

CHAPTER 10.80.100
INCORPORATION OF STATE STATUTES AND REGULATIONS; NOTICE TO ASSEMBLY

Sec. 17.38.070. Lawful operation of marijuana-related facilities.

- (a) Notwithstanding any other provision of law, the following acts, when performed by a retail marijuana store with a current, valid registration, or a person 21 years of age or older who is acting in the person's capacity as an owner, employee, or agent of a retail marijuana store, are lawful and are not an offense under state law or a basis for seizure or forfeiture of assets under state law:
- (1) possessing, displaying, storing, or transporting marijuana or marijuana products, except that marijuana and marijuana products may not be displayed in a manner that is visible to the general public from a public right-of-way;
 - (2) delivering or transferring marijuana or marijuana products to a marijuana testing facility;
 - (3) receiving marijuana or marijuana products from a marijuana testing facility;
 - (4) purchasing marijuana from a marijuana cultivation facility;
 - (5) purchasing marijuana or marijuana products from a marijuana product manufacturing facility; and
 - (6) delivering, distributing, or selling marijuana or marijuana products to consumers.
- (b) Notwithstanding any other provision of law, the following acts, when performed by a marijuana cultivation facility with a current, valid registration, or a person 21 years of age or older who is acting in the person's capacity as an owner, employee, or agent of a marijuana cultivation facility, are lawful and are not an offense under state law or a basis for seizure or forfeiture of assets under state law:
- (1) cultivating, manufacturing, harvesting, processing, packaging, transporting, displaying, storing, or possessing marijuana;
 - (2) delivering or transferring marijuana to a marijuana testing facility;
 - (3) receiving marijuana from a marijuana testing facility;
 - (4) delivering, distributing, or selling marijuana to a marijuana cultivation facility, a marijuana product manufacturing facility, or a retail marijuana store;
 - (5) receiving or purchasing marijuana from a marijuana cultivation facility; and

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- (6) receiving marijuana seeds or immature marijuana plants from a person 21 years of age or older.
- (c) Notwithstanding any other provision of law, the following acts, when performed by a marijuana product manufacturing facility with a current, valid registration, or a person 21 years of age or older who is acting in the person's capacity as an owner, employee, or agent of a marijuana product manufacturing facility, are lawful and are not an offense under state law or a basis for seizure or forfeiture of assets under state law:
- (1) packaging, processing, transporting, manufacturing, displaying, or possessing marijuana or marijuana products;
 - (2) delivering or transferring marijuana or marijuana products to a marijuana testing facility;
 - (3) receiving marijuana or marijuana products from a marijuana testing facility;
 - (4) delivering or selling marijuana or marijuana products to a retail marijuana store or a marijuana product manufacturing facility;
 - (5) purchasing marijuana from a marijuana cultivation facility; and
 - (6) purchasing marijuana or marijuana products from a marijuana product manufacturing facility.
- (d) Notwithstanding any other provision of law, the following acts, when performed by a marijuana testing facility with a current, valid registration, or a person 21 years of age or older who is acting in the person's capacity as an owner, employee, or agent of a marijuana testing facility, are lawful and are not an offense under state law or a basis for seizure or forfeiture of assets under state law:
- (1) possessing, cultivating, processing, repackaging, storing, transporting, displaying, transferring, or delivering marijuana;
 - (2) receiving marijuana or marijuana products from a marijuana cultivation facility, a marijuana retail store, a marijuana products manufacturer, or a person 21 years of age or older; and
 - (3) returning marijuana or marijuana products to a marijuana cultivation facility, a marijuana retail store, a marijuana products manufacturer, or a person 21 years of age or older.

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- (e) Notwithstanding any other provision of law, it is lawful and is not an offense under state law or a basis for seizure or forfeiture of assets under state law to lease or otherwise allow the use of property owned, occupied, or controlled by any person, corporation, or other entity for any of the activities conducted lawfully in accordance with (a) — (d) of this section.
- (f) Nothing in this section prevents the imposition of penalties upon marijuana establishments for violating this chapter or rules adopted by the board or local governments pursuant to this chapter.
- (g) The provisions of [AS 17.30.020](#) do not apply to marijuana establishments.

Sec. 17.38.200. Marijuana establishment registrations, only subsections (g), (h), and (i).

- (g) Every marijuana establishment registration shall specify the location where the marijuana establishment will operate. A separate registration shall be required for each location at which a marijuana establishment operates.
- (h) Marijuana establishments and the books and records maintained and created by marijuana establishments are subject to inspection by the board.
- (i) A marijuana establishment may not be registered under this chapter if a person who is an owner, officer, or agent of the marijuana establishment has been convicted of a felony and either
 - (1) less than five years have elapsed from the time of the person's conviction; or
 - (2) the person is currently on probation or parole for that felony.

Sec. 17.38.900. Definitions.

As used in this chapter, unless the context otherwise requires,

- (1) “board” means the Marijuana Control Board established by [AS 17.38.080](#);
- (2) “consumer” means a person 21 years of age or older who purchases marijuana or marijuana products for personal use by persons 21 years of age or older, but not for resale to others;
- (3) “consumption” means the act of ingesting, inhaling, or otherwise introducing marijuana into the human body;

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- (4) “director” means the director of the Marijuana Control Board and the Alcoholic Beverage Control Board;
- (5) “dwelling” has the meaning given in [AS 11.81.900](#);
- (6) “established village” means an area that does not contain any part of an incorporated city or another established village and that is an unincorporated community that is in the unorganized borough and that has 25 or more permanent residents;
- (7) “local government” means both home rule and general law municipalities, including boroughs and cities of all classes and unified municipalities;
- (8) “local regulatory authority” means the office or entity designated to process marijuana establishment applications by a local government;
- (9) “manufacture” has the meaning given in [AS 11.71.900](#).
- (10) “marijuana” means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate; “marijuana” does not include fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant that is incapable of germination, the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products, or industrial hemp as defined in [AS 03.05.100](#);
- (11) “marijuana accessories” means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body;
- (12) “marijuana cultivation facility” means an entity registered to cultivate, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers;
- (13) “marijuana establishment” means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store;
- (14) “marijuana product manufacturing facility” means an entity registered to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers;

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- (15) “marijuana products” means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures;
- (16) “marijuana testing facility” means an entity registered to analyze and certify the safety and potency of marijuana;
- (17) “registration” means registration or licensure, as determined by regulation;
- (18) “retail marijuana store” means an entity registered to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities, and to sell marijuana and marijuana products to consumers;
- (19) “unreasonably impracticable” means that the measures necessary to comply with the regulations require such a high investment of risk, money, time, or any other resource or asset that the operation of a marijuana establishment is not worthy of being carried out in practice by a reasonably prudent businessperson.

3 AAC 306.010. License restrictions.

- (a) The board will not issue a new marijuana establishment license, or approve an application for a transfer of a license to another location, if the licensed premises will be located within 500 feet of a school ground, a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility. The distance specified in this subsection must be measured by the shortest pedestrian route from the public entrance of the building in which the licensed premises would be located to the outer boundaries of the school ground, the outer boundaries of the recreation or youth center, the main public entrance of the building in which religious services are regularly conducted, or the main public entrance of the correctional facility. This section does not prohibit the renewal of a marijuana establishment license, a license conversion under 3 AAC 306.047, or the transfer of a marijuana establishment license to another person if the licensed premises were in use before the school ground, recreation or youth center, the building in which religious services are regularly conducted, or a correctional facility began use of a site within 500 feet. If a marijuana establishment license for premises located within 500 feet of a school ground, a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility is revoked or expires, the board will not issue another marijuana establishment license for the same premises unless the school ground, the recreation or youth center, the building in which religious services are regularly conducted, or the correctional facility no longer occupies the site within 500 feet.
- (b) The board will not issue a new marijuana establishment license, or approve an application for a transfer of a license to another location if the licensed premises will be located in a liquor license premises.
- (c) The board will not issue a new marijuana establishment license, or approve an application for a transfer of a marijuana establishment license to another location when a

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local government protests an application under 3 AAC 306.060 on the grounds that the applicant's proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the marijuana establishment, unless the local government has approved a variance from the local ordinance.

- (d) The board will not issue a marijuana establishment license to a person that
 - (1) is prohibited under AS 17.38.200(i) from receiving a marijuana establishment license because of a conviction of a felony; if the applicant is a partnership, limited liability company, or corporation, the board will not issue a license if any person named in 3 AAC 306.020(b)(2) is prohibited under AS 17.38.200(i) from obtaining a marijuana establishment license; in this paragraph, "conviction of a felony" includes a suspended imposition of sentence;
 - (2) has been found guilty of
 - (A) selling alcohol without a license in violation of AS 04.11.010;
 - (B) selling alcohol to an individual under 21 years of age in violation of AS 04.16.051 or 04.16.052; or
 - (C) a misdemeanor crime involving a controlled substance, violence against a person, use of a weapon, or dishonesty within the preceding five years; or
 - (3) has, within two years before submitting an application, been convicted of a class A misdemeanor relating to selling, furnishing, or distributing marijuana or operating an establishment where marijuana is consumed contrary to state law. (Eff. 2/21/2016, Register 217; am 2/21/2019, Register 229; am 1/22/2023, Register 245)

3 AAC 306.015. License conditions.

- (a) The board will issue each marijuana establishment license to a specific individual, a partnership, including a limited partnership, a limited liability company, a corporation, or a local government. A person other than a licensee may not have a direct or indirect financial interest in the business for which a marijuana establishment license is issued.
- (b) Except as allowed in 3 AAC 306.035(h), the board will not issue, renew, or approve an application for a transfer of a marijuana establishment license to
 - (1) an individual or a sole proprietorship unless the individual or proprietor is a resident of the state;
 - (2) a partnership unless each partner is a resident of the state;
 - (3) a limited liability company unless the limited liability company is qualified to do business in the state and each member of the limited liability company is a resident of the state; or

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- (4) a corporation unless the corporation is incorporated or qualified to do business in the state and each corporate officer, director, and shareholder is a resident of the state.

- (c) The board will issue each marijuana establishment license for a specific location identified on the application as the licensed premises. A marijuana establishment must have a right to possession of its licensed premises at all times and may not lease its licensed premises to another person for any reason. If a marijuana establishment wishes to reduce or expand the area of the licensed premises used for a marijuana establishment, the marijuana establishment must submit a new line drawing showing the proposed changes to the premises and must obtain the board's written approval.

- (d) A person may not transfer a marijuana establishment license to another location without the applicant applying for and receiving written consent of the board. Subject to any applicable provisions of AS 17.38 and this chapter, the board may approve an application for a transfer of a marijuana establishment license to another location in a different local government.

- (e) The board will impose other conditions or restrictions on a marijuana establishment license or endorsement issued under this chapter when it finds that is in the interests of the public to do so.

- (f) 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;

 - (2) "resident of the state" means a person who is eligible at the time of application for the most recent permanent fund dividend under AS 43.23. (Eff. 2/21/2016, Register 217; add'l am 2/21/2016, Register 217; am 2/21/2019, Register 229; am 4/11/2019, Register 230; am 10/18/2020, Register 236; am 1/22/2023, Register 245)

3 AAC 306.049. Foreclosures.

A marijuana establishment license issued under AS 17.38 and this chapter is not subject to foreclosure and may not be used as collateral to secure a debt. If a license is transferred to

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another person, the transferor may secure payment for real and personal property conveyed to the transferee upon the promise of the transferee to transfer the license back to the transferor upon default in payment. (Eff. 3/22/2024, Register 249)

3 AAC 306.051. Application for return of a license to a person with a retained security interest.

- (a) A licensee who wishes to establish a security interest in a marijuana establishment license proposed for transfer to another person under 3 AAC 306.045 shall submit the following additional documents with the transfer application:
 - (1) a leasehold conveyance or contract of sale of real property made in the course of the license transfer;
 - (2) a list of personal property being conveyed from the transferor to the transferee, along with the value of the property and a draft Uniform Commercial Code financing statement in which a security interest in the license is claimed under 3 AAC 306.049, this section, and 3 AAC 306.080(d)(2)(B), containing the following statement: “Under the terms of 3 AAC 306.049, 3 AAC 306.051, and 3 AAC 306.080(d)(2)(B), the transferor/lessor retains a security interest in the marijuana license that is the subject of this conveyance, and may, as a result, be able to obtain a retransfer of the license without satisfaction of other creditors.”; the value of the personal property must be sufficient for the board to determine that the license is not being used as collateral except as provided under 3 AAC 306.049; and
 - (3) all transaction and security documents relating to the lease or sale of real property and sale of personal property in conjunction with the license transfer.
- (b) The transferor must include in the published notice of transfer required by 3 AAC 306.025(b), the following statement: “Under the terms of 3 AAC 306.049, 3 AAC 306.051, and 3 AAC 306.080(d)(2)(B), the transferor/lessor retains a security interest in the marijuana license that is the subject of this conveyance, and may, as a result, be able to obtain a retransfer of the license without satisfaction of other creditors.”
- (c) After board approval, a copy of the recorded leasehold conveyance or contract of sale of real property and the recorded Uniform Commercial Code financing statement must be provided to the director before the transferred license may be operated.
- (d) A security interest in a marijuana establishment license may not be established when the license transfer contemplates a transfer of less than 100 percent of the interest in the license.
- (e) A marijuana establishment license with an established security interest may not be transferred to another person unless all obligations under the security interest are satisfied before or as part of the transfer. The board may make an exception in the case of the death of a licensee. (Eff. 3/22/2024, Register 249)

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3 AAC 306.055. Criminal justice information and records.

- (a) When filing an application for a new marijuana establishment license, transfer of a license to another person, or ownership change, the applicant, including each individual listed in 3 AAC 306.020(b)(2), must submit the person's fingerprints and the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information. An individual who has submitted fingerprints and fees under this section is not required to submit a new set of fingerprints and fees for a second or subsequent application for a new license, transfer of a marijuana establishment license to another person, or ownership change, if the second or subsequent application is submitted not later than 12 calendar months after the date criminal justice information is received in response to the initial submission of fingerprints and fees.
- (b) The director shall submit the fingerprints to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62. The board will use the information obtained under this section to determine if an applicant is qualified for a marijuana establishment license.
- (c) In this section, "criminal justice information" has the meaning given in AS 12.62.900. (Eff. 2/21/2016, Register 217; am 5/9/2019, Register 230; am 1/22/2023, Register 245)

Article 3. Retail Marijuana Stores.

