



THE STATE
of **ALASKA**
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March 18, 2015

The Honorable Bill Stoltze
Senate State Affairs Chair
State Capitol, Rm. 125
Juneau, Alaska 99801

Re: Marijuana Establishment Public Notice

Dear Senator Stoltze:

At the March 10, 2015 hearing on SB 62, you asked for the administration's thoughts on public notice requirements for marijuana establishments. SB 62 contemplates allowing persons to commercially grow and operate marijuana establishments out of their homes. If a person chooses to operate a licensed commercial business in their home, they waive the expectation of privacy that is normally found in the home.

The expectation of privacy that a person has in their home is protected, but it is not impenetrable. A person's actions may invite government regulation and inspection. For instance, a person who wants to remodel their home is subject to local zoning restrictions and building codes. Additionally, a person who runs a child day care facility out of their home must allow for regular inspections. These requirements are in place for the general welfare of the entire community. It follows, that a person who wishes to conduct a regulated business out of their home, must also comply with the requirements of that license which may include inspections and public notice requirements.

Current laws governing the operation of alcohol establishments contain public notice requirements before a license may be issued or renewed. The public's involvement is a crucial piece of the licensing requirements. This gives the Alcohol Beverage Control Board an opportunity to hear concerns from the public and assess whether a particular establishment is complying with licensing requirements or becoming a hub for potential criminal activity. There is nothing preventing the legislature from implementing public notice requirements for any of the marijuana establishment licenses contemplated in SB 62 or otherwise.

Please let me know if I can be of any further assistance.

Sincerely,

CRAIG W. RICHARDS
ATTORNEY GENERAL

By:

A handwritten signature in dark ink, appearing to read "Richard Svobodny".

Richard Svobodny
Deputy Attorney General