail marijuana store license.

143
144

145 **3 AAC 306.990 (b)** is amended to add the following subsections:

146 (27) “marijuana consumption area” means a designated area within the licensed
147 premises of a retail marijuana store that holds a valid onsite consumption endorsement, where
148 marijuana and marijuana products, excluding marijuana concentrates, may be consumed.

149 (28) “retail marijuana store premises” means an area encompassing both the retail
150 marijuana store and any marijuana consumption area.
151

Marijuana Control Board proposed regulations -- changes to local government jurisdiction and timing of public objections

NOTICE OF PROPOSED CHANGES ON LOCAL GOVERNMENT JURISDICTION NOTIFICATION AND PUBLIC OBJECTION PROCESS

IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with the notification for local government jurisdiction over marijuana licenses and the public objection process for new, renewal or transfers of marijuana licenses, including the following:

- (1) 3 AAC 306.025, 3 AAC 306.035, 3 AAC 306.045, and 3 AAC 306.060 is proposed to be changed to require notice from marijuana applicants to all applicable local government jurisdictions.
- (2) 3 AAC 306.065 is proposed to extend the period for public objections.
- (3) 3 AAC 306.075(a)(2) is proposed to be repealed.

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 the Alcohol & Marijuana Control Office at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501. Additionally, the Marijuana Control Board will accept comments by electronic mail at amco.regs@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 not later than 4:30 pm on September 5, 2017.**

You may submit written questions relevant to the proposed action to the Marijuana Control Board by email at amco.regs@alaska.gov or at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501. The questions must be received at least 10 days before the end of the public comment period. The Marijuana Control Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jedediah Smith at amco.regs@alaska.gov or (907) 269-0350 not later than August 25, 2017 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting the Alcohol & Marijuana Control Office at (907) 269-0350 or amco.regs@alaska.gov.

After the public comment period ends, the Marijuana Control Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 17.38.010; AS 17.38.070; AS 17.38.121; AS 17.38.150; AS 17.38.190; AS 17.38.200; AS 17.38.900

Statutes being implemented, interpreted, or made specific: AS 17.38.070 AS 17.38.200 AS 17.38.210

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

Date: July 21, 2017

Erika McConnell, director

[Leave a Comment](#)

▼ **Attachments, History, Details**

Attachments

- [MCB Additional Regs Notice.pdf](#)
- [MCB Public Notice \(local govt jurisdiction and public objection\).pdf](#)
- [MCB Regulations draft local government jurisdiction and public objection.pdf](#)
- [MCB supplemental Public Notice \(local govt jurisdiction and public objection\).pdf](#)

Revision History

Created 7/21/2017 6:38:13 PM by jrsmith
 Modified 8/8/2017 8:20:06 AM by jrsmith
 Modified 8/9/2017 9:21:28 AM by jrsmith
 Modified 8/9/2017 2:08:15 PM by jrsmith

Details

Department: Commerce, Community and Economic Development
 Category: Regulations
 Sub-Category: Notice of Proposed Regulations
 Location(s): Statewide
 Project/Regulation #: JU2017200477

Publish Date: 7/21/2017
 Archive Date: 9/6/2017

Events/Deadlines:

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

Local Government Jurisdiction

3 AAC 306.025 (b)(3)(A) is amended to read:

(A) **each local government with jurisdiction over the licensed premises**

[THE LOCAL GOVERNMENT];

3 AAC 306.025 (d)(2) is amended to read:

(2) **each local government** [THE LOCAL GOVERNMENT] with jurisdiction over the applicant's proposed licensed premises.

3 AAC 306.035 (c)(2) is amended to read:

(2) **each local government with jurisdiction over the applicant's proposed licensed premises** [IN THE AREA IN WHICH THE APPLICANT'S PROPOSED LICENSED PREMISES ARE LOCATED].

3 AAC.045 (c)(2) is amended to read:

(2) **each local government with jurisdiction over the applicant's proposed licensed premises** [IN THE AREA IN WHICH THE LICENSED PREMISES ARE LOCATED];

3 AAC 306.060 is amended by adding a new subsection to read:

(d) For the purpose of this section, "local government" means each government with jurisdiction over the licensed premises.