Excluding: 3 AAC 306.315, 3 AAC 306.370, 3 AAC 306.380

3 AAC 306.300. Retail marijuana store license required.

- (a) Except as permitted under AS 17.38.020, a person may not sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver marijuana or any marijuana product to a consumer unless the person has obtained a retail marijuana store license from the board in compliance with this chapter, or is an employee or agent acting for a licensed retail marijuana store operating in compliance with this chapter.
- (b) A licensee of any retail marijuana store, or an employee or agent of a retail marijuana store, may not have an ownership interest in, or a direct or indirect financial interest in a licensed marijuana testing facility. (Eff. 2/21/2016, Register 217; am 10/17/2018, Register 228; am 9/1/2021, Register 239; am 1/22/2023, Register 245)

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3 AAC 306.305. Retail marijuana store privileges.

- (a) A licensed retail marijuana store is authorized to
- (1) sell marijuana purchased from a licensed marijuana cultivation facility, packaged and labeled as required under 3 AAC 306.345, 3 AAC 306.470, and 3 AAC 306.475 in an amount not exceeding the limit set out in 3 AAC 306.355, to an individual on the licensed premises or as permitted under 3 AAC 306.380 for consumption off the licensed premises;
 - (2) reject or revoke acceptance of marijuana purchased from a licensed marijuana cultivation facility;
 - (3) sell a marijuana product purchased from a licensed marijuana product manufacturing facility, packaged and labeled as required under 3 AAC 306.345, 3 AAC 306.565, and 3 AAC 306.570, in a quantity not exceeding the limit set out in 3 AAC 306.355, to an individual on the licensed premises or as permitted under 3 AAC 306.380 for consumption off the licensed premises;
 - (4) reject or revoke acceptance of a marijuana product purchased from a licensed marijuana product manufacturing facility;
 - (5) salvage and sell kief, trim, or flower separated from marijuana purchased from a licensed marijuana cultivation facility while preparing the marijuana with required packaging and labeling under 3 AAC 306.345, 3 AAC 306.565, and 3 AAC 306.570 to an individual on the licensed premises;
 - (6) store marijuana and marijuana product on the licensed premises in a manner consistent with 3 AAC 306.710 - 3 AAC 306.720;
 - (7) with prior approval of the board, permit consumption of marijuana or a marijuana product purchased on the licensed premises, in a designated area on the licensed premises.
- (b) This section does not prohibit a licensed retail marijuana store from refusing to sell marijuana or a marijuana product to a consumer.
- (c) A licensee of a retail marijuana store may also apply for a marijuana cultivation facility license, marijuana product manufacturing facility license, or both. A licensee of a retail marijuana store who obtains a marijuana cultivation facility license, marijuana product manufacturing facility license, or both shall
- (1) except for overlapping premises approved by the board under 3 AAC 306.710(d), conduct a marijuana cultivation operation or 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

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from each other; a secure door must separate any room connected to and co-located with the retail marijuana store; and

- (2) comply with each provision of this chapter that applies to any other type of marijuana establishment license that the licensee of a retail marijuana store obtains. (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 8/16/2024, Register 251)

3 AAC 306.310. Acts prohibited at retail marijuana store.

- (a) A licensed retail marijuana store may not sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver, marijuana or a marijuana product
 - (1) to a person under 21 years of age;
 - (2) to a person that is under the influence of an alcoholic beverage, inhalant, or controlled substance;
 - (3) that is not labeled and packaged as required in 3 AAC 306.345 and
 - (A) 3 AAC 306.470 and 3 AAC 306.475; or
 - (B) 3 AAC 306.565 and 3 AAC 306.570;
 - (4) in a quantity exceeding the limit set out in 3 AAC 306.355;
 - (5) repealed 8/13/2023;
 - (6) after the expiration date shown on the label of the marijuana or marijuana product.
- (b) A licensed retail marijuana store may not
 - (1) conduct business on or allow a consumer to access the retail marijuana store's licensed premises between the hours of 5:00 a.m. and 8:00 a.m. each day;
 - (2) allow a person to consume marijuana or a marijuana product on the retail marijuana store's licensed premises, except as provided in 3 AAC 306.305(a)(4);
 - (3) offer, deliver, or sell an alcoholic beverage to a consumer for any reason; or
 - (4) allow intoxicated or drunken persons to enter or to remain on the licensed premises. (Eff. 2/21/2016, Register 217; am 4/11/2019, Register 230; em am 4/17/2020 – 8/14/2020, Register 234; am 11/24/2020, Register 236; am 8/13/2023, Register 247, am 10/08/2023, Register 248)

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3 AAC 306.320. Marijuana handler permit required.

A retail marijuana store shall ensure that

- (1) each agent who is required or permitted to be physically present on the licensed premises at any time, each licensee, and each employee obtains a marijuana handler permit as provided in 3 AAC 306.700 before being licensed or employed at a retail marijuana store; and
- (2) each licensee, employee, or agent has that person's marijuana handler permit card in that person's immediate possession, or a valid copy on file on the premises, at all times when on the licensed premises of the retail marijuana store. (Eff. 2/21/2016, Register 217; am 2/21/2019, Register 229)

3 AAC 306.325. Access restricted at retail marijuana store.

- (a) Except as provided under 3 AAC 306.712, a person under 21 years of age may not enter a retail marijuana store.
- (b) Each entry to a retail marijuana store must be posted with a sign that says "No one under 21 years of age allowed." The sign must be not less than 12 inches long and 12 inches wide, with letters at least one-half inch in height in high contrast to the background of the sign.
- (c) An area of a retail marijuana store's licensed premises where marijuana or any marijuana product is stocked for sale or dispensed for sale is a restricted access area. The retail marijuana store must post signs, require identification, and escort visitors in compliance with 3 AAC 306.710.
- (d) If a retail marijuana store displays marijuana to a consumer for the purpose of smelling the marijuana before purchase, the retail marijuana store shall package the marijuana in a sample jar that is protected by a plastic, metal, or other protective mesh screen, and the jar must remain in the monitored custody of the retail marijuana store during consumer inspection. (Eff. 2/21/2016, Register 217; am 5/9/2019, Register 230; am 1/1/2021, Register 237)

3 AAC 306.330. Marijuana inventory tracking system.

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- (a) A retail marijuana store shall use a marijuana inventory tracking system as provided in 3 AAC 306.730 to ensure all marijuana and marijuana product in the retail marijuana store's possession is identified and tracked from the time the retail marijuana store receives, rejects, or revokes acceptance of any batch of marijuana or lot of marijuana product through the sale, transfer to another licensed marijuana establishment, including the relocation of marijuana or marijuana product to the new licensed premises in the case of a transfer of a marijuana establishment license to another location approved by the board, or disposal of the batch of marijuana or lot of marijuana product.
- (b) When marijuana from a marijuana cultivation facility or marijuana product from a marijuana product manufacturing facility is delivered or transported to the licensed premises of a retail marijuana store, the retail marijuana store shall immediately enter identification information for that batch of marijuana or lot of marijuana product into the retail marijuana store's marijuana inventory tracking system. A retail marijuana store shall reject marijuana or a marijuana product that does not have a valid transport manifest generated from the marijuana inventory tracking system of the marijuana establishment that originated the delivery.
- (c) A retail marijuana store shall reconcile each transaction from the retail marijuana store's point-of-sale system and current inventory to its marijuana inventory tracking system at the close of business each day.
- (d) A retail marijuana store shall account for any variance in the quantity of marijuana or marijuana product the retail marijuana store received and the quantity it sold, transferred, or disposed of. (Eff. 2/21/2016, Register 217; am 1/22/2023, Register 245; am 1/5/2024, Register 249)

3 AAC 306.335. Health and safety requirements.

A retail marijuana store shall comply with each applicable health and safety requirement set out in 3 AAC 306.735. (Eff. 2/21/2016, Register 217)

3 AAC 306.340. Testing required for marijuana and marijuana products.

A retail marijuana store may not sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver, marijuana or a marijuana product until all laboratory testing required under 3 AAC 306.645 has been completed, and the label required under 3 AAC 306.475 or 3 AAC 306.570 is affixed. (Eff. 2/21/2016, Register 217)

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3 AAC 306.345. Packaging and labeling.

- (a) A retail marijuana store shall assure that
 - (1) marijuana sold on its licensed premises is packaged and labeled in compliance with 3 AAC 306.470 and 3 AAC 306.475;
 - (2) any marijuana product sold on its licensed premises is packaged and labeled in compliance with 3 AAC 306.565 and 3 AAC 306.570; and
 - (3) at the point of sale, marijuana or a marijuana product sold is packaged in resealable, child-resistant packaging 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; and
 - (4) unless already packaged by the cultivation facility or the manufacturing facility in an opaque package for final retail sale, any marijuana or marijuana product purchased by the consumer is placed in an opaque package by the retail marijuana store or the consumer before the consumer exits the retail marijuana store.

- (b) In addition to labeling requirements provided in (a) of this section, a retail marijuana store shall affix a label to each package of marijuana or marijuana product that
 - (1) identifies the retail marijuana store selling the marijuana product by name or distinctive logo and marijuana establishment license number;
 - (2) states the estimated amount of total THC in the labeled product; and
 - (3) contains each of the following statements:
 - (A) "Marijuana has intoxicating effects and may be habit forming and addictive.";
 - (B) "Marijuana impairs concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence.";
 - (C) "There are health risks associated with consumption of marijuana.";
 - (D) "For use only by adults twenty-one and older. Keep out of the reach of children.";
 - (E) "Marijuana should not be used by women who are pregnant or breast feeding.".

- (c) In this section, "opaque" means a packaging material that does not allow the contents of the package to be seen without opening the package. (Eff. 2/21/2016, Register 217; am 11/8/2018, Register 228; am 12/5/2021, Register 240)

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3 AAC 306.350. Identification requirement to prevent sale to person under 21.

- (a) A retail marijuana store shall refuse to sell marijuana or a marijuana product or complete a walk-up or drive-through exterior window order of marijuana or marijuana product to a person who does not produce a form of valid photographic identification showing that person is 21 years of age or older.
- (b) For the purpose of this section, a valid form of photographic identification is
 - (1) an unexpired, unaltered passport;
 - (2) an unexpired, unaltered driver's license, instruction permit, or identification card of a state or territory of the United States, the District of Columbia, or a province or territory of Canada;
 - (3) an identification card issued by a federal or state agency authorized to issue a driver's license or identification card; or
 - (4) a tribal identification card, issued by a federally recognized tribe, that meets the following criteria:
 - (A) the identification card has a photograph, a signature, and a date of birth; and
 - (B) the identification card has security features as identified by AS 28.15.111(a)(4). (Eff. 2/21/2016, Register 217; am 9/24/2021, Register 239; am 8/13/2023, Register 247)

Editor's note: A list of federally recognized tribes can be found at <https://www.federalregister.gov/documents/2020/01/30/2020-01707/Indian-entities-recognized-by-and-eligible-to-receive-services-from-the-united-states-bureau-of-indian-affairs>.

3 AAC 306.355. Limit on quantity sold.

- (a) A retail marijuana store may not sell to any one person per day
 - (1) more than one ounce of usable marijuana;
 - (2) more than seven grams of marijuana concentrate for inhalation; or
 - (3) more than 5,600 milligrams of THC in combined sales of marijuana and marijuana products.
- (b) The limits set out in (a) of this section include marijuana or marijuana product sold for onsite consumption under 3 AAC 306.370. (Eff. 2/21/2016, Register 217; am 4/11/2019, Register 230; am 10/18/2020, Register 236)

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

(Eff. 2/21/2016, Register 217; repealed 10/17/2018, Register 228)

3 AAC 306.365. Required consumer notices for retail marijuana stores.

- (a) A retail marijuana store shall post, in a conspicuous location visible to customers, the following notices:
 - (1) “Consumption of marijuana in public is prohibited by law.”;
 - (2) “Transportation or carriage of marijuana or marijuana products on Alaska waterways, including cruise ships, or by air carrier is prohibited by federal law.”;
 - (3) “Transportation or shipment of marijuana or marijuana products outside the State of Alaska is prohibited by federal law.”;
 - (4) “Providing marijuana to persons under 21 years of age is prohibited by law.”.
- (b) Notification signs required under (a) of this section must be at least 11 inches by 14 inches in size. Lettering must be at least one-half inch in height and in colors that contrast with the background. (Eff. 7/22/2017, Register 223)

Article 4. Marijuana Cultivation Facilities.

Excluding: 3 AAC 306.420, 3 AAC 306.480

3 AAC 306.400. Marijuana cultivation facility license required.

- (a) Except as provided under AS 17.38.020, a person may not plant, propagate, cultivate, harvest, trim, dry, cure, package, or label marijuana grown at a place under that person's control or sell marijuana grown at a place under that person's control to a marijuana establishment unless the person has obtained a marijuana cultivation facility license from the board in compliance with this chapter or is an employee or agent acting for a licensed marijuana cultivation facility. The board will issue the following types of marijuana cultivation facility licenses, with the privileges and subject to the prohibitions set out in 3 AAC 306.405 and 3 AAC 306.410:
 - (1) a standard marijuana cultivation facility license;

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- (2) a limited marijuana cultivation facility license to a person operating a marijuana cultivation facility with fewer than 500 square feet under cultivation.
- (b) A person seeking a standard or limited marijuana cultivation facility license as provided in (a) of this section must
 - (1) submit an application for the applicable marijuana cultivation facility license on a form the board prescribes, including the information set out under 3 AAC 306.020 and 3 AAC 306.420; and
 - (2) demonstrate to the board's satisfaction that the applicant will operate in compliance with
 - (A) each applicable provision of 3 AAC 306.400 - 3 AAC 306.480 and 3 AAC 306.700 - 3 AAC 306.770; and
 - (B) each applicable public health, fire, safety, and tax code and ordinance of the state and the local government in which the applicant's proposed licensed premises are located.
- (c) A licensee of a marijuana cultivation facility, or an employee or agent of a marijuana cultivation facility, may not have an ownership interest in, or a direct or indirect financial interest in a licensed marijuana testing facility. (Eff. 2/21/2016, Register 217)

Editor's note: As of Register 228 (January 2019), the regulations attorney made a technical correction under AS 44.62.125(b)(6), to 3 AAC 306.400(b), using the spanned cross-reference "3 AAC 306.700 - 3 AAC 306.770" to reflect the range of sections grouped under Article 7 as of Register 228, and to be consistent with changes to the same spanned cross-reference in 3 AAC 306.005, effective October 17, 2018 (Register 228).

