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The Most Pressing Marijuana Licensing Questions of 2015

December 31, 2015 ANCHORAGE—After Alaskans passed the ballot measure legalizing the production, sale, and use of marijuana in November 2014, the future of marijuana-related facilities in Alaska has become clearer with each passing week. In a continued effort to help potential licensees understand the process and the regulations, the Alcohol and Marijuana Control Office published a list of the top twelve questions relating to marijuana licensing.

“The Alcohol and Marijuana Control Office is committed to providing responsive service to licensees while at the same time regulating commercial activity to protect the health and safety of Alaskans,” said Cynthia Franklin, director of the Alcohol and Marijuana Control Office. “We offer this list in an attempt to help clarify some of the most pressing questions that we’ve been hearing from potential marijuana establishment licensees.”

The list was compiled based on the questions most frequently asked about marijuana licenses; the list includes responses to questions such as:

- When will licenses be issued?
- How many licenses will the Marijuana Control Board issue?
- Can I own more than one license at a single premises?
- What can I do now, since I cannot apply for a license yet?

After a lengthy process that included multiple public comment periods resulting in numerous amendments, the Marijuana Control Board adopted the marijuana regulations package on November 20, 2015. As the Department of Law and the Lt. Governor successively review and approve the regulations, the Alcohol and Marijuana Control Office is coordinating internal processes to implement a statewide marijuana inventory tracking system and preparing to accept and process applications for marijuana-related facilities.

The Alcohol and Marijuana Control Office, along with the Division of Banking and Securities, the Division of Corporations, Business and Professional Licensing, the Division of Insurance, and the Regulatory Commission of Alaska, is an agency housed within the Alaska State Department of Commerce, Community and Economic Development tasked with protecting consumers in Alaska. For additional information about the agency, please visit commerce.alaska.gov/web/abc. For additional information about the Department of Commerce, Community and Economic Development and its other agencies, please visit commerce.alaska.gov.

ATTACHED: Top Twelve Marijuana Licensing FAQs



Top Twelve Marijuana Licensing FAQs

Q1: Can I apply for a marijuana license right now?

A1: No, for two reasons—

- 1) The regulations have been adopted by the Marijuana Control Board but applications cannot be accepted until the regulations take effect. Applicants must initiate the application process by filling out an online form that will be available by February 24, 2016. See Question 8 for additional information about the regulations timeline.
- 2) The Marijuana Control Board has not yet approved the application form; the board will do so at its meeting on February 11, 2016.

Q2: Where can I find the online application?

A2: The forms will be available on the [Alcohol and Marijuana Control Office \(AMCO\) website](#) after the board approves them and once the regulations have taken effect.

Q3: When will licenses be issued?

A3: Licenses will be issued within 90 days of receipt of a completed application, as outlined in the statute and regulations. The exact date is dependent upon several factors including the 1) type of license applied for, 2) response time from local governments, and 3) the implementation of the marijuana inventory tracking system.

- 1) Type of license and completed application – AS 17.38.100(b) calls for the board to begin accepting and processing applications one year after the effective date of the act; therefore, applications will be accepted beginning on February 24, 2016. The board will grant or deny an application for a license within 90 days after a *completed* application is received. It is possible the Marijuana Control Board will issue testing facility and cultivation facility licenses first, with retail store and product manufacturing facility licenses to follow. This sequential issuing of license types may be necessary so the latter license types can have legally grown and tracked marijuana in their inventory before opening for business.
- 2) Response time from local governments – After the director of the Alcohol and Marijuana Control Office deems an application to be complete, staff will transmit the application to the local government with jurisdiction over the proposed licensed premises. The local government has 60 days from the date of receipt of the notice of the application to file a protest to the application or waive its right to protest. If a protest is received, the Marijuana Control Board will consider the application and protest at its next meeting.
- 3) Marijuana inventory tracking system – All marijuana license types will be required to use the State of Alaska-selected marijuana inventory tracking system to assure that marijuana sold in licensed retail stores was grown, produced and tested by licensed establishments. The

board will not issue any licenses before the marijuana inventory tracking system is implemented; the anticipated date of implementation is May 23, 2016.

Q4: How many licenses will the MCB issue?

A4: The Marijuana Control Board is not limited in the number of marijuana licenses it can issue at the state level. However, AS 17.38.110(b) provides that local governments can restrict the time, place, manner and number of marijuana licenses.

Q5: Can I submit a paper application for a marijuana license?

A5: No, the regulations anticipate that the entire process will be conducted electronically, other than attachment of non-electronic documents such as payment and fingerprint cards. 3 AAC 306.020 states that the application must be initiated electronically; the completed application and fees may be filed electronically, or mailed, or delivered to the director at the office of the board.

Q6: Why do I have to initiate my application online?

A6: By regulation, applications must be submitted electronically in order for applicants to demonstrate their capability to enter and submit data/documents electronically. All marijuana licensees are required to use the statewide marijuana inventory tracking system, which is electronic and requires a stable internet connection and basic computer literacy.

Q7: Where do I get the marijuana regulations?

A7: You may download and save the [final regulations](#) as amended and adopted by the Marijuana Control Board. Because of the length of the packet, if you choose to print the regulations you may want to consider printing two pages on one sheet of paper, i.e., the “booklet” option on your print properties screen.

Q8: What happens now that the Marijuana Control Board has adopted the regulations?

A8: The Department of Law is currently reviewing the regulations and will send them to Lt. Governor Mallott once their review is complete. The regulations will take effect 30 days after the Lt. Governor signs them into law. Lt. Governor Mallott will need to sign the regulations by January 24, 2016 in order for the Alcohol and Marijuana Control Office to begin accepting online applications by February 24, 2016, as outlined in AS 17.38.100(b).

Q9: Can I own more than one license?

A9: Yes, with one exception—testing facility licenses are independent of all other license types. According to 3 AAC 306.610, a licensed marijuana testing facility may not have any licensee, employee, or agent who holds any type of marijuana establishment license other than a testing facility license.

Q10: Can I own more than one license type at the same premises?

A10: Yes, except as set out in Question 9.

Q11: The location of the premises I am considering is near a park. Is that allowed?

A11: The only location rules defined by the State of Alaska are the buffer zones set out in 3 AAC 306.010(a), which prohibit a marijuana establishment license from being issued within 500 feet of a school, recreation or youth center (defined in 3 AAC 306.900(35)), a building in which religious services are regularly conducted, or a correctional facility. Please see the regulation for instructions regarding how to measure the distance. All other zoning issues are locally established; contact your local government to inquire about zoning restrictions.

Q12: What can I do now, since I cannot apply for a license yet?

A12: Prepare to submit your application—

- 1) Read 3 AAC 306 articles 1, 7, 8, 9 and the specific article(s) that pertains to the type of license(s) you plan to apply for. When you apply for a license, you are stating that you have read and understand all of the marijuana regulations, and are prepared to follow them.
- 2) Work on your operating plan. All license types are required to submit an operating plan with their application. Requirements for the operating plan are set forth in 3 AAC 304.020(c). The format in which the operating plan will have to be submitted will be approved by the Marijuana Control Board on February 11, 2016. In the meantime, you can begin drafting your operating plan based on the information requirements outlined in the regulations.
- 3) Attend the Marijuana Control Board meeting on February 11, 2016 in Juneau. A public call-in number will be available for those unable to attend in person.