36

37 **Public Objection:**

38

39 3 AAC 306.065 is amended to read:

40

41 A person may object to an application for a new license, renewal of a license, or transfer of a

42 license to another person by submitting a written statement of reasons for the objection to the

43 board and the applicant **not later than 30 days after the director has determined the**

44 **application is complete and has given written notice to the local government according to 3**

45

46 **AAC 306.025.** [NOT LATER THAN 30 DAYS AFTER NOTICE OF THE APPLICATION,

47

48 BUT NOT LATER THAN THE DEADLINE FOR OBJECTIONS STATED IN A POSTED

49

50 OR PUBLISHED NOTICE OF THE APPLICATION]. The objection must be sent to the

51 applicant at the mailing address or electronic mail address provided in the notice of application

52 **and also to the Alcohol and Marijuana Control Office.** If the board determines to conduct a

53 public hearing under this section, an interested person may give oral testimony at the public

54 hearing.

55

56

57

58 3 AAC 306.075 (a) (2) is repealed:

59

60 (2) Repealed__ / _ / _____.

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES ON LOCAL GOVERNMENT
JURISDICTION NOTIFICATION AND PUBLIC OBJECTION PROCESS
IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with the notification for local government jurisdiction over marijuana licenses and the public objection process for new, renewal or transfers of marijuana licenses, including the following:

- (1) 3 AAC 306.025, 3 AAC 306.035, 3 AAC 306.045, and 3 AAC 306.060 is proposed to be changed to require notice from marijuana applicants to all applicable local government jurisdictions.
- (2) 3 AAC 306.065 is proposed to extend the period for public objections.
- (3) 3 AAC 306.075(a)(2) is proposed to be repealed.

This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PROPOSED CHANGES that was issued on July 21, 2017, concerning these proposed regulation revisions contained in the Department of Law file number JU2017200477. This SUPPLEMENTAL NOTICE is being issued to include the statutes being implemented, interpreted or made specific.

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 the Alcohol & Marijuana Control Office at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501. Additionally, the Marijuana Control Board will accept comments by electronic mail at amco.regs@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 not later than 4:30 pm on September 5, 2017.

You may submit written questions relevant to the proposed action to the Marijuana Control Board by email at amco.regs@alaska.gov or at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501. The questions must be received at least 10 days before the end of the public comment period. The Marijuana Control Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jedediah Smith at amco.regs@alaska.gov or (907) 269-0350 not later than August 25, 2017 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting the Alcohol & Marijuana Control Office at (907) 269-0350 or amco.regs@alaska.gov.

After the public comment period ends, the Marijuana Control Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 17.38.010; AS 17.38.070; AS 17.38.121; AS 17.38.150; AS 17.38.190; AS 17.38.200; AS 17.38.900

Statutes being implemented, interpreted, or made specific: AS 17.38.070 AS 17.38.200 AS 17.38.210

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

Date: August 9, 2017

A handwritten signature in cursive script that reads "Erika McConnell".

Erika McConnell, director

Marijuana Control Board proposed regulations-- changes to disposal of marijuana waste, quality control of marijuana, and reporting unauthorized access to a licensed marijuana facility.

NOTICE OF PROPOSED CHANGES ON THE DISPOSAL OF MARIJUANA WASTE, QUALITY CONTROL OF MARIJUANA, AND REPORTING UNAUTHORIZED ACCESS TO A LICENSED MARIJUANA FACILITY IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with disposal of marijuana waste, quality control samples of marijuana, and reporting of unauthorized access to a licensed marijuana establishment, including the following:

- (1) 3 AAC 306.460 and 3 AAC 306.557 are proposed new subsections allowing marijuana licensees to give small amounts of marijuana to employees for the purpose of quality control testing.
- (2) 3 AAC 306.660, and 3 AAC 306.740 are proposed changes to the notification requirements for disposal of waste of marijuana or marijuana products.
- (3) 3 AAC 306.715 is proposed to require a marijuana establishment to notify the Marijuana Control Board of unauthorized access to the licensed premises.

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 the Alcohol & Marijuana Control Office at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501. Additionally, the Marijuana Control Board will accept comments by electronic mail at amco.regs@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 not later than 4:30 pm on September 29, 2017.**

You may submit written questions relevant to the proposed action to the Marijuana Control Board by email at amco.regs@alaska.gov or at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501. The questions must be received at least 10 days before the end of the public comment period. The Marijuana Control Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jediah Smith at amco.regs@alaska.gov or (907) 269-0350 not later than September 22, 2017 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting the Alcohol & Marijuana Control Office at (907) 269-0350 or amco.regs@alaska.gov.