3 AAC 306.405. Standard marijuana cultivation facility: privileges and prohibited acts.

- (a) A licensed standard marijuana cultivation facility is authorized to
 - (1) propagate, cultivate, harvest, prepare, cure, package, store, and label marijuana;
 - (2) sell marijuana only to a licensed retail marijuana store, to another licensed marijuana cultivation facility, or to a licensed marijuana product manufacturing facility;
 - (3) accept marijuana from a licensed retail marijuana store that
 - (A) rejected a shipment of marijuana; or
 - (B) revoked acceptance of a shipment of marijuana;

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- (4) provide samples to a licensed marijuana testing facility for testing;
 - (5) store inventory on the licensed premises; any stored inventory must be secured in a restricted access area and accounted for in the marijuana cultivation facility's marijuana inventory tracking system as required under 3 AAC 306.730;
 - (6) transport marijuana in compliance with 3 AAC 306.750;
 - (7) conduct in-house testing for the marijuana cultivation facility's own use;
 - (8) provide marijuana samples to a licensed retail marijuana store or marijuana product manufacturing facility for the purpose of negotiating a sale;
 - (9) begin initial operations at the time of preliminary inspection by an employee or agent of the board with
 - (A) 12 or fewer mature, non-flowering plants, designated and used as mother plants;
 - (B) any number of immature plants; and
 - (C) any number of seeds for cultivation on the licensed premises;
 - (10) introduce a new strain after written approval by the director on a form prescribed by the board, by
 - (A) receiving not more than twenty clones or cuttings from a person 21 years of age or older, without compensation; or
 - (B) receiving seeds from a person 21 years of age or older, without compensation, for cultivation on the licensed premises.
- (b) A licensee of a standard marijuana cultivation facility may also apply for a marijuana product manufacturing facility license, retail marijuana store license, or both. A licensee of a standard marijuana cultivation facility who obtains a marijuana product manufacturing facility license, retail marijuana store license, or both shall
- (1) except for overlapping premises approved by the board under 3 AAC 306.710(d), conduct a marijuana product manufacturing operation or 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
 - (2) comply with each provision of this chapter that applies to any other type of marijuana establishment license that the licensee of a standard marijuana cultivation facility obtains.
- (c) A licensed standard marijuana cultivation facility may not

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- (1) sell, distribute, or transfer marijuana or a marijuana product to a consumer, with or without compensation;
- (2) allow any person, including a licensee, employee, or agent, to consume marijuana or a marijuana product on the licensed premises or within 20 feet of the exterior of any building or outdoor cultivation facility on the licensed premises;
- (3) treat or otherwise adulterate marijuana with any organic or nonorganic chemical or other compound to alter the color, appearance, weight, or odor of the marijuana;
- (4) sell marijuana that is not packaged and labeled in compliance with 3 AAC 306.470 and 3 AAC 306.475;
- (5) introduce marijuana or a marijuana product, including plants and seeds, onto the licensed premises from any outside source after the initial preliminary inspection, except
 - (A) as acquired from another licensed marijuana cultivation facility and accounted for in each marijuana cultivation facility’s marijuana inventory tracking system as required under 3 AAC 306.730; or
 - (B) as provided under this section; or
- (6) product or possess marijuana concentrate that was extracted using any process described in 3 AAC 306.555 on the marijuana cultivation facility’s licensed premises, unless the licensee of the standard marijuana cultivation facility also has a marijuana product manufacturing facility license; a licensed standard marijuana cultivation facility must conduct any extraction or production of marijuana concentrate on the premises.
 - (A) in a room that
 - (i) is separate as required in (b) of this section from the marijuana cultivation area; and
 - (ii) is posted with a sign that complies with 3 AAC 306.710(b) and warns unauthorized persons to stay out; and
 - (B) in compliance with all applicable provisions of 3 AAC 306.500 – 3 AAC 306.570. (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)

3 AAC 306.410. Limited marijuana cultivation facility: privileges and prohibited acts.

A licensed limited marijuana cultivation facility

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- (1) has the privileges set out in 3 AAC 305.405(a) and (b), except that it must have fewer than 500 square feet under cultivation; and
- (2) is subject to each prohibition set out in 3 AAC 306.405(c). (Eff. 2/21/2016, Register 217)

3 AAC 306.425. Marijuana handler permit required.

A marijuana cultivation facility shall ensure that each agent who is required or permitted to be physically present on the licensed premises at any time, each licensee, and each employee

- (1) obtains a marijuana handler permit as provided in 3 AAC 306.700 before being licensed or employed at the marijuana cultivation facility's licensed premises; and
- (2) has the marijuana handler permit card in the person's immediate possession, or a valid copy on file on the premises, at all times while on the marijuana cultivation facility's licensed premises. (Eff. 2/21/2016, Register 217; am 2/21/2019, Register 229)

3 AAC 306.430. Restricted access area.

- (a) A marijuana cultivation facility shall conduct any operation in a restricted access area in compliance with 3 AAC 306.710 and this section.
- (b) A marijuana cultivation facility shall conduct any marijuana growing operation within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors. Where not prohibited by local government, outdoor production may take place in non-rigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight- obscuring wall or fence at least six feet high.
- (c) A marijuana cultivation facility shall ensure that any marijuana at the marijuana cultivation facility
 - (1) cannot be observed by the public from outside the marijuana cultivation facility; and
 - (2) does not emit an odor that is detectable by the public from outside the cultivation facility except as specifically allowed by a local government approval.
- (d) A marijuana cultivation facility shall have full video surveillance of the licensed premises as required under 3 AAC 306.720, including any area where marijuana is grown,

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processed, packaged, or stored, or where marijuana waste is destroyed. (Eff. 2/21/2016, Register 217; am 8/11/2018, Register 227)

3 AAC 306.435. Marijuana inventory tracking system.

- (a) A marijuana cultivation facility shall
 - (1) 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 propagated through transfer to another licensed marijuana establishment, including when marijuana or marijuana product is
 - (A) relocated to a new licensed premises in the case of a transfer of a marijuana establishment license to another location approved by the board; or
 - (B) destroyed;
 - (2) assign a tracking number to each
 - (A) plant that is
 - (i) mature; or
 - (ii) flowering; and
 - (B) package of marijuana to be transferred to another facility; a package of marijuana may not exceed 10 pounds;
 - (3) assign a plant batch name or number to each batch of immature plants propagated from seed, clones or cuttings.
- (b) A marijuana cultivation facility shall record each sale and transport of any plants or seeds and each package in its marijuana inventory tracking system and shall generate a valid transport manifest to accompany any transported plants and seeds and each transported package.
- (c) A marijuana cultivation facility shall record in its marijuana inventory tracking system all marijuana used to provide a sample authorized under 3 AAC 306.460 for the purpose of negotiating sales, including
 - (1) the amount of each sample;
 - (2) the retail marijuana store or marijuana product manufacturing facility that received the sample; and

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- (3) the disposal of any expired or outdated promotional sample returned to the marijuana cultivation facility. (Eff. 2/21/2016, Register 217; am 3/13/2020, Register 233; am 1/22/2023, Register 245; am 8/16/2024, Register 251; am 4/20/2025, Register 254; am 4/25/2025, Register 254)

3 AAC 306.440. Health and safety requirements.

- (a) A marijuana cultivation facility shall comply with all applicable health and safety requirements set out in 3 AAC 306.735 and the additional requirements set out in this section.
- (b) A marijuana cultivation facility shall ensure that any licensee, employee, or agent who is present at the marijuana cultivation facility and in contact with any marijuana
 - (1) wears clean clothing appropriate for the duties that person performs;
 - (2) wears protective apparel, such as head, face, hand, and arm coverings, as necessary to protect marijuana from contamination; and
 - (3) practices good sanitation and health habits. (Eff. 2/21/2016, Register 217)

3 AAC 306.445. Standards for cultivation and preparation.

- (a) A marijuana cultivation facility shall use registered scales in compliance with AS 45.75.080 and 3 AAC 306.745.
- (b) A marijuana cultivation facility shall segregate harvested marijuana into harvest batches.
- (c) Once a harvest batch has been uniformly dried and cured, the marijuana cultivation facility shall divide the harvest batch into packages not exceeding 10 pounds each. A sample of each harvest batch package must be submitted to a marijuana testing facility for required testing under 3 AAC 306.455.
- (d) Once a harvest batch sample has passed all required testing, a marijuana cultivation facility may repackage marijuana from that harvest batch package for sale or transfer. (Eff. 2/21/2016, Register 217; am 3/13/2020, Register 233)

3 AAC 306.450. Production of marijuana concentrate prohibited. Repealed. (Eff. 2/21/2016, Register 217; repealed 12/10/2020, Register 236)

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3 AAC 306.455. Required laboratory testing.

- (a) A marijuana cultivation facility shall provide samples from each harvest batch package of marijuana produced at the facility to a marijuana testing facility and may not sell or transport any marijuana, except as provided for in (c) of this section, until all laboratory testing required under 3 AAC 306.645 has been completed.
- (b) To comply with (a) of this section, a marijuana cultivation facility shall
 - (1) collect a representative sample for testing from each harvest batch package that has been uniformly dried and cured, in an amount as set out in the following table:

Harvest Batch Package Size (pounds)	Number of 1g sub-samples to make up required sample
1	4
2	4
3	5
4	6
5	8
6	10
7	11
8	13
9	14
10	16

- (2) designate an individual responsible for collecting each sample; that individual shall
 - (A) prepare a signed statement showing that each sample is representative of the harvest batch package;
 - (B) provide the signed statement to the marijuana testing facility; and
 - (C) maintain a copy as a business record under 3 AAC 306.755; and

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- (3) transport the samples to the marijuana testing facility's licensed premises in compliance with 3 AAC 306.750.
- (c) A marijuana cultivation facility shall segregate the harvest batch package from which the testing sample was selected until the marijuana testing facility reports the results from its tests. During this period of segregation, the marijuana cultivation facility that provided the sample shall maintain the harvest batch package in a secure, cool, and dry location to prevent the marijuana from becoming contaminated or losing its efficacy. The marijuana cultivation facility that provided the sample may not sell or transport any marijuana from the segregated harvest batch package until the marijuana testing facility has completed its testing and provided those results, in writing, to the marijuana cultivation facility that provided the sample. A marijuana cultivation facility may transfer untested marijuana to a licensed marijuana concentrate or standard marijuana product manufacturing facility to be used to make carbon dioxide- or solvent-based extract before receiving test results in writing. After processing, the carbon dioxide- or solvent-based extract must pass all required tests. The marijuana cultivation facility shall maintain the testing results as part of its business books and records. (Eff. 2/21/2016, Register 217; am 11/8/2018, Register 228; am 03/13/2020, Register 233; am 4/16/2023, Register 246)

3 AAC 306.460. Samples.

- (a) A marijuana cultivation facility may provide a free sample of marijuana to a retail marijuana store if packaged in a sample jar containing not more than three and one-half grams of marijuana and protected by a plastic or metal mesh screen to allow the retail marijuana store to smell the product before purchase.
- (b) A marijuana cultivation facility may provide a free sample of marijuana to a retail marijuana store or marijuana product manufacturing facility as follows:
 - (1) a sample provided for the purpose of negotiating a sale may be not more than one ounce;
 - (2) a marijuana cultivation facility may not provide any one licensed retail marijuana store or marijuana product manufacturing facility with more than one ounce of marijuana per month free-of-charge for the purpose of negotiating a sale.
- (c) A retail marijuana store that receives a marijuana sample may not sell the marijuana sample to a customer, and shall either
 - (1) return the marijuana sample to the marijuana cultivation facility that provided the sample; or
 - (2) destroy the marijuana sample after use and document the destruction in the retail marijuana store's marijuana inventory control system.

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- (d) A marijuana cultivation facility may provide a sample of marijuana grown at that facility to an employee of the facility, who 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 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 provided under this subsection is sold or given to another licensee or consumer;
 - (5) each employee who receives a marijuana sample for the purpose of quality control completes a quality control form approved by the board for each sample;
 - (6) the licensee maintains copies of completed forms required under (5) of this subsection in accordance with 3 AAC 306.755;
 - (7) samples that leave the licensed premises are packaged in opaque, resealable, child-resistant packaging and clearly marked or labeled “For Quality Control” and the packaging is 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; and
 - (8) each sample is tested under 3 AAC 306.455 and 3 AAC 306.645 before being provided to an employee under this subsection. (Eff. 2/21/2016, Register 217; am 5/25/2018, Register 226; am 5/9/2019, Register 230; am 12/25/2020, Register 236)

3 AAC 306.465. Random sampling.

- (a) The board will or the director shall from time to time require a standard or limited marijuana cultivation facility to provide samples of the growing medium, soil amendments, fertilizers, crop production aids, pesticides, or water for random compliance checks. The sample may be screened for pesticides and chemical residues, screened for unsafe levels of metals, and used for other laboratory tests the director finds to be in the interests of the public. The marijuana cultivation facility shall bear all costs of testing under this subsection.
- (b) When the board or the director orders random sampling under this section, the director shall identify a licensed marijuana testing facility to perform the testing. The marijuana testing facility shall collect the test samples. The marijuana cultivation facility shall cooperate to facilitate the collection of samples. (Eff. 2/21/2016, Register 217)

3 AAC 306.470. Packaging of marijuana.

- (a) A marijuana cultivation facility shall package its marijuana bud and flower for sale
 - (1) to a retail marijuana store, either
 - (A) in a package not exceeding one ounce for resale to consumers without additional handling by the retail marijuana store except to add the retail marijuana store's own
 - (i) identifying name or logo; and
 - (ii) license number; or
 - (B) in a wholesale package not exceeding 10 pounds for repackaging by the retail marijuana store; or
 - (2) to a marijuana product manufacturing facility in a wholesale package
 - (A) not exceeding 10 pounds; and
 - (B) consisting of a single strain or a mixture of strains as identified on the label.
- (b) When a marijuana cultivation facility packages marijuana for a retail marijuana store to sell to a consumer without repackaging, the packaging may not have any printed images, including cartoon characters, that specifically target persons under 21 years of age. In addition, the packaging must protect the product from contamination and may not impart any toxic or damaging substance to the marijuana.
- (c) Each package prepared in compliance with this section must be identified by a tracking label generated for tracking by the marijuana cultivation facility's marijuana inventory tracking system.
- (d) A marijuana cultivation facility shall prepare marijuana for transport or transfer to another marijuana establishment by
 - (1) placing marijuana packaged in compliance with (a) - (c) of this section within a sealed, tamper-evident shipping container;
 - (2) affixing a label in compliance with 3 AAC 306.475 to the shipping container; and
 - (3) generating a transport manifest from the marijuana cultivation facility's marijuana inventory tracking system; the transport manifest must remain with the marijuana at all times while being transported, and a copy must be given to the licensed marijuana establishment that receives the shipment. (Eff. 2/21/2016, Register 217; am 3/13/2020, Register 233)

