

HB

319

<TARGET><BILL>HB 319</BILL><SUBJECT>HB
319</SUBJECT><COMM>HJUD30</COMM></TARGET>

ALASKA STATE LEGISLATURE



REPRESENTATIVE ANDY JOSEPHSON

MEMORANDUM

Date: February 16th, 2018

To: Representative Claman, Chair
House Judiciary Committee

From: Representative Josephson

Re: Hearing Request for House Bill 319

Please accept this hearing request for House Bill 319, entitled, "*An act relating to criminal background checks for marijuana establishment registrations and renewals; and providing for an effective date.*"

The purpose of this bill is to change the fingerprinting requirement for the renewal of marijuana establishment registrations from an annual basis to every six years.

Find attached the most recent version of the bill, sponsor statement, a summary of changes, fiscal notes, and supporting documents. Please feel free to contact my staff Megan Holland at 465-4939 with any questions.

I urge you to support this legislation.

A handwritten signature in cursive script that reads "Andy Josephson".

ALASKA STATE LEGISLATURE



REPRESENTATIVE ANDY JOSEPHSON

Sponsor Statement

House Bill 319: *“An act relating to criminal background checks for marijuana establishment registrations and renewals; and providing for an effective date.”*

Under current statute, for marijuana establishments to renew their registration, they must resubmit fingerprints for the purposes of conducting a national background check on an annual basis. Fingerprinting and thoroughly vetting registrations for the industry of a controlled substance is vital for our public safety. However, this process becomes adverse to public interests when it is done in excess, placing an unnecessary burden on Alaskan business owners and entrepreneurs.

Turning in fingerprints annually is not standard protocol for regulated industries, and it does not improve public safety. Only one other industry requires that fingerprints be turned in again after the initial printing; massage therapists must turn in fingerprints every two years. Legislation has been introduced to address the massage therapy requirements to six years as well for similar reasons. Fingerprints don't change, and the Department of Commerce, Community, and Economic Development has technology in place that monitors licensees and alerts the department of any changes in their criminal record.

In changing the requirement from every year to every six years, we retain the additional stop-gap protection in turning in new fingerprints, while relieving pressure on a new and developing industry in our state. The department and the industry both support this simple legislative solution.

I urge you to support this legislation. If you have any questions, please call my staff Megan Holland at 465-4939.

ALASKA STATE LEGISLATURE



REPRESENTATIVE ANDY JOSEPHSON

Summary of Changes

HB 319 – Renew Marijuana License: Background Checks

The original version of this bill changed the fingerprinting requirement for the registration renewal of a marijuana establishment from an annual basis to once every three years.

In the House State Affairs Committee, ***this requirement was amended to once every six years.*** This was done to reflect a similar proposed change to Massage Therapy requirements, from requiring fingerprints every two years to once every six.

The three-year requirement as proposed in the original bill came from draft language received from the Department of Commerce, Community, and Economic Development. This number was based on a suggestion made by Marijuana Control Board members.

The amendment was adopted with overwhelming support from members of the previous committee, and welcomed by myself, the bill's sponsor.

If you have further questions, please reach out to my staff Megan Holland at 465-4939.



**Marijuana Control Board
Meeting Minutes
July 12, 2017
Fourth Judicial District
DEC Meeting Room
610 University Avenue
Fairbanks, Alaska**

Board Members present:

Mark Springer
Nicholas Miller
Peter Mlynarik, Chair
Brandon Emmett
Loren Jones

AMCO staff present:

Erika McConnell, director
Harriet Milks, AMCO attorney
Jedediah Smith, local government specialist

● **ADMINISTRATION**

Chairman Peter Mlynarik called the meeting to order at 9 am.

A. Approval of Agenda

*Mark Springer moves to approve the agenda. Brandon Emmett seconds.
Springer proposes to move Tab 10 to follow Tab 7.
Agenda approved with change 5-0.*

B. Approval of the March 7, 2017 Meeting Minutes

*Springer moves to approve. Emmett seconds.
Motion carries 5-0.*

C. Approval of the April 4-5, 2017 Meeting Minutes

*Springer moves to approve. Emmett seconds.
Motion carries 5-0.*

D. Approval of the May 15, 2017 Meeting Minutes

Springer moves to approve. Emmett seconds.

Motion carries 5-0.

E. Approval of the May 24, 2017 Meeting Minutes

Springer moves to approve. Emmett seconds.

Motion carries 5-0.