After the public comment period ends, the Marijuana Control Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 17.38.010; AS 17.38.070; AS 17.38.121; AS 17.38.150; AS 17.38.190; AS 17.38.200; AS 17.38.900

Statutes being implemented, interpreted, or made specific: AS 17.38.070 AS 17.38.200 AS 17.38.210

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

Date: August 16, 2017

[Leave a Comment](#)

▼ **Attachments, History, Details**

Attachments

[MCB Additional Public Notice \(Waste Disposal, quality control\).pdf](#)

[MCB Draft Language \(Waste Disposal, Quality Control\) .pdf](#)

[MCB Public Notice \(quality control\).pdf](#)

Revision History

Created 8/17/2017 4:23:52 PM by jrsmith

Modified 8/17/2017 4:24:45 PM by jrsmith

Modified 8/23/2017 3:26:42 PM by jrsmith

Details

Department: Commerce, Community and Economic Development

Category: Regulations

Sub-Category: Notice of Proposed Regulations

Location(s): Statewide

Project/Regulation #: JU2017200542

Publish Date: 8/17/2017

Archive Date: 9/30/2017

Events/Deadlines:

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

3 AAC 306.460 is amended by adding a new subsection to read:

(d) A licensed marijuana cultivation facility may provide a sample of marijuana to an employee of the facility, that is in possession of a valid marijuana handler card for the purpose of quality control only if:

(1) samples provided to employees for quality control does not exceed a cumulative total of one ounce per 30-day period;

(2) each sample is registered and tracked using the marijuana inventory tracking system in accordance with 3 AAC 306.730;

(3) consumption of marijuana does not occur on the licensed premises;

(4) no sample is resold to another licensee or consumer;

(5) each employee who receives a marijuana sample for the purpose of quality control completes a quality control form prescribed by the board for each sample; and

(6) the licensee maintains copies of completed forms required under (5) of this subsection in accordance with 3 AAC 306.755.

(7) marijuana that leaves the licensed premises must be packaged in opaque, resealable, child-resistant packaging and clearly marked or labeled “For Quality Control” and the packaging must be designed or constructed to be significantly difficult for children under five years of age to open, but not normally difficult for adults to use properly. (Eff. __/__/____.

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

3 AAC 306 is amended by adding a new section to read:

3 AAC 306.557. **Quality Control sampling.** (a) A licensed marijuana product manufacturing facility may provide a sample of marijuana concentrate or other marijuana product to an employee of the facility, that is in possession of a valid marijuana handler card for the purpose of quality control only if:

(1) Samples provided to employees for quality control do not exceed a cumulative total set out in 3 AAC 306.355 in a 30-day period:

(2) each sample is registered and tracked using the marijuana inventory tracking system in accordance with 3 AAC 306.730;

(3) consumption of marijuana does not occur on the licensed premises;

(4) no sample is resold to another licensee or consumer;

(5) each employee who receives a marijuana sample for the purpose of quality control completes a quality control form prescribed by the board for each sample; and

(6) the marijuana cultivation facility licensee maintains copies of completed forms required under (5) of this subsection in accordance with 3 AAC 306.755.

(7) marijuana that leaves the licensed premises must be packaged in opaque, resealable, child-resistant packaging and clearly marked or labeled “For Quality Control” and the packaging must be designed or constructed to be significantly difficult for children under five years of age to open, but not normally difficult for adults to use properly. (Eff. __/__/____.

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

3 AAC 306.660. Failed materials; retests (a) If a sample tested by a marijuana testing facility does not pass the required tests based on the standards set out in 3 AAC 306.645, the marijuana establishment that provided the sample shall

(1) dispose of the entire harvest batch or production lot from which the sample was taken; and

(2) document the disposal of the sample using the marijuana establishment's marijuana inventory tracking system; **and**

(3) notify the director in writing within 24 hours if the amount destroyed totals more than one ounce.

(b) If a sample of marijuana fails a required test, any marijuana plant trim, leaf, and other usable material from the same plants automatically fail the required test. The **director** [BOARD] may approve a **written** request, **on a form prescribed by the board,** to allow a batch of marijuana that fails a required test to be used to make a carbon dioxide- or solvent-based extract. After processing, the carbon dioxide- or solvent-based extract must pass all required tests.

(c) If a marijuana cultivation facility or a marijuana product manufacturing facility **submits a written request on a form prescribed by the board** [PETITIONS] for a retest of marijuana or a marijuana product that failed a required test, the **director** [BOARD] may authorize a retest to validate the test results. The marijuana cultivation facility or a marijuana product manufacturing facility shall pay all costs of a retest.

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 306.715 is amended by adding a new subsection to read:

(e) A marijuana establishment will notify the Alcohol and Marijuana Control Office as soon as reasonably practical and in no case more than 24 hours after any unauthorized access to the premises or the establishment's knowledge of evidence or circumstances that reasonably indicate theft, diversion or unexplained disappearance of marijuana, marijuana products, or money from the licensed premises. (Eff 2/21/2016, Register 217; am __/__/____, Register____)

3 AAC 306.740 Waste Disposal is amended to read:

(a) A marijuana establishment shall store, manage, and dispose of any solid or liquid waste, including wastewater generated during marijuana cultivation production, processing, testing, or retail sales, in compliance with applicable federal, state, and local statutes, ordinances, regulations, and other law

(b) Marijuana waste must be rendered unusable for any purpose for which it was grown or produced before it leaves a marijuana establishment. Marijuana waste includes

(1) marijuana plant waste, including, [ROOTS] stalks, leaves, and stems that have not been processed with solvent;

(2) solid marijuana sample plant waste in the possession of a marijuana testing facility;

(3) marijuana or marijuana product that has been deemed by the licensee unfit for sale or consumption;

(4) expired marijuana products; and

(5) other waste as determined by the board.

(c) A marijuana establishment shall

(1) in the marijuana inventory tracking system required under 3 AAC 306.730, give the board notice not later than three days before making the waste unusable and disposing of it; however, the director may authorize immediate disposal on an emergency basis; and

(2) keep a record **through the inventory tracking system** of the final destination of marijuana waste made unusable; **and**

(3) immediately notify the board in writing if requesting disposal of

(A) more than 1 gram of marijuana concentrate; or

(B) more than one ounce of marijuana or marijuana product.

(d) Marijuana plant waste must be made unusable by grinding the marijuana plant waste and mixing it with at least an equal amount of other compostable or non-compostable materials. A marijuana establishment may use another method to make marijuana waste unusable if the board approves the method in advance. Material that may be mixed with the marijuana waste includes

(1) compostable materials including food waste, yard waste, vegetable based grease or oils, or other wastes approved by the board when the mixed material can be used as compost feedstock or in another organic waste method such as an anaerobic digester with approval of any applicable local government entity; or

(2) non-compostable materials including paper waste, cardboard waste, plastic waste, oil, or other wastes approved by the board when the mixed material may be delivered to a permitted solid waste facility, incinerator, or other facility with approval of any applicable local government entity.

(e) If marijuana or a marijuana product is found by, or surrendered to, a law enforcement officer including a peace officer or an airport security officer, the officer may dispose of the marijuana or marijuana product as provided in this section or by any method that is allowed under any applicable local ordinance. (Eff. 2/21/2016. Register 217, 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

NOTICE OF PROPOSED CHANGES ON THE DISPOSAL OF MARIJUANA WASTE,
QUALITY CONTROL OF MARIJUANA, AND REPORTING UNAUTHORIZED ACCESS
TO A LICENSED MARIJUANA FACILITY IN THE REGULATIONS OF THE MARIJUANA
CONTROL BOARD

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with disposal of marijuana waste, quality control samples of marijuana, and reporting of unauthorized access to a licensed marijuana establishment, including the following:

- (1) 3 AAC 306.460 and 3 AAC 306.557 are proposed new subsections allowing marijuana licensees to give small amounts of marijuana to employees for the purpose of quality control testing.
- (2) 3 AAC 306.660, and 3 AAC 306.740 are proposed changes to the notification requirements for disposal of waste of marijuana or marijuana products.
- (3) 3 AAC 306.715 is proposed to require a marijuana establishment to notify the Marijuana Control Board of unauthorized access to the licensed premises.

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 the Alcohol & Marijuana Control Office at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501. Additionally, the Marijuana Control Board will accept comments by electronic mail at amco.regs@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 not later than 4:30 pm on September 29, 2017.

You may submit written questions relevant to the proposed action to the Marijuana Control Board by email at amco.regs@alaska.gov or at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501. The questions must be received at least 10 days before the end of the public comment period. The Marijuana Control Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jedediah Smith at amco.regs@alaska.gov or (907) 269-0350 not later than September 22, 2017 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting the Alcohol & Marijuana Control Office at (907) 269-0350 or amco.regs@alaska.gov.

After the public comment period ends, the Marijuana Control Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further

notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 17.38.010; AS 17.38.070; AS 17.38.121; AS 17.38.150; AS 17.38.190; AS 17.38.200; AS 17.38.900

Statutes being implemented, interpreted, or made specific: AS 17.38.070 AS 17.38.200 AS 17.38.210

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

Date: August 16, 2017

A handwritten signature in cursive script that reads "Erika McConnell".

Erika McConnell, director