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Editor's note: As of Register 233 (April 2020), the regulations attorney made a technical revision under AS 44.62.125(b)(6), to 3 AAC 306.470(a)

3 AAC 306.475. Labeling of marijuana.

- (a) When a marijuana cultivation facility packages marijuana for a retail marijuana store to sell to a consumer without re-packaging, the marijuana cultivation facility shall affix a label to each package of marijuana or marijuana product that contains each of the following statements:
 - (1) "Marijuana has intoxicating effects 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.".
- (b) With each harvest batch of marijuana sold, a marijuana cultivation facility shall disclose in writing
 - (1) each soil amendment, fertilizer, and other crop production aid applied to the growing medium or marijuana plant included in the batch, including any pesticide, herbicide, or fungicide that was used; and
 - (2) the name of the licensed marijuana testing facility that performed any required laboratory test and the results of each required laboratory test.
- (c) A marijuana cultivation facility may not label marijuana as organic.
- (d) To each package of marijuana sold to another marijuana establishment, a marijuana cultivation facility shall affix a label setting out.
 - (1) the name and license number of the marijuana cultivation facility where the marijuana was grown;
 - (2) the inventory tracking number assigned to the marijuana in the package;
 - (3) the net weight of the marijuana in the package,
 - (A) not including weight of the shipping container; and
 - (B) using a standard of measure compatible with the marijuana cultivation facility's marijuana inventory tracking system; and

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- (4) a complete list of all pesticides, fungicides, and herbicides used in cultivation of the marijuana.
- (e) If a marijuana cultivation facility transports wholesale marijuana to another marijuana establishment for sale at retail or for use in manufacturing a marijuana product, a label must be affixed to the shipping container showing that a licensed marijuana testing facility has tested each harvest batch in the shipment as provided in 3 AAC 306.645. The label must report the test results, including
 - (1) a cannabinoid potency profile expressed as a range of percentages that extends from the lowest percentage to highest percentage of concentration for each cannabinoid listed from every test conducted on that strain of marijuana from the same marijuana cultivation facility within the last three months;
 - (2) a statement listing the results of microbial testing required under 3 AAC 306.645(b)(2); and
 - (3) a statement listing the results of residual solvent testing required under 3 AAC 306.645(b)(3), if applicable.
- (f) If a marijuana cultivation facility ships wholesale marijuana from a harvest batch that has not been tested for each contaminant listed in (g) of this section, the label for that batch must include a statement identifying each contaminant listed in (g) of this section for which that harvest batch has not been tested.
- (g) If a marijuana cultivation facility transports wholesale marijuana to another marijuana establishment for sale at retail or for use in manufacturing a marijuana product, the marijuana cultivation facility shall produce a statement that lists contaminants for which the wholesale marijuana was tested in addition to the contaminant testing required under 3 AAC 306.645(b) immediately upon request of the receiving marijuana establishment. Additional tested contaminants may include
 - (1) molds, mildew, and filth;
 - (2) herbicides, pesticides, and fungicides; and
 - (3) harmful chemicals. (Eff. 2/21/2016, Register 217; am 11/8/2018, Register 228; am 4/19/2025, Register 254)

Article 5. Marijuana Product Manufacturing Facilities.

Excluding: 3 AAC 306.520

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3 AAC 306.500. Marijuana product manufacturing facility license required.

- (a) A person may not extract marijuana concentrate for sale or formulate or manufacture any marijuana product for sale unless that person has obtained a marijuana product manufacturing facility license from the board in compliance with this chapter, or is an employee or agent acting for a licensed marijuana product manufacturing facility. The board will issue
 - (1) a standard marijuana product manufacturing facility license; and
 - (2) a marijuana concentrate manufacturing facility license.
- (b) Repealed 1/22/2023 (language moved to .520)
- (c) A licensee of a marijuana product manufacturing facility, or an employee or agent of a marijuana product manufacturing facility, may not have an ownership interest in or a direct or indirect financial interest in a licensed marijuana testing facility. (Eff. 2/21/2016, Register 217; am 1/22/2023, Register 245)

3 AAC 306.505. Marijuana product manufacturing facility privileges.

- (a) Except as provided in 3 AAC 306.515, a licensed marijuana product manufacturing facility is authorized to
 - (1) purchase marijuana from a marijuana cultivation facility or from another marijuana product manufacturing facility;
 - (2) extract marijuana concentrate in compliance with 3 AAC 306.555;
 - (3) manufacture, refine, process, cook, package, label, and store marijuana product approved under 3 AAC 306.525, including
 - (A) marijuana concentrate; or
 - (B) any product intended for consumption or use on the body that is comprised of marijuana and other ingredients, including edible products, ointments, salves, patches, or tinctures;
 - (4) sell, distribute, or deliver marijuana extract or any marijuana product only to a licensed retail marijuana store or to another licensed marijuana product manufacturing facility;
 - (5) reject or revoke acceptance of marijuana purchased from a licensed marijuana cultivation facility or another marijuana product manufacturing facility;

3 AAC 306.505. Marijuana product manufacturing facility privileges.

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- (a) Except as provided in 3 AAC 306.515, a licensed marijuana product manufacturing facility is authorized to
- (1) purchase marijuana from a marijuana cultivation facility or from another marijuana product manufacturing facility;
 - (2) extract marijuana concentrate in compliance with 3 AAC 306.555;
 - (3) manufacture, refine, process, cook, package, label, and store marijuana product approved under 3 AAC 306.525, including
 - (A) marijuana concentrate; or
 - (B) any product intended for consumption or use on the body that is comprised of marijuana and other ingredients, including edible products, ointments, salves, patches, or tinctures;
 - (4) sell, distribute, or deliver marijuana extract or any marijuana product only to a licensed retail marijuana store or to another licensed marijuana product manufacturing facility;
 - (5) reject or revoke acceptance of marijuana purchased from a licensed marijuana cultivation facility or another marijuana product manufacturing facility;
 - (6) accept marijuana product from a licensed retail marijuana store or another marijuana product manufacturing facility that
 - (A) rejected a shipment of marijuana product; or
 - (B) revoked acceptance of a shipment of marijuana product;
 - (7) provide and transport samples of marijuana concentrate or other marijuana product to a licensed marijuana testing facility for testing;
 - (8) provide a sample of marijuana concentrate or a marijuana product approved under 3 AAC 306.525 to a licensed retail marijuana store for the purpose of negotiating a sale;
 - (9) store inventory in a restricted access area on the licensed premises as provided in 3 AAC 306.535;
 - (10) transport marijuana in compliance with 3 AAC 306.750;
 - (11) conduct in-house testing for the marijuana product manufacturing facility's own use.
- (b) A licensee of a marijuana product manufacturing facility may also apply for a marijuana cultivation facility license, retail marijuana store license, or both. A licensee of a marijuana product manufacturing facility who obtains a marijuana cultivation facility license, retail marijuana store license, or both shall

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- (1) except for overlapping premises approved by the board under 3AAC 306.710(d), conduct a marijuana cultivation operation or 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
- (2) comply with each provision of this chapter that applies to any other type of marijuana establishment license that the licensee of a marijuana product manufacturing facility obtains. (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)

3 AAC 306.510. Acts prohibited at marijuana product manufacturing facility.

- (a) A licensed marijuana product manufacturing facility may not
 - (1) sell, deliver, distribute, or transfer marijuana, marijuana concentrate, or a marijuana product directly to a consumer, with or without compensation;
 - (2) sell marijuana, marijuana concentrate, or a marijuana product that is not manufactured, packaged, and labeled in compliance with 3 AAC 306.500 - 3 AAC 306.570;
 - (3) allow any person, including a licensee, employee, or agent, to consume marijuana, marijuana concentrate, or a marijuana product on the licensed premises;
 - (4) manufacture or sell any product that
 - (A) is an adulterated food or drink;
 - (B) closely resembles a familiar food or drink item including candy; or
 - (C) is packaged to look like candy, or in bright colors or with cartoon characters or other pictures or images that would appeal to children.
- (b) A licensed marijuana product manufacturing facility may not accept any marijuana from a marijuana cultivation facility or another marijuana product manufacturing facility unless
 - (1) all marijuana in the shipment is properly identified with a label generated in the marijuana inventory tracking system of the facility that provided the marijuana; and

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- (2) a valid transport manifest showing the source and destination of the marijuana is attached to the shipment.
- (c) In this section, "closely resemble" or "look like" means the product or its packaging has a shape, color, markings, or decorative patterns that are familiar to the public from a widely distributed branded food product, so that the marijuana product could reasonably be mistaken for that branded product, especially by children. (Eff. 2/21/2016, Register 217; am 4/16/2023, Register 246)

3 AAC 306.515. Marijuana concentrate manufacturing facility license.

A licensed marijuana concentrate manufacturing facility has the privileges set out in 3 AAC 306.505, except that it may not

- (1) manufacture, refine, process, cook, package, label, or store any marijuana product other than marijuana concentrate;
- (2) sell, distribute, or deliver a marijuana product other than marijuana concentrate to a retail marijuana store or to another marijuana product manufacturing facility;
- (3) provide or transport a sample of a marijuana product other than marijuana concentrate to a licensed marijuana testing facility for testing;
- (4) provide samples of a product other than marijuana concentrate to a licensed retail marijuana store for purposes of negotiating a sale; or
- (5) prepare or package infused dairy butter, oils, or fats as a stand-alone edible product for sale other than on wholesale to another marijuana product manufacturing facility. (Eff. 2/21/2016, Register 217; am 4/16/2023, Register 246)

3 AAC 306.525. Approval of concentrates and marijuana products.

- (a) A marijuana product manufacturing facility must obtain the board's approval for each product that it will manufacture for sale or transfer to another licensed marijuana establishment. A standard marijuana product manufacturing facility must obtain the board's approval for each product that it will use as an in-house ingredient in another marijuana product. The board will not approve a product that is prohibited under 3 AAC 306.510(a)(4).
- (b) An applicant for a marijuana product manufacturing facility license may request the board's approval of its intended products with a new license application by including, in its operating plan

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- (1) a photograph, drawing, or graphic representation of the expected appearance of each final product; and
 - (2) the proposed standard production procedure and detailed manufacturing process for each product.
- (c) A licensed marijuana product manufacturing facility may submit at any time a new product approval request to the board on a form the board prescribes along with the fee required under 3 AAC 306.100(c).
- (d) A licensed marijuana product manufacturing facility shall keep its ingredient list and potency limits for any food-based concentrate or food product containing marijuana on file at the marijuana product manufacturing facility's licensed premises. The ingredient list and potency limits for any product manufactured at the facility must be made available for inspection on request by the director, or an employee or agent of the board. (Eff. 2/21/2016, Register 217; am 4/16/2023, Register 246)

3 AAC 306.530. Marijuana handler permit and food safety worker training.

- (a) A marijuana product manufacturing facility shall ensure that each agent who is required or permitted to be physically present on the licensed premises at any time, each licensee, and each employee
- (1) obtains a marijuana handler permit as provided in 3 AAC 306.700 before being licensed or employed at the marijuana product manufacturing facility's licensed premises; and
 - (2) has the marijuana handler permit card in the person's immediate possession, or a valid copy on file on the premises, at all times while on the marijuana product manufacturing facility's licensed premises.
- (b) A licensee, employee, or agent of a marijuana product manufacturing facility who handles marijuana at the facility shall obtain a food worker card in compliance with 18 AAC 31.330 and keep that card in that person's possession at all times while on the licensed premises of the marijuana product manufacturing facility. (Eff. 2/21/2016, Register 217; am 2/21/2019, Register 229; am 4/16/2023, Register 246)

3 AAC 306.535. Restricted access and storage areas.

- (a) A marijuana product manufacturing facility shall conduct any extraction or product manufacturing operation in a restricted access area in compliance with 3 AAC 306.710.

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- (b) A marijuana product manufacturing facility shall have full video surveillance of the licensed premises as provided in 3 AAC 306.720, including each area where
 - (1) marijuana concentrate is produced;
 - (2) any operation involved in manufacturing any product containing marijuana occurs;
 - (3) marijuana or a marijuana product is stored or stockpiled; or
 - (4) marijuana waste is destroyed.
- (c) Any area where marijuana or a marijuana product is stored must be moisture- and temperature-controlled and protected from pests and vermin. (Eff. 2/21/2016, Register 217)

3 AAC 306.540. Marijuana inventory tracking system.

- (a) A marijuana product manufacturing facility shall use a marijuana inventory tracking system as provided in 3 AAC 306.730 to ensure that the marijuana product manufacturing facility identifies and tracks any marijuana or marijuana product from the time the marijuana or marijuana product is received, through
 - (1) use of the marijuana or marijuana product in manufacturing any other marijuana product;
 - (2) sale or transfer of the marijuana or marijuana product originally received, or any marijuana product manufactured at that marijuana product manufacturing facility to another licensed marijuana establishment;
 - (3) return of marijuana product from a licensed retail marijuana store or another marijuana product manufacturing facility that
 - (A) rejected a shipment of marijuana product; or
 - (B) revoked acceptance of a shipment of marijuana product;
 - (4) disposal of any expired or outdated marijuana or marijuana product that is not sold or transferred to another licensed marijuana establishment; and
 - (5) relocation of marijuana or marijuana product to the new licensed premises in the case of a transfer of a marijuana establishment license to another location approved by the board.
- (b) When marijuana from a marijuana cultivation facility or a marijuana product from another marijuana product manufacturing facility is delivered or transported to the licensed premises of a marijuana product manufacturing facility, the marijuana product manufacturing facility shall immediately enter tracking information for that marijuana or

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marijuana product into the marijuana inventory tracking system. A marijuana product manufacturing facility may not accept any marijuana or marijuana product that does not have a valid transport manifest generated from the marijuana inventory tracking system of the licensed marijuana establishment that supplies the marijuana or marijuana product.

- (c) A marijuana product manufacturing facility shall track any received marijuana or marijuana product to its use in a marijuana product, and shall reconcile each transaction to the marijuana product manufacturing facility's marijuana inventory tracking system at the close of business each day.
- (d) A marijuana product manufacturing facility shall account for any variance in the quantity of marijuana or marijuana product the facility received, and the quantity the facility sold, transferred, or disposed of. (Eff. 2/21/2016, Register 217; am 1/22/2023, Register 245; am 1/5/2024, Register 249)

3 AAC 306.545. Health and safety standards.

- (a) A marijuana product manufacturing facility shall comply with the health and safety standards set out in 3 AAC 306.735, 18 AAC 31 (Alaska Food Code), if applicable, and any local kitchen-related health and safety standards for retail food establishments.
- (b) In addition to inspection by the director or an employee or agent of the board, a marijuana product manufacturing facility is subject to inspection by local safety officials, including a local fire department, building inspector, or code enforcement officer. (Eff. 2/21/2016, Register 217)

3 AAC 306.550. Required laboratory testing.

- (a) A marijuana product manufacturing facility shall provide a sample of each marijuana product manufactured at the facility to a licensed marijuana testing facility, and may not sell or transport a marijuana product until all laboratory testing required under 3 AAC 306.645 has been completed.
- (b) To comply with (a) of this section, a marijuana product manufacturing facility shall
 - (1) collect a random sample for testing by selecting a product from each production lot in an amount required by the marijuana testing facility;
 - (2) designate an individual responsible for collecting each sample; that individual shall
 - (A) prepare a signed statement showing that each sample has been randomly selected for testing;
 - (B) provide the signed statement to the marijuana testing facility; and

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- (C) maintain a copy as a business record under 3 AAC 306.755; and
 - (3) transport the sample to the marijuana testing facility in compliance with 3 AAC 306.750.
- (c) After collecting and transporting a sample for testing, a marijuana product manufacturing facility shall segregate the entire production lot from which the testing sample was selected until the marijuana testing facility reports the results from its tests. During this period of segregation, the marijuana product manufacturing facility that provided the sample shall maintain the production lot in a secure, cool, and dry location to prevent the marijuana product from becoming contaminated or losing its efficacy. The marijuana product manufacturing facility may not sell or transport any marijuana product from the segregated lot until the marijuana testing facility has completed its testing and analysis and provided those results, in writing, to the marijuana product manufacturing facility that provided the sample. The marijuana product manufacturing facility shall maintain the testing results as part of its business records. (Eff. 2/21/2016, Register 217)

3 AAC 306.555. Production of marijuana concentrate.

- (a) Before producing marijuana concentrate for sale, a marijuana product manufacturing facility shall develop standard operating procedures, good manufacturing practices, a safety plan, and a training plan for each individual employed in an extraction process.
- (b) A marijuana product manufacturing facility may create marijuana concentrates only as follows:
 - (1) water-based marijuana concentrate may be produced by extracting cannabinoids from marijuana by using only water, ice, or dry ice;
 - (2) food-based marijuana concentrate may be produced by extracting cannabinoids from marijuana through the use of propylene glycol, glycerin, butter, olive oil, or other typical cooking fats; infused dairy butter, oils, or fats derived from natural sources may be used to prepare infused edible products;
 - (3) solvent-based marijuana concentrate may be produced using the hydrocarbons N-butane, isobutane, propane, or heptane or other solvents or gases the board approves that exhibit low to minimal potential human health-related toxicity; approved solvents must be of at least 99 percent purity and must be used
 - (A) in a professional grade closed-loop extraction system designed to recover the solvents;
 - (B) in an environment with proper ventilation; and
 - (C) with control of all sources of ignition if a flammable atmosphere is or may be present.

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- (c) A marijuana product manufacturing facility using a professional grade closed-loop gas extraction system shall ensure that
- (1) each vessel is used in compliance with the manufacturer's stated pressure ratings;
 - (2) any carbon dioxide used is of at least 99 percent purity;
 - (3) a person using a solvent or gas to extract marijuana concentrate in the closed-loop system is fully trained on how to use the system, has direct access to applicable material safety data sheets, and handles and stores the solvent and gas safely;
 - (4) a licensed engineer has certified that the professional grade closed-loop system was commercially manufactured, is safe for its intended use, and is built to codes of recognized and generally accepted engineering practices; and
 - (5) any professional grade closed-loop system, and other equipment and facilities used in the extraction process are approved for their use by the local fire code official and meet any applicable fire, safety, and building code requirements.
- (d) A marijuana product manufacturing facility may use heat, screens, presses, steam distillation, ice water, and other methods without employing solvents or gases to create
- (1) kief;
 - (2) hashish;
 - (3) bubble hash;
 - (4) infused dairy butter, oils, or fats derived from natural sources; or
 - (5) other extracts.
- (e) A marijuana product manufacturing facility may use food-grade glycerin, ethanol, and propylene glycol solvents to create extracts. All ethanol must be removed from the extract in a manner to recapture the solvent and ensure that it is not vented into the atmosphere. (Eff. 2/21/2016, Register 217; am 4/16/2023, Register 246)

3 AAC 306.557. Quality control sampling.

A marijuana product manufacturing facility may provide a sample of marijuana concentrate or other marijuana product manufactured at that facility to an employee of the facility, who 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;

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- (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 provided under this section is sold or given to another licensee or consumer;
- (5) each employee who receives a marijuana sample for the purpose of quality control completes a quality control form approved by the board for each sample;
- (6) the licensee maintains copies of completed forms required under (5) of this subsection in accordance with 3 AAC 306.755; and
- (7) samples that leave the licensed premises are packaged in opaque, resealable, child-resistant packaging and clearly marked or labeled “For Quality Control” and the packaging is 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.
- (8) each sample is tested under 3 AAC 306.445 and 3 AAC 306.550 before being provided to an employee under this section. (Eff. 5/25/2018, Register 226; am 12/25/2020, Register 236)

3 AAC 306.560. Potency limits per serving and transaction for edible marijuana products.

A marijuana product manufacturing facility may not prepare a marijuana product with potency levels exceeding the following, as tested in compliance with 3 AAC 306.645:

- (1) for a single serving of a marijuana product, not more than 10 milligrams of active tetrahydrocannabinol (THC) or Delta 9;
- (2) in a single packaged unit of a marijuana product to be eaten or swallowed, not more than 10 servings or 100 milligrams of active THC or Delta 9; the THC content must be homogenous, or evenly distributed throughout the marijuana-infused product. (Eff. 2/21/2016, Register 217; am 9/1/2021, Register 239)

3 AAC 306.565. Packaging of marijuana products.

- (a) A marijuana product manufacturing facility shall observe the potency limits set out in 3 AAC 306.560 in packaging each product for resale by a retail marijuana store.
- (b) A container or packaging for any edible marijuana product produced by a marijuana product manufacturing facility may not have any printed images, including cartoon

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characters, that specifically target individuals under 21 years of age. In addition, the packaging must

- (1) protect the product from contamination and may not impart any toxic or damaging substance to the product; and
 - (2) if the marijuana product contains multiple servings, be designed so that the marijuana product itself has markings or demarcations clearly delineating each serving of the product; for liquid marijuana products with multiple servings, the packaging must indicate the number and size of individual servings.
- (c) A licensed marijuana product manufacturing facility may transfer marijuana concentrates in wholesale packages not to exceed 10 pounds to another licensed marijuana product manufacturing facility or a licensed retail marijuana store except that infused dairy butter, oils, or fats may not be transferred in wholesale to a retail marijuana store by any marijuana product manufacturing facility.
- (d) Each packaged marijuana product must be identified by a tracking label generated by the marijuana product manufacturing facility's marijuana inventory tracking system.
- (e) A licensed marijuana product manufacturing facility shall prepare marijuana products for transfer to another marijuana establishment by
- (1) placing marijuana products within a sealed, tamper-evident shipping container;
 - (2) affixing a label that complies with 3 AAC 306.570(d) to the shipping container; and
 - (3) generating a transport manifest from the marijuana product manufacturing facility's marijuana inventory tracking system; the transport manifest must remain with the marijuana products at all times while being transported, and a copy must be given to the licensed marijuana establishment that receives the shipment.
- (f) A marijuana product manufacturing facility may create a variety pack with one or more products. The single packaged unit requirement under 3 AAC 306.560(2) applies to each product inside the variety pack. All required labels under 3 AAC 306.570 must be affixed to each product inside the variety pack as well as the exterior of the variety pack. The total amount of THC inside the variety pack may not exceed the limits set out under 3 AAC 306.355. (Eff. 2/21/2016, Register 217; am 2/21/2019, Register 229; am 03/13/2020, Register 233; am 4/16/2023, Register 246; am 12/31/2023, Register 248)

3 AAC 306.570. Labeling of marijuana products.

- (a) With each production lot of marijuana product sold, a marijuana product manufacturing facility shall disclose in writing the name of the licensed marijuana testing facility that performed any required test and the results of each required test.

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- (b) A marijuana product may not be labeled as organic.
- (c) To each package of marijuana product sold to a retail marijuana store for resale to a consumer, a marijuana product manufacturing facility shall affix a label setting out
 - (1) the name and license number of the marijuana product manufacturing facility where the marijuana product was prepared;
 - (2) the production lot number assigned to the product in the package;
 - (3) the net weight of the product in the package,
 - (A) not including weight of packaging; and
 - (B) using a standard of measure compatible with the marijuana product manufacturing facility's marijuana inventory tracking system; and
 - (4) each of the following statements:
 - (A) "Marijuana has intoxicating effects and may be habit forming and addictive";
 - (B) "Marijuana impairs concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence";
 - (C) "There are health risks associated with consumption of marijuana";
 - (D) "For use only by adults twenty-one and older. Keep out of the reach of children.";
 - (E) "Marijuana should not be used by women who are pregnant or breast feeding.".
- (d) A marijuana product manufacturing facility transporting a marijuana product to a retail marijuana store shall affix a label to the shipping container showing that a licensed marijuana testing facility has tested each lot of marijuana product in the shipment and giving the test results, including
 - (1) a cannabinoid potency profile expressed as a range of percentages that extends from the lowest percentage to highest percentage of concentration for each cannabinoid listed from every test conducted on that production lot from the same marijuana product manufacturing facility within the last three months;
 - (2) a statement listing the results of microbial testing required under 3 AAC 306.645(b)(2);
 - (3) a statement listing the results of residual solvent testing required under 3 AAC 306.645(b)(3), if applicable; and
 - (4) a statement listing any contaminants for which the product was tested in addition to contaminants for which 3 AAC 306.645(b) requires testing; any additional tested contaminants include

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- (A) molds, mildew, and filth;
 - (B) herbicides, pesticides, and fungicides; and
 - (C) harmful chemicals.
- (e) If a marijuana product manufacturing facility ships wholesale marijuana product from a production lot of marijuana product that has not been tested for each contaminant listed in (d)(4) of this section, the label for that lot must include a statement identifying each contaminant listed in (d)(4) of this section for which that lot has not been tested. (Eff. 2/21/2016, Register 217)

Article 7. Operating Requirements for All Marijuana Establishments.

3 AAC 306.700. Marijuana handler permit.

- (a) Each agent of the marijuana establishment who sells, cultivates, manufactures, tests, or transports marijuana or a marijuana product, or who checks the identification of a consumer or visitor, and each licensee and employee must obtain a marijuana handler permit from the board before being licensed or beginning employment at a marijuana establishment.
- (b) To obtain a marijuana handler permit, a person must complete a marijuana handler permit education course approved by the board, pass a written test demonstrating an understanding of the course material, and obtain a certificate of course completion from the course provider.
- (c) To obtain a marijuana handler permit, a person who has completed the marijuana handler permit education course described in 3 AAC 306.701 shall present the course completion certificate to the director. The director shall issue a marijuana handler permit card valid for three years from the date of issue of the course completion certificate. A person may renew a card issued under this section by taking a marijuana handler permit education course approved by the board and passing a written test demonstrating an understanding of the course subjects.
- (d) A licensee, employee, or agent of a marijuana establishment shall keep the marijuana handler permit card described in (c) of this section in that person's immediate possession or a valid copy on file on the premises at all times when on the licensed premises of the marijuana establishment.

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- (e) Repealed 8/21/2019.
- (f) The board will not issue a marijuana handler permit to a person who
 - (1) has been convicted of a felony in the state and either
 - (A) less than five years have elapsed from the time of the person's conviction; or
 - (B) the person is currently on probation or parole for that felony,
 - (2) has within the two year period immediately preceding submission of an application, been convicted of a class A misdemeanor in the state involving a controlled substance other than a Schedule VIA controlled substance, under AS 11.71.190,
 - (3) has within the two year period immediately preceding submission of an application, been convicted of a class A misdemeanor in the state relating to selling, furnishing, or distributing marijuana; or,
 - (4) is currently under indictment for an offense listed in this section. (Eff. 2/21/2016, Register 217; am 5/23/2018, Register 226; am 9/7/2018, Register 227; am 2/21/2019, Register 229; am 8/21/2019, Register 231)

3 AAC 306.701. Marijuana handler permit education course.

- (a) The board shall approve all marijuana handler permit education courses before a course provider may issue a marijuana handler permit.
- (b) The topics that an approved marijuana handler permit education course covers must include
 - (1) AS 17.38 and this chapter;
 - (2) the effects of consumption of marijuana and marijuana products;
 - (3) how to identify a person impaired by consumption of marijuana;
 - (4) how to determine valid photographic identification;
 - (5) how to intervene to prevent unlawful marijuana consumption; and
 - (6) the penalty for an unlawful act by a licensee, an employee, or an agent of a marijuana establishment.
- (c) An approved course provider shall update the course with any applicable change to AS 17.38 and this chapter not later than 10 days after the effective date of the change. The

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course provider shall notify the board of a change to an approved course not later than three days after the change.

- (d) The board will review an approved marijuana handler permit education course at least once every three years, and may rescind approval of the course if the board finds that the education course contents are insufficient or inaccurate.
- (e) An approved course provider shall provide continuous access to the course to the board and the director for the purpose of reviewing course materials at any time.
- (f) The fee for a new marijuana handler permit education course and for a three-year review of a marijuana handler permit education course is \$500.
- (g) In addition to the topics set out under (b) of this section, a marijuana handler permit education course may advertise that the course provides specialized education that is employee-focused and is for employees of a retail marijuana store (AS 17.38.070(a); 3 AAC 306.300 – 3 AAC 306.380), marijuana cultivation facility (AS 17.38.070(b); 3 AAC 305.400 – 3 AAC 306.480), marijuana product manufacturing facility (AS 17.38.070(c); 3 AAC 306.500 – 3 AAC 306.580), or marijuana concentrate manufacturing facility (3 AAC 306.515), if the marijuana handler permit education course includes not less than 20 questions on its final examination that are specific to the applicable license type's employees and employment conditions. (Eff. 8/21/2019, Register 231; am 9/24/2021, Register 239; am 4/20/2025, Register 254)

3 AAC 306.703. Operations.

A licensed marijuana establishment shall operate in accordance with the operating plan approved by the board. The licensee may request an operating plan change in accordance with 3 AAC 306.100(c). (Eff. 5/9/2019, Register 230)

3 AAC 306.705. Licensed premises; alteration.

- (a) A marijuana establishment license will be issued for specific licensed premises. Unlicensed areas may not separate portions of licensed premises, except that the board may approve adjacent portions of the licensed premises that are not restricted access area as permitted under 3 AAC 306.710. Specific licensed premises must constitute a place clearly designated in a license application and described by a line drawing submitted with the license application. The licensed premises must
 - (1) have adequate space for its approved operations, including growing, manufacturing, processing, packaging, or storing marijuana or marijuana products; and

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- (2) be located and constructed to facilitate cleaning, maintenance, and proper operation.
- (b) A marijuana establishment's license and, if applicable, an endorsement issued under 3 AAC 306.110, including 3 AAC 306.370, must be posted in a conspicuous place within the licensed premises.
- (c) A holder of a marijuana establishment license may not alter the functional floor plan or reduce or expand the area of the licensed premises without first obtaining the director's written approval. A marijuana establishment license holder seeking to change or modify the licensed premises must submit a request for approval of the change on a form prescribed by the board, along with
 - (1) the fee prescribed in 3 AAC 306.100;
 - (2) a drawing showing the proposed change;
 - (3) evidence that the proposed change conforms to any local restrictions; and
 - (4) evidence that the licensee has obtained any applicable local building permit.
- (d) The board may approve two or more licenses for overlapping premises that are owned by the same person or same group of persons and within the same building or with abutting premises to use in common for an office, employee breakroom, bathroom, non-marijuana storage area, or a combination of those uses. The overlapping premises may not be restricted access areas, unless approved by the board under 3 AAC 306.710. (Eff. 2/21/2016, Register 217; am 12/10/2020, Register 236; am 1/5/2024, Register 249)

3 AAC 306.710. Restricted access areas.

- (a) A marijuana establishment shall restrict access to any part of the licensed premises where marijuana or a marijuana product is grown, processed, tested, stored, or stocked.
- (b) Except as provided in 3 AAC 306.325 for a retail marijuana store, each entrance to a restricted access area must be marked by a sign that says "Restricted access area. Visitors must be escorted." A marijuana establishment shall limit the number of visitors to not more than five visitors for each licensee, employee, or agent of the licensee who is actively engaged in supervising those visitors.
- (c) In a restricted access area, a licensee, employee, or agent of the marijuana establishment shall have on display, either on the person or in a readily accessible location on the licensed premises, a current identification badge bearing the person's photograph. A person under 21 years of age may not enter a restricted access area. Any visitor to the restricted access area must

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- (1) show identification as required in 3 AAC 306.350 to prove that person is 21 years of age or older;
 - (2) obtain a visitor identification badge before entering the restricted access area; and
 - (3) be escorted at all times by a licensee, employee, or agent of the marijuana establishment.
- (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 if
- (1) the marijuana or marijuana product is properly accounted for in the marijuana establishment's inventory tracking system required under 3 AAC 306.730;
 - (2) the marijuana or marijuana product is expressly identified as inventory of the appropriate marijuana establishment to which the marijuana or marijuana product belongs; and
 - (3) the area is in compliance with this section and any other provision of this chapter that applies to restricted access areas, including video surveillance as required under 3 AAC 306.720 and restricted access area provisions specific to the license type to which the marijuana or marijuana product belongs.
- (e) Failure to comply with (d) of this section is grounds for issuance of a notice of violation under 3 AAC 306.805(a) or other enforcement action under 3 AAC 306.800 - 3 AAC 306.850. (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)

3 AAC 306.712. Breastfeeding on licensed premises.

- (a) A licensee or employee of a licensee may bring a child up to 18 months of age, who is the child of the licensee or employee, onto the licensed premises for the purpose of breastfeeding.
- (b) A licensee may designate an area for breastfeeding or for the expression of breast milk. An area designated for breastfeeding must not expose the child in any way to marijuana or any marijuana product, including marijuana pollen. A designated area may not include an onsite consumption area described under 3 AAC 306.370.
- (c) This section may not be construed to supersede or change the requirements of 29 U.S.C. 207 (Section 7 of the Fair Labor Standards Act of 1938) or any other law applicable to breastfeeding in the workplace (Eff. 1/1/2021, Register 237; am 10/11/2023, Register 248)

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3 AAC 306.715. Security alarm systems and lock standards.

- (a) Each licensee, employee, or agent of a marijuana establishment shall have on display, either on the person or in a readily accessible location on the licensed premises, an identification badge issued by the marijuana establishment at all times when on the marijuana establishment's licensed premises.
- (b) The licensed premises of a marijuana establishment must have
 - (1) exterior lighting to facilitate surveillance;
 - (2) a security alarm system on all exterior doors and windows; and
 - (3) continuous video monitoring as provided in 3 AAC 306.720.
- (c) A marijuana establishment shall have policies and procedures that
 - (1) are designed to prevent diversion of marijuana or marijuana product;
 - (2) prevent loitering;
 - (3) describe the use of any additional security device, such as a motion detector, pressure switch, and duress, panic, or hold-up alarm to enhance security of licensed premises; and
 - (4) describe the actions to be taken by a licensee, employee, or agent of the marijuana establishment when any automatic or electronic notification system alerts a local law enforcement agency of an unauthorized breach of security.
- (d) A marijuana establishment shall use commercial grade, non- residential door locks on all exterior entry points to the licensed premises.
- (e) A marijuana establishment shall notify the Department of Commerce, Community, and Economic Development, Alcohol and Marijuana Control Office as soon as reasonably practical and in any case not 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 5/25/2018, Register 226; am 1/19/2022, Register 241)

3 AAC 306.720. Video surveillance.

- (a) A marijuana establishment shall install and maintain a video surveillance and camera recording system as provided in this section. The video system must cover

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- (1) each restricted access area and each entrance to a restricted access area within the licensed premises;
 - (2) each entrance to the exterior of the licensed premises; and
 - (3) each point-of-sale area.
- (b) At a marijuana establishment, a required video camera must be placed in a way that produces a clear view adequate to identify any individual inside the licensed premises, or within 20 feet of each entrance to the licensed premises. Both the interior and the exterior of each entrance to the facility must be recorded by a video camera.
- (c) Any area where marijuana is grown, cured, or manufactured, or where marijuana waste is destroyed, must have a camera placement in the room facing the primary entry door, and in adequate fixed positions, at a height that will provide a clear, unobstructed view of the regular activity without a sight blockage from lighting hoods, fixtures, or other equipment, in order to allow for the clear and certain identification of any person and activity in the area at all times.
- (d) Surveillance recording equipment and video surveillance records must be housed in a locked and secure area or in a lock box, cabinet, closet or other secure area that is accessible only to a marijuana establishment licensee or authorized employee, and to law enforcement personnel including a peace officer or an agent of the board. A marijuana establishment may house surveillance recording equipment and video surveillance records in an area approved by the board under 3 AAC 306.705(d) and 3 AAC 306.710(d) if the area meets the security requirements under this subsection.
- (e) A marijuana establishment may use an offsite monitoring service and offsite storage of video surveillance records if security requirements at the offsite facility are at least as strict as onsite security requirements as described in (d) of this section.
- (f) Each surveillance recording must be preserved for a minimum of 40 days, in a format that can be easily accessed for viewing. All recorded images must clearly and accurately display the time and date, and must be archived in a format that does not permit alteration of the recorded image, so that the images can readily be authenticated. After 40 days, a marijuana establishment may erase video recordings, unless the licensee knows or should know of any pending criminal, civil, or administrative investigation for which the video recording may contain relevant information. (Eff. 2/21/2016, Register 217; am 12/10/2020, Register 236)

3 AAC 306.725. Inspection of licensed premises.

- (a) A marijuana establishment or an applicant for a marijuana establishment license under this chapter shall, upon request, make the licensed premises or the proposed licensed premises, including any place for storage and overlapping premises described under 3

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AAC 306.705(d) and 3 AAC 306.710(d), available for inspection by the director, an employee or agent of the board, or an officer charged with the enforcement of this chapter. The board or the director may also request a local fire protection agency or any other state agency with health and safety responsibilities to inspect licensed premises or proposed licensed premises.

- (b) Inspection under this section includes inspection of the premises, facilities, qualifications of personnel, methods of operation, business and financial records, marijuana inventory tracking system, policies, and purposes of any marijuana establishment and of any applicant for a marijuana establishment license. (Eff. 2/21/2016, Register 217; am 12/10/2020, Register 236)

3 AAC 306.730. Marijuana inventory tracking system.

- (a) A marijuana establishment shall use a marijuana inventory tracking system capable of sharing information with the system the board implements to ensure all marijuana cultivated and sold in the state, and each marijuana product processed and sold in the state, is identified and tracked from the time the marijuana is a seed or cutting to a completed sale of marijuana or a marijuana product, or disposal of the harvest batch of marijuana or production lot of marijuana product.
- (b) Marijuana delivered to a marijuana establishment must be weighed on a scale registered in compliance with 3 AAC 306.745. (Eff. 2/21/2016, Register 217; am 10/20/2018, Register 228)

3 AAC 306.735. Health and safety standards.

- (a) A marijuana establishment is subject to inspection by the local fire department, building inspector, or code enforcement officer to confirm that health or safety concerns are not present.
- (b) A marijuana establishment shall take all reasonable measures and precautions to ensure that
 - (1) any person who has an illness, an open sore or infected wound, or other potential source of infection does not come in contact with marijuana or a marijuana product while the illness or source of infection persists;
 - (2) the licensed premises have
 - (A) adequate and readily accessible toilet facilities that are maintained in good repair and sanitary condition; and

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- (B) convenient handwashing facilities with running water at a suitable temperature; the marijuana establishment shall require employees to wash or sanitize their hands, and shall provide effective hand-cleaning, sanitizing preparations, and drying devices;
 - (3) each person working in direct contact with marijuana or a marijuana product conforms to good hygienic practices while on duty, including
 - (A) maintaining adequate personal cleanliness; and
 - (B) washing hands thoroughly in an adequate hand-washing area before starting work, after using toilet facilities, and at any other time when the person's hands may have become soiled or contaminated;
 - (4) litter, waste, and rubbish are properly removed; the waste disposal equipment must be maintained and adequate to
 - (A) avoid contaminating any area where marijuana or any marijuana product is stored, displayed, or sold;
 - (B) prevent causing odors or attracting pests;
 - (5) floors, walls, and ceilings are constructed to allow adequate cleaning, and are kept clean and in good repair;
 - (6) adequate lighting is installed in any area where marijuana or a marijuana product is stored, displayed, or sold, and where any equipment or utensil is cleaned;
 - (7) screening or other protection adequately protects against the entry of pests;
 - (8) each building, fixture, and other facility is maintained in sanitary condition;
 - (9) each toxic cleaning compound, sanitizing agent, and pesticide chemical is identified and stored in a safe manner to protect against contamination of marijuana or a marijuana product and in compliance with any applicable local, state, or federal law;
 - (10) adequate sanitation principles are used in receiving, inspecting, transporting, and storing marijuana or a marijuana product; and
 - (11) marijuana or a marijuana product is held in a manner that prevents the growth of bacteria, microbes, or other undesirable microorganisms.
- (c) A marijuana establishment shall ensure that any marijuana or marijuana product that has been stored beyond its usable life, or was stored improperly, is not salvaged and returned to the marketplace. In this subsection, "stored improperly" means being exposed to extremes in temperature, humidity, smoke, fumes, pressure, or radiation due to a natural disaster, fire, accident, or equipment failure.

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- (d) If a marijuana establishment does not have reliable information about the age or storage conditions of marijuana or a marijuana product in its possession, the marijuana establishment may salvage the marijuana only if
- (1) a licensed marijuana testing facility determines from quality assurance testing that the marijuana or marijuana product meets all applicable standards of moisture, potency, and contaminants;
 - (2) inspection of the premises where a disaster or accident occurred shows that the marijuana or marijuana product stored there was not adversely affected by the disaster or accident; and
 - (3) the marijuana establishment maintains a record of the salvaged marijuana or marijuana product in its marijuana inventory tracking system, including the name, lot number, and final disposition. (Eff. 2/21/2016, Register 217)

3 AAC 306.740. Waste disposal.

- (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 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 a marijuana product that has been found 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) is repealed 10/16/2022;
 - (2) record the waste in the marijuana inventory tracking system required under 3 AAC 306.730; and
 - (3) keep a record through the marijuana inventory tracking system of the final destination of marijuana waste made unusable.

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- (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 10/20/2018, Register 228; am 10/16/2022, Register 244)

3 AAC 306.745. Standardized scales.

A marijuana establishment shall use registered scales in compliance with AS 45.75.080 (Weights and Measures Act). A marijuana establishment shall

- (1) maintain registration and inspection reports of scales registered under AS 45.75.080 and 17 AAC 90.920 - 17 AAC 90.935; and
- (2) upon request by the board or the director, provide a copy of the registration and inspection reports of the registered scales to the board or the director for review. (Eff. 2/21/2016, Register 217)

3 AAC 306.750. Transportation.

- (a) Marijuana or a marijuana product may only be transported to a licensed marijuana establishment by a licensee or an agent or employee of a licensee.
- (b) A marijuana establishment from which a shipment of marijuana or marijuana product originates is responsible for preparing, packaging, and securing the marijuana or marijuana product during shipment, for recording the transfer in the marijuana inventory

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tracking system, and for preparing the transport manifest. An individual transporting marijuana in compliance with this section shall have a marijuana handler permit required under 3 AAC 306.700.