● **DIRECTOR BRIEFING**

A. Director's Report

Director McConnell: AMCO lost two administrative staff to other positions in state service. Program coordinator still out on leave. Two licensing staff are new. Purchase of new audio equipment for better recording. Renewal application clarification: board wants to see licensees with NOVs in the previous year, not over the entire license history. If renewal is not filed in a timely manner, licenses expire on August 31. But it is not clear when licenses expire if renewal is filed in a timely manner. Propose to the board, show expiration date is August 31. Board directed advisory on multiple buildings as licensed premises.

Conflict of regulations. Board must approve changes to licensed premises in one section, and the director in another. Propose board delegate authority in 3 AAC 306.015(c). If comfortable with delegation on NOVs and temporarily approved changes to operating plans, chair can sign delegated order.

Emmett: These delegated orders are acceptable. No objection.

Chair Mlynarik: Statutory requirement for fingerprints?

McConnell: Cards are submitted to DPS, not kept on file at AMCO. AMCO cannot simply send a name to DPS for a background check.

Milks: On renewal application, licensee is required to disclose whether there has been a change in criminal history. It is in the statute that all renewals require a background check.

Emmett: some business owners are perplexed by having to submit background check every year, when alcohol only requires every five.

Jones: We need to have some legislative change on this requirement. It is an added expense.

Springer: An annual background check, especially since saying under penalty of perjury, that this is too high a bar.

Mlynarik: Investigator should have the ability to run a local check through APSIN. Investigators should be doing that on these renewals. Three years is reasonable.

Springer moves MCB request legislature amend AS17.38.200(a) to change the requirement for background checks. Emmett seconds. Motion carries 5-0.

McConnell: Board can retain authority on licensed premises changes, or delegate to director.

Jones: If they are going to have multiple buildings, space between them needs to be restricted space.

McConnell: when the board delegates authority to me, doesn't mean I have to make a decision. When I see a conflict, I will bring to board.

Springer moves to delegate authority of 3 AAC 306.015(c) to approve licensed premises changes to director. Emmett seconds.

Motion carries 5-0.

McConnell: One licensed premises, but separate restricted access areas. Need guidance from the board. Under what circumstances would a licensee need areas accessible to the public?

Springer: We issued licenses to cultivators who are using their residences. One of the questions I ask is 'do you have any kids.' We instruct them when they are going to move their product to create a temporary restricted access area.



09FEB2018

Statement of Support for HB319

The AMIA is pleased to state its support for HB319, it is merely common sense that the yearly re-checking of fingerprints is a burden on the already strained resources of the Department of Public Safety, the already stretched resources of the applicants of the process and a drain on everyone's time. The language changes to ease this requirement into a reasonable time frame is a welcome addition to an important requirement to ensure the safety of the public. The Alaska Marijuana Industry Association is fully supportive of the introduction of this language by Representative Josephson and hope this is adopted.

Respectfully Submitted on behalf of the AMIA Board,

Carroll Carrigan

Executive Director

Alaska Marijuana Industry Association

Fingerprint licensing requirements for MJ businesses, could be medical or adult retail.

As of Feb. 1, 2018.

Provided by NCSL- Karmen Hanson Karmen.hanson@ncsl.org 303-856-1423

COLORADO Medical

CO CRS 12-43.3-310.

- **(4)** A medical marijuana center, optional premises cultivation operation, or medical marijuana-infused products manufacturer shall notify the state licensing authority in writing of the name, address, and date of birth of an owner, officer, or manager before the new owner, officer, or manager begins managing, owning, or associating with the operation. Any owner, officer, manager or employee shall pass a fingerprint-based criminal history record check as required by the state licensing authority and obtain the required identification prior to being associated with, managing, owning, or working at the operation.

2-43.3-311. License renewal

- **(1)** Ninety days prior to the expiration date of an existing license, the state licensing authority shall notify the licensee of the expiration date by first class mail at the licensee's address of record with the state licensing authority. A licensee shall apply for the renewal of an existing license to the local licensing authority not less than forty-five days and to the state licensing authority not less than thirty days prior to the date of expiration. A local licensing authority shall not accept an application for renewal of a license after the date of expiration, except as provided in subsection (2) of this section. The state licensing authority may extend the expiration date of the license and accept a late application for renewal of a license provided that the applicant has filed a timely renewal application with the local licensing authority. All renewals filed with the local licensing authority and subsequently approved by the local licensing authority shall next be processed by the state licensing authority. The state licensing authority may administratively continue the license and accept a later application for renewal of a license at the discretion of the state licensing authority. The local licensing authority may hold a hearing on the application for renewal only if the licensee has had complaints filed against it, has a history of violations, or there are allegations against the licensee that would constitute good cause. The local licensing authority shall not hold a renewal hearing provided for by this subsection (1) for a medical marijuana center until it has posted a notice of hearing on the licensed medical marijuana center premises in the manner described in section 12-43.3-302 (2) for a period of ten days and provided notice to the applicant at least ten days prior to the hearing. The local licensing authority may refuse to renew any license for good cause, subject to judicial review.
- **(1.5)** The state licensing authority may require an additional fingerprint request when there is a demonstrated investigative need.