- (c) When marijuana or a marijuana product is transported, the marijuana establishment that originates the transport shall use the marijuana inventory tracking system to record the type, amount and weight of marijuana or marijuana product being transported, the name of the transporter, the time of departure and expected delivery, and the make, model, and license plate number of the transporting vehicle. A complete printed transport manifest on a form prescribed by the board must be kept with the marijuana or marijuana product at all times.
- (d) During transport, the marijuana or marijuana product must be in a sealed package or container and in a locked, safe, and secure storage compartment in the vehicle transporting the marijuana or marijuana product. While the secure storage compartment may be opened to access or rearrange its contents, the sealed package containing the marijuana or marijuana product may not be opened during transport. A vehicle transporting marijuana or a marijuana product must travel directly from the shipping marijuana establishment to the receiving marijuana establishment, and may not make unnecessary stops in between except to deliver or pick up marijuana or a marijuana product at another licensed marijuana establishment. For the purposes of this subsection, “unnecessary stops” do not include stops for the safe delivery of marijuana or marijuana products, including
 - (1) transport vehicle refueling;
 - (2) basic transport vehicle maintenance;
 - (3) necessary rest and food breaks for a person transporting marijuana or marijuana product;
 - (4) delivery or deposit of monetary receipts at a financial institution or payment of state excise taxes if the delivery, deposit, or payment location is not significantly off the transport route.
- (e) When a marijuana establishment receives marijuana or a marijuana product transported in compliance with this section, the recipient of the shipment shall use the marijuana inventory tracking system to report the type, amount, and weight of marijuana or marijuana product received. The recipient shall refuse to accept any shipment of marijuana or marijuana product that is not accompanied by the transport manifest.
- (f) A marijuana establishment shall keep records of all marijuana or marijuana products shipped from or received at that marijuana establishment as required under 3 AAC 306.755.
- (g) A marijuana establishment may transport marijuana or a marijuana product to and from a trade show or similar industry event in accordance with 3 AAC 306.760 and this section.

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- (h) Expired 8/14/2020
- (i) A marijuana establishment shall keep records of all marijuana or marijuana products relocated to the new licensed premises in the case of transfer of a marijuana establishment license to another location approved by the board. (Eff. 2/21/2016, Register 217; am 10/11/2017, Register 224; am 8/11/2018, Register 227; em am 4/17/2020 – 8/14/2020, Register 234; em am 5/7/2020 – 8/14/2020, Register, 234; am 1/22/2023, Register 245; am 1/5/2024, Register 249)

3 AAC 306.755. Business records.

- (a) A marijuana establishment shall maintain in a format that is readily understood by a reasonably prudent business person
 - (1) all books and records necessary to fully account for each business transaction conducted under its license for the current year and three preceding calendar years; records for the last six months must be maintained on the marijuana establishment's licensed premises or in overlapping premises approved by the board under 3 AAC 306.705(d); older records may be archived on or off premises;
 - (2) a current employee list setting out the full name and marijuana handler permit number of each licensee, employee, and agent who works at the marijuana establishment;
 - (3) the business contact information for vendors that maintain video surveillance systems and security alarm systems for the licensed premises;
 - (4) records related to advertising and marketing;
 - (5) a current diagram of the licensed premises including each restricted access area and all overlapping premises approved by the board under 3 AAC 306.705(d) and 3 AAC 306.710(d);
 - (6) a log recording the name, and date and time of entry of each visitor permitted in a restricted access area;
 - (7) all records normally retained for tax purposes;
 - (8) accurate and comprehensive inventory tracking records that account for all marijuana inventory activity from seed or immature plant stage until the retail marijuana or retail marijuana product is sold to a consumer, to another marijuana establishment, or destroyed; and
 - (9) transportation records for marijuana and marijuana products as required under 3 AAC 306.750(f); and

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- (10) transportation records for marijuana or marijuana products being relocated in the case of a transfer of a marijuana establishment license to another location approved by the board.
- (b) A marijuana establishment shall provide any record required to be kept on the licensed premises to an employee of the board upon request. Any record kept off premises must be provided to the board's employees not later than three business days after a request for the record.
- (c) A marijuana establishment shall exercise due diligence in preserving and maintaining all required records. Loss of records and data, including electronically maintained records, does not excuse a violation of this section. The board may determine a failure to retain records required under this section to be a license violation affecting public safety. (Eff. 2/21/2016, Register 217; am 12/10/2020, Register 236; am 1/22/2023, Register 245)

3 AAC 306.760. Trade shows.

- (a) Licensed marijuana establishments must comply with this section when participating in trade shows and similar industry events.
- (b) A licensed cultivation facility may bring one plant to the trade show or event for display. The removal from and return of the plant to the licensed premises must be tracked in the inventory tracking system. Any marijuana removed from the plant at the event must be retained by the licensee and returned to the licensed premises.
- (c) A licensed cultivation facility and a licensed retail facility may bring up to one ounce of each strain of marijuana to the trade show or event for display. The removal from and return of the marijuana to the licensed premises must be tracked in the marijuana inventory tracking system. The marijuana shall be contained so that the marijuana may not be removed from the display's immediate vicinity by a member of the public.
- (d) A licensed product manufacturing facility and a licensed retail facility may bring one sample package of each marijuana product made or sold by the facility to the event for display. The removal from and return of the marijuana product to the licensed premises must be tracked in the marijuana inventory tracking system. The marijuana product must remain packaged in the approved packaging throughout the duration of the event.
- (e) A licensed testing facility may not perform required tests on samples from a licensed facility at any trade show or similar event.
- (f) No marijuana or marijuana product may be sold or distributed by a licensee at the event.
- (g) Marijuana and marijuana product displayed at an event by a licensee must be handled only by a licensee, or employee or agent of a licensee, who holds a valid marijuana handler permit.

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- (h) Advertising or promotions displayed or distributed at the event by a licensee shall comply with the requirements of this chapter. (Eff. 8/11/2018, Register 227; am 3/5/2023, Register 245)

3 AAC 306.770. Signs, merchandise, advertisements, and promotions.

- (a) Business cards and merchandise, including t-shirts, hats, and stickers, that are distributed by a licensed marijuana establishment and contain only the business name and logo, license name, and location and contact information, are not advertising or promotions.
- (b) A licensed marijuana establishment operating within the boundary of a local government shall comply with the local government's laws regarding the size, number, and placement of any sign displayed at the licensed premises. In areas without a local government, a licensed marijuana establishment sign may not violate AS 19.25.075 – 19.25.160. A sign meeting these requirements is not advertising or promotions.
- (c) An advertisement for a licensed marijuana establishment and for marijuana or a marijuana product must include the business name and license number.
- (d) An advertisement for a licensed marijuana establishment is exempt from providing the warning statement in (g) of this section if
 - (1) the advertisement contains only the business name, logo, business type, contact information, location, and hours of operation; and
 - (2) the advertisement does not contain any written information about marijuana or a marijuana product or any photographic or illustrative depictions of marijuana or a marijuana product, other than depictions contained within the established business name font and logo.
- (e) A logo or an advertisement for a licensed marijuana establishment and 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.
- (f) An advertisement for a licensed marijuana establishment and for marijuana or a marijuana product may not be placed

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- (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, except when included in an established publication intended for general readership;
 - (2) on or in a publicly owned or operated property; or
 - (3) within 1,000 feet of a substance abuse or treatment facility.
- (g) Each of the following warnings must appear in an advertisement for marijuana or any marijuana product with visual contrast for print advertisements and intelligible audio for audio advertisements:
- (1) “Marijuana has intoxicating effects 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.”
- (h) A licensed marijuana establishment that advertises by means of a web page must utilize appropriate measures to ensure that individuals visiting the web page are 21 years of age or older.
- (i) A licensed marijuana establishment may not engage in advertising by means of marketing directed towards location-based devices, including cellular phones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and the application includes a permanent and easy opt-out feature.
- (j) As long as no more than 30 percent of the event’s participants and audience is reasonably expected to be under 21 years of age, a licensed marijuana establishment may sponsor
- (1) an industry trade show;
 - (2) a charitable event;
 - (3) a sports event or competition;
 - (4) a concert; or
 - (5) any other even approved in advance by the board.
- (k) A licensed marijuana establishment may not encourage the sale of marijuana or a marijuana product

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- (1) by conducting games or competitions related to the consumption of marijuana or a marijuana product; or
- (2) by providing promotional materials or activities of a manner or type that would be especially appealing to children. (Eff. 10/17/2018, Register 228; am 10/8/2023, Register 248)

Article 8. Enforcement; Civil Penalties.

3 AAC 306.801 and 3 AAC 306.830

3 AAC 306.801. Powers and duties.

- (a) The director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity may
 - (1) inspect, at a reasonable time and in a reasonable manner, the licensed premises of a marijuana establishment, including
 - (A) overlapping premises approved by the board under 3 AAC 306.705(d) and 3 AAC 306.710(d);
 - (B) marijuana and marijuana products;
 - (C) equipment used in cultivating, processing, testing, or storing marijuana, and
 - (D) the marijuana establishment's marijuana inventory tracking system, business records, and computers;
 - (2) issue a verbal warning, an inspection report, an advisory notice, or a notice of violation as set out under 3 AAC 306.806;
 - (3) seize or place an administrative hold on marijuana or any marijuana product as set out under 3 AAC 306.830;
 - (4) execute a search warrant;
 - (5) exercise peace officer powers as authorized under AS 17.28.131;
 - (6) file an accusation for suspension, revocation, or other disciplinary action on a license, permit, or endorsement; and

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- (7) take any other action the director considers necessary to ensure the enforcement of AS 17.38 and this chapter.
- (b) A marijuana establishment, licensee, employee, or agent in charge shall cooperate with the director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity to enforce AS 17.38 or this chapter including to
 - (1) permit entry to and inspection of the licensed premises; and
 - (2) provide access to business records not later than 10 business days after a request by the director, an enforcement agent, an employee of the board, or a peace officer. (Eff. 7/23/2023, Register 247)

3 AAC 306.830. Seizure of or administrative hold on marijuana or marijuana products.

- (a) The director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity may seize or place an administrative hold on marijuana or any marijuana product from a licensed or previously licensed marijuana establishment
 - (1) if the marijuana establishment has any marijuana or marijuana product not properly logged into the marijuana establishment's marijuana inventory tracking system;
 - (2) if the marijuana establishment has any adulterated marijuana food or drink product prohibited under 3 AAC 306.510(a)(4);
 - (3) if the marijuana establishment has any marijuana or marijuana product that is not properly packaged and labeled as provided in
 - (A) 3 AAC 306.470 and 3 AAC 306.475; or
 - (B) 3 AAC 306.565 and 3 AAC 306.570;
 - (4) if the marijuana establishment has not renewed its license as required under 3 AAC 306.035 or if the board has denied renewal of the marijuana establishment's license under 3 AAC 306.080(b);
 - (5) upon the development of reasonable grounds to believe that any marijuana or marijuana product
 - (A) constitutes evidence of a violation of a state statute or regulation; or
 - (B) poses an immediate threat to worker or public health, safety, or welfare; or
 - (6) if the marijuana establishment has engaged or attempted to engage in
 - (A) the diversion of marijuana or a marijuana product; or

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- (B) a crime on the establishment's licensed premises; in this subparagraph, "crime" has the meaning given in AS 11.81.900(b).
- (b) The director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity may choose, for a reason set out in (a) of this section, whether to place an administrative hold on marijuana or a marijuana product or seize the marijuana or marijuana product. The director may change an administrative hold to a seizure. The director shall update the marijuana inventory control tracking system to reflect the administrative hold or seizure or a change from an administrative hold to a seizure.
- (c) If marijuana or a marijuana product is placed on an administrative hold, the marijuana establishment shall
 - (1) physically separate the marijuana or marijuana product from the public and store it in a secured and restricted-access area of the establishment's licensed premises; and
 - (2) receive the express written consent of the director to sell, move, transfer, or engage in any other commercial activity relating to the marijuana or marijuana product,
 - (A) after the conclusion of the investigation of the reason for the administrative hold, the payment of any civil fine, the lifting of any suspension, and the conclusion of any informal conference, any formal hearing, and any hearing under AS 44.62.330 - 44.62.630 (Administrative Procedure Act) and, if applicable, 2 AAC 64.100 - 2 AAC 64.990;
 - (B) if seizure of the marijuana or marijuana product has not been ordered under (d) of this section; and
 - (C) if destruction of the marijuana or marijuana product has not been ordered under (j) of this section.
- (d) If the director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity seizes marijuana or a marijuana product under this section, the director shall ensure that the items physically removed from the establishment's licensed premises are stored in a reasonable manner.
- (e) The director shall immediately give the marijuana establishment at which the marijuana or marijuana product was placed on administrative hold or from which the item was seized notice of whether the action is an administrative hold or seizure and the reasons for the administrative hold or seizure. In the notice, the director shall state that the marijuana establishment may request, not later than 15 days after receiving the notice,
 - (1) an informal conference, before either the director or the board, if the establishment is aggrieved by an administrative hold; the director shall also state in the notice that selection of an informal conference does not affect the establishment's right to request a formal hearing from the administrative hold; or

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- (2) a formal hearing before the board from an administrative hold or seizure; in the notice, the director shall schedule a date and time for a formal hearing that is not later than 15 days after the establishment receives the notice, unless the establishment requests a delay.
- (f) If the marijuana establishment aggrieved by an administrative hold elects an informal conference
 - (1) with the director, the informal conference must be held at a time and place convenient to the establishment and the director, but not later than 15 days after the establishment receives notice of the administrative hold, unless the establishment elects a later time for the conference; an informal conference with the director may be conducted telephonically; or
 - (2) with the board, the informal conference must be held at a time and place convenient to the establishment and the board, but not later than the next scheduled meeting of the board; an informal conference with the board may be conducted telephonically.
- (g) If the informal conference does not resolve the matter of an administrative hold to the satisfaction of the marijuana establishment, the establishment, not later than 15 days after the last day of the informal conference, may request a formal hearing. The hearing will be held not later than 15 days after the director's receipt of the request for a formal hearing.
- (h) If a marijuana establishment's request for a formal hearing is from an informal conference regarding an administrative hold, the director shall send the establishment a notice with the date and time of the formal hearing, scheduled as described in (g) of this section, unless the establishment has requested a delay. If the request for formal hearing is from an administrative hold or seizure, and the establishment did not request an informal conference, the formal hearing will be held on the date and time scheduled in the notice sent under (e)(2) of this section, unless the establishment has requested a delay. If the administrative hold or seizure occurs in connection with a summary suspension under 3 AAC 306.825, the hearing will be combined with a hearing on the summary suspension.
- (i) If an administrative hold is on marijuana plants in a licensed standard or limited marijuana cultivation facility, the order setting the administrative hold must
 - (1) direct the facility to continue care of the plants until the conclusion of any informal conference, any formal hearing, and any hearing under AS 44.62.330 - 44.62.630 (Administrative Procedure Act) and, if applicable, 2 AAC 64.100 - 2 AAC 64.990; and
 - (2) prohibit any transfer, sale, or commercial activity related to the plants, until the conclusion of any informal conference, any formal hearing, and any hearing

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under AS 44.62.330 - 44.62.630 (Administrative Procedure Act) and, if applicable, 2 AAC 64.100 - 2 AAC 64.990.

- (j) If after a formal hearing the administrative hold or seizure is upheld as justified, the marijuana establishment at or from which the marijuana or marijuana product was placed on administrative hold or seized may request a hearing under AS 44.62.330 – 44.62.630 and, if applicable, 2 AAC 64.100 – 2 AAC 64.990
- (k) If a marijuana establishment from which marijuana or marijuana product was placed on administrative hold or seized does not contest the seizure or hold, or if after any informal conference and any final hearing the administrative hold on or seizure of the marijuana or marijuana product is upheld as justified, the board may order the destruction of the marijuana or marijuana product, in addition to or in place of any fines or civil remedies. The marijuana or marijuana product must be destroyed by burning, crushing, or mixing with other material to make the marijuana or marijuana product unusable as provided in 3 AAC 306.740.
- (l) The board will not consider marijuana or marijuana product placed on administrative hold or seized to be part of a marijuana establishment’s physical inventory until the administrative hold is lifted or the marijuana or marijuana product is removed from seizure. The director shall notify, for information purposes, local governments and taxing authorities with jurisdiction over a marijuana establishment subject to the administrative hold and seizure not later than 30 days after the administrative hold or seizure is put in place or lifted. (Eff. 2/21/2016, Register 217; am 12/6/2020, Register 236; am 7/23/2023, Register 247)

Article 9. General Provisions.

Excluding: 3 AAC 306.930, 3 AAC 306.935

3 AAC 306.905. Public records.

Marijuana establishment applications are public records. The board may, at the request of any applicant, designate materials confidential if they

- (1) contain proprietary information including trade secrets; or
- (2) are required to be kept confidential by any federal or state law. (Eff. 2/21/2016, Register 217)

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3 AAC 306.910. Refusal to sell marijuana.

Nothing in this chapter prohibits a licensee from refusing to sell marijuana or marijuana products to any person unless that refusal is a violation of AS 18.80.210. (Eff. 2/21/2016, Register 217)

3 AAC 306.915. Exercise of authority.

Until a marijuana establishment surrenders its license to the board, and so long as business is conducted under the license on the licensed premises, the person holding the license, whether an individual, a partnership, a limited liability company, a corporation, or a local government, is responsible and liable for the conduct of the business. Any individual exercising actual authority over the conduct of business on the licensed premises must be the holder of the marijuana establishment license, or an agent or employee of that person unless the board has approved a transfer of the license to a different person. (Eff. 2/21/2016, Register 217)

3 AAC 306.920. Death of licensee.

- (a) If an individual who is the sole licensee of a marijuana establishment dies, the marijuana establishment shall cease operation. A personal representative appointed by the superior court for the estate of the deceased licensee may submit to the director a written request to reopen the business, along with a copy of the court order appointing the personal representative. If the licensed marijuana establishment is in good standing, and the personal representative is not a person prohibited from holding a marijuana establishment license under AS 17.38.200(i), the director shall grant permission to the personal representative to operate the business on the licensed premises subject to (b) of this section. In this section, a marijuana establishment is in good standing if the marijuana establishment
- (1) has a valid current license;
 - (2) has paid all fees due under this chapter and all local taxes due; and
 - (3) has no unresolved suspension or revocation proceedings against it.
- (b) A personal representative authorized to operate a marijuana establishment under (a) of this section must submit an application for a transfer of ownership to another person in compliance with 3 AAC 306.045 not later than 90 days after obtaining the director's approval to operate. The board may extend the time allowed in this section for another 90 days if the personal representative requests the additional time.

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- (c) This section does not authorize the transfer of a marijuana establishment license unless the board approves the personal representative's application for transfer of license to another person. (Eff. 2/21/2016, Register 217)

3 AAC 306.925. Submissions to the board.

Except as otherwise specifically provided in this chapter, applications and communications of a formal nature must be submitted in writing, upon prescribed forms as appropriate, to the board at its main office, and are not considered timely filed until received there. (Eff. 12/28/2016, Register 220)

3 AAC 306.990. Definitions.

- (a) In AS 17.38 and this chapter,
 - (1) "assisting" does not include
 - (A) using, displaying, purchasing, or transporting marijuana in excess of the amount allowed in AS 17.38.020;
 - (B) possessing, growing, processing, or transporting marijuana plants in excess of the number allowed in AS 17.38.020;
 - (C) growing marijuana plants for another person in a place other than
 - (i) that other person's primary residence; or
 - (ii) a garage, shed, or similar place under the other person's control;
 - (2) "delivering"
 - (A) means handing to a person who purchases the product on licensed premises only;
 - (B) does not include transferring or transporting to a consumer off licensed premises;
 - (3) "flowering" means a marijuana plant that has visible crystals, buds, or flowers, or for which the exposure to light is scheduled with the intent to produce crystals, buds, or flowers;
 - (4) "immature" means a marijuana plant 18 inches or less in height with no visible crystals, buds, or flowers, and in which the exposure to light is scheduled with the intent to prevent formation of crystals, buds, or flowers;

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- (5) "in public"
 - (A) means in a place to which the public or a substantial group of people has access;
 - (B) except as provided in (C) of this paragraph, includes highways, transportation facilities, schools, places of amusement or business, parks, playgrounds, prisons, and hallways, lobbies and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence;
 - (C) does not include an area on the premises of a licensed retail marijuana store designated for onsite consumption under 3 AAC 306.305;
- (6) "mature" means a marijuana plant over 18 inches in height;
- (7) "personal cultivation" does not include
 - (A) using, displaying, purchasing, or transporting marijuana in excess of the amount allowed in AS 17.38.020;
 - (B) possessing, growing, processing, or transporting marijuana plants in excess of the number allowed in AS 17.38.020;
 - (C) growing marijuana plants for another person in a place other than
 - (i) that other person's primary residence; or
 - (ii) a garage, shed, or similar place under the other person's control;
- (8) "possess" means having physical possession or control over property;
- (9) "registration" means licensure or license.
- (b) In this chapter, unless the context requires otherwise,
 - (1) "adulterated food or drink product"
 - (A) means a product that is intended to be consumed orally and that existed without marijuana in a form ready for consumption before marijuana was added by any process;
 - (B) does not include raw ingredients that are combined with marijuana in a manufacturing process;
 - (2) "agent"
 - (A) means a representative who is authorized to act for a licensee, the board, or the director;
 - (B) includes a contractor or subcontractor;

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- (3) "batch" or "harvest batch" means a specifically identified quantity of bud and flower, plant trim, leaf, and other usable product from marijuana plants that are uniform in strain, cultivated in one place and under the same conditions, using the same medium and agricultural chemicals including pesticides and fungicides, and harvested at the same time;
- (4) "bud and flower" means the hairy, sticky, or crystal-covered parts of mature female marijuana plants generally harvested for their high potency content;
- (5) "business day" means a day other than a Saturday, Sunday, or a state holiday;
- (6) "CBD" means cannabidiol;
- (7) "CBDA" means CBD Acid;
- (8) "CBN" means cannabiniol;
- (9) "clones" or "cuttings" means small starter plants
 - (A) shorter than eight inches tall; and
 - (B) used to propagate marijuana plants;
- (10) "compensation"
 - (A) means money, bartered objects or services, or anything else of value, whether given as payment or voluntarily as a donation, when accepted by a person who gives, distributes, or delivers marijuana to another;
 - (B) includes a cover charge, a delivery charge, and a packaging charge;
- (11) "concentrate" or "marijuana concentrate" means resin, oil, wax, or any other substance produced by extracting or isolating cannabinoids, THC, or other components from a marijuana plant or from materials harvested from a marijuana plant;
- (12) "consumer"
 - (A) means an individual who purchases and uses marijuana or a marijuana product; and
 - (B) does not include a marijuana establishment that resells marijuana or incorporates marijuana into a manufactured product;
- (13) "contaminant" means one or more of the following:
 - (A) harmful microbials, including *Escherichia coli* (*E. coli*) or *Salmonella* species;
 - (B) residual solvents;
 - (C) poisons or toxins;

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- (D) harmful chemicals, including pesticides;
 - (E) dangerous molds, mildew, or filth;
- (14) "controlling interest" means ownership or control of
- (A) 50 percent or more of the ownership interest or voting shares of a corporation; or
 - (B) less than 50 percent if a person and family members jointly exert actual control as demonstrated by
 - (i) making decisions for the corporation without independent participation of other owners;
 - (ii) exercising day-to-day control over the corporation's affairs;
 - (iii) disregarding formal legal requirements;
 - (iv) using corporation funds for personal expenses or investments, or intermingling corporation finances with personal finances; or
 - (v) taking other actions that indicate the corporation is a mere instrumentality of the individual;
- (15) "distribute" means spread out or pass out among several or many members of a group;
- (16) "edible" and "edible marijuana product"
- (A) means a marijuana product that is intended to be consumed orally, whether as food or drink;
 - (B) does not include an adulterated food or drink product;
- (17) "extraction" or "marijuana extraction" means production of marijuana concentrate by any water-based, food-based, or solvent-based method;
- (18) "homogenous" means a component or quality, such as THC, is spread evenly throughout the product, or can be found in equal amounts in each part of a multi-serving unit;
- (19) "individual" means a natural person;
- (20) "in-house testing"
- (A) means laboratory testing as provided in 3 AAC 306.635 and that does not meet the requirements of 3 AAC 306.645;
 - (B) does not include consumption of any marijuana or marijuana product on the licensed premises;
- (21) "licensed"

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- (A) means holding a current and valid license that the board has issued under this chapter;
 - (B) does not include holding a formerly valid license that has expired or that the board has suspended or revoked;
- (22) "licensee" means each individual identified in 3 AAC 306.020 who must be listed in an application for a marijuana establishment license under this chapter;
- (23) "licensed premises" means any or all designated portions of a building or structure, or rooms or enclosures in the building or structure, including overlapping premises approved by the board under 3 AAC 306.705(d) and 3 AAC 306.710(d) or designated outdoor areas, at the specific location for which a marijuana establishment license is issued, and used, controlled, or operated by the marijuana establishment to carry out the business for which it is licensed;
- (24) "lot" or "production lot" means a group of marijuana products that were prepared at the same time from the same batch of marijuana, using the same recipe or process;
- (25) "marijuana" has the meaning given in AS 17.38.900;
- (26) "marijuana cultivation facility" has the meaning given in AS 17.38.900;
- (27) "marijuana infused product"
- (A) means a product that contains marijuana or marijuana concentrate and is intended for human use;
 - (B) does not include bud and flower marijuana;
- (28) "marijuana plant" means a living organism of the genus Cannabis capable of absorbing water and inorganic substances through its roots, and synthesizing nutrients in its leaves by photosynthesis;
- (29) "marijuana product" has the meaning given in AS 17.38.900;
- (30) "marijuana product manufacturing facility" has the meaning given in AS 17.38.900;
- (31) "peace officer" has the meaning given in AS 01.10.060;
- (32) "person" has the meaning given in AS 01.10.060;
- (33) "process" or "processing" means harvesting, curing, drying, or trimming of a marijuana plant;
- (34) "propagate" means to cause a marijuana plant to grow by planting clones or cuttings, and nurturing them into viable plants up to eight inches in height;
- (35) "recreation or youth center" means a building, structure, athletic playing field, or playground

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- (A) run or created by a local government or the state to provide athletic, recreational, or leisure activities for persons under 21 years of age; or
 - (B) operated by a public or private organization licensed to provide shelter, training, or guidance for persons under 21 years of age;
- (36) “retail marijuana store” has the meaning given in AS 17.38.900;
- (37) “square feet under cultivation”
- (A) means an area of the licensed premises of a standard or limited marijuana cultivation facility that is used for growing marijuana, measured from the perimeter of the floor or growing space for marijuana;
 - (B) does not include a processing or storage area, an equipment storage area, an office, a hallway, or another area, if that area is not used for growing marijuana;
- (38) “THC” means tetrahydrocannabinol, the main psychoactive substance found in marijuana;
- (39) “THCA” means THC Acid;
- (40) “transaction” means one single occurrence in which marijuana or a marijuana product not exceeding the limits set out in 3 AAC 306.355 is passed from a licensed marijuana establishment to another person.
- (41) “drunken person” has the meaning given in AS 04.21.080(b)(9);
- (42) “freestanding”
- (A) has the meaning given in AS 18.35.301(i)(1);
 - (B) does not include a building that contains a tenant other than one or more licensed marijuana establishments owned by the same business, individual, or group of individuals that seeks an onsite consumption endorsement;
- (43) “intoxicated” has the meaning given in AS 11.81.900(b)(34);
- (44) “marijuana consumption area” means a designated area within the licensed premises of a retail marijuana store that holds a valid onsite consumption endorsement, where marijuana and marijuana products may be consumed, excluding marijuana concentrates other than those consumed by vaping under 3 AAC 306.370(b)(3);
- (45) “retail marijuana store premises” means an area encompassing both the retail marijuana store and any marijuana consumption area.
- (46) “sight-obscuring wall or fence” means a wall or fence, including any gates constructed of solid material and a minimum of six feet in height.

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- (47) “total CBD” means the sum of CBD and $(0.877) \times (\text{CBDA})$;
- (48) “total THC” means the sum of THC and $(0.877) \times (\text{THCA})$.
- (49) “smoking” has the meaning given in AS 18.35.399;
- (50) “vaping” means the action or practice of inhaling the aerosol produced by an electronic device that heats up and vaporizes a liquid or solid.
- (51) “office” means the Alcohol and Marijuana Control Office;
- (52) “filth” has the meaning given “contaminated with filth” in AS 17.20.370 (Alaska Food, Drug, and Cosmetic Act; definitions);
- (53) “plant batch” means a specifically identified quantity of immature plants that are propagated at the same time and from the seeds, clones, or cuttings of a marijuana plant or marijuana plants that are uniform in strain, cultivated in one place and under the same conditions, and using the same medium and agricultural chemicals including pesticides and fungicides. (Eff. 2/24/2015, Register 213; am 2/21/2016, Register 217; am 10/11/2017, Register 224; am 8/11/2018, Register 227; am 10/20/2018, Register 228; am 4/11/2019, Register 230; am 5/9/2019, Register 230; am 03/13/2020, Register 233; am 12/6/2020, Register 236; am 12/10/2020, Register 236; am 8/7/2021, Register 239; am 7/23/2023, Register 247; am 4/19/2025, Register 254; am 4/25/2025, Register 254)

3 AAC 306.995. Internet and phone orders; exterior window or curbside pickup. Repealed.

(Eff. 4/17/2020, Register 234; am 8/23/20, Register 235; am 11/24/2020, Register 236; repealed 8/13/2023, Register 247)