Adult use

12-43.4-306. Persons prohibited as licensees.

- 2.
-

▪ (c) AT THE TIME OF FILING AN APPLICATION FOR ISSUANCE OF A STATE RETAIL MARIJUANA ESTABLISHMENT LICENSE, AN APPLICANT SHALL SUBMIT A SET OF HIS OR HER FINGERPRINTS AND FILE PERSONAL HISTORY INFORMATION CONCERNING THE APPLICANT'S QUALIFICATIONS FOR A STATE LICENSE ON FORMS PREPARED BY THE STATE LICENSING AUTHORITY. THE STATE LICENSING AUTHORITY SHALL SUBMIT THE FINGERPRINTS AND THE LOCAL JURISDICTION MAY FORWARD FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS. THE COLORADO BUREAU OF INVESTIGATION SHALL FORWARD THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS. THE STATE LICENSING AUTHORITY MAY ACQUIRE A NAME-BASED CRIMINAL HISTORY RECORD CHECK FOR AN APPLICANT OR A LICENSE HOLDER WHO HAS TWICE SUBMITTED TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND WHOSE FINGERPRINTS ARE UNCLASSIFIABLE. AN APPLICANT WHO HAS PREVIOUSLY SUBMITTED FINGERPRINTS FOR STATE LICENSING PURPOSES MAY REQUEST THAT THE FINGERPRINTS ON FILE BE USED. THE STATE LICENSING AUTHORITY SHALL USE THE INFORMATION RESULTING FROM THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A STATE LICENSE PURSUANT TO THIS ARTICLE. THE STATE OR LOCAL LICENSING AUTHORITY MAY VERIFY ANY OF THE INFORMATION AN APPLICANT IS REQUIRED TO SUBMIT.

12-43.4-309. Licensing in general

- (1) Local jurisdictions are authorized to adopt and enforce regulations for retail marijuana establishments that are at least as restrictive as the provisions of this article and any rule promulgated pursuant to this article.
- (2) A retail marijuana establishment may not operate until it is licensed by the state licensing authority pursuant to this article and approved by the local jurisdiction. If an application is denied by the local licensing authority, the state licensing authority shall revoke the state-issued license. In connection with a license, the applicant shall provide a complete and accurate application as required by the state licensing authority.
- (3) A retail marijuana establishment shall notify the state licensing authority in writing of the name, address, and date of birth of an owner, officer, or manager before the new owner, officer, or manager begins managing, owning, or associating with the operation. The owner, officer, manager, or employee must pass a fingerprint-based criminal history record check as required by the state licensing authority and obtain the required identification prior to being associated with, managing, owning, or working at the operation.

12-43.4-310. License renewal

- **(1)** Ninety days prior to the expiration date of an existing license, the state licensing authority shall notify the licensee of the expiration date by first-class mail at the licensee's address of record with the state licensing authority. A licensee may apply for the renewal of an existing license to the state licensing authority not less than thirty days prior to the date of expiration. Upon receipt of an application for renewal of an existing license and any applicable fees, the state licensing authority shall submit, within seven days, a copy of the application to the local jurisdiction to determine whether the application complies with all local restrictions on renewal of licenses. The state licensing authority shall not accept an application for renewal of a license after the date of expiration, except as provided in subsection (2) of this section. The state licensing authority may extend the expiration date of the license and accept a late application for renewal of a license if the applicant has filed a timely renewal application with the local licensing authority. The state or the local licensing authority, in its discretion, subject to the requirements of this subsection (1) and subsection (2) of this section and based upon reasonable grounds, may waive the thirty-day time requirements set forth in this subsection (1).
- **(1.5)** The state licensing authority may require an additional fingerprint request when there is a demonstrated investigative need.

12-43.4-202. Powers and duties of state licensing authority - rules

- (3)** (a) Rules promulgated pursuant to subsection (2)(b) of this section must include, but need not be limited to, the following subjects:
- **(I)** Procedures consistent with this article for the issuance, renewal, suspension, and revocation of licenses to operate retail marijuana establishments;
 - **(II)** Subject to the limitations contained in [section 16 \(5\)\(a\)\(II\) of article XVIII of the state constitution](#) and consistent with this article, a schedule of application, licensing, and renewal fees for retail marijuana establishments;
 - **(III)** Qualifications for licensure under this article, including but not limited to the requirement for a **fingerprint**-based criminal history record check for all owners, officers, managers, contractors, employees, and other support staff of entities licensed pursuant to this article;

5. Each Direct Beneficial Interest Owner required to have an Associated Key License must be fingerprinted at least every two years, and may be fingerprinted more often at the Division's discretion.

6. The Division shall perform a limited background check, which may include fingerprinting, regarding Qualified Limited Passive Investors and other Financial Interests that are Indirect Beneficial Interest Owners. If the background check provides reasonable cause for additional investigation, the Division may require additional investigation.

Indirect Beneficial Interest Owners and Qualified Limited Passive Investors. At the time of renewal, a Medical Marijuana Business shall disclose any and all Indirect Beneficial Interest

Owners and Qualified Limited Passive Investors that hold an interest in the Medical Marijuana Business. Additionally, the Medical Marijuana Business must present updated information regarding all Indirect Beneficial Interest Owners and Qualified Limited Passive Investors at the time the Medical Marijuana Business submits its renewal materials: 1. Current Division Indirect Beneficial Interest Owners and Qualified Limited Passive Investors renewal disclosure forms; 2. Current Division form allowing the Division to investigate any Indirect Beneficial Interest Owner(s) and/or Qualified Limited Passive Investor(s) if the Division deems such investigation necessary. The form shall be signed by all Direct Beneficial Interest Owner(s) of the Medical Marijuana Business; 3. Permitted Economic Interest holders, at the discretion of the Division, may be required to submit new fingerprints;

Permitted Economic Interest Fingerprints Required. Any individual applying to hold his or her first Permitted Economic Interest shall be fingerprinted for a criminal history record check. In the Division's discretion, an individual may be required to be fingerprinted again for additional criminal history record checks.

WASHINGTON

RCW 69.50.331

Application for license.

(1) For the purpose of considering any application for a license to produce, process, research, transport, or deliver marijuana, useable marijuana, marijuana concentrates, or marijuana-infused products subject to the regulations established under RCW 69.50.385, or sell marijuana, or for the renewal of a license to produce, process, research, transport, or deliver marijuana, useable marijuana, marijuana concentrates, or marijuana-infused products subject to the regulations established under RCW 69.50.385, or sell marijuana, the state liquor and cannabis board must conduct a comprehensive, fair, and impartial evaluation of the applications timely received.

(a) The state liquor and cannabis board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for considering the denial, suspension, revocation, or renewal or denial thereof, of any license, the state liquor and cannabis board may consider any prior criminal conduct of the applicant including an administrative violation history record with the state liquor and cannabis board and a criminal history record information check. The state liquor and cannabis board may submit the criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The state liquor and cannabis board must require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation. The provisions of RCW 9.95.240 and of chapter 9.96A RCW do not apply to these cases. Subject to the provisions of this section, the state liquor and cannabis board may, in its discretion, grant or deny the renewal or license applied for. Denial may be based on, without limitation, the existence of chronic illegal activity documented in objections submitted pursuant to subsections (7)(c) and (10) of this section. Authority to approve an uncontested or unopposed license may be granted by the state liquor and cannabis board to any staff member the board designates in writing. Conditions for granting this authority must be adopted by rule.

WAC 314-55-075

What is a marijuana producer license and what are the requirements and fees related to a marijuana producer license?

(2) The application fee for a marijuana producer license is two hundred fifty dollars. The applicant is also responsible for paying the fees required by the approved vendor for fingerprint evaluation.

(3) The annual fee for issuance and renewal of a marijuana producer license is one thousand dollars. The WSLCB will conduct random criminal history checks at the time of renewal that will require the licensee to **submit fingerprints** for evaluation from the approved vendor. The licensee will be responsible for all fees required for the criminal history checks.

This also applies to MJ Processor and retailer licenses. WAC 314-55-077

<http://app.leg.wa.gov/wac/default.aspx?cite=314-55-077>

And <http://app.leg.wa.gov/wac/default.aspx?cite=314-55-079>

CALIFORNIA

Medical required for criminal background check.

[Section 144 of the Business and Professions Code](#) is amended to read:

- **§ 144.**
 - (a) Notwithstanding any other ~~provision of~~ law, an agency designated in subdivision (b) **shall require an applicant to furnish to the agency a full set of fingerprints** for purposes of conducting criminal history record checks. Any agency designated in subdivision (b) may obtain and receive, at its discretion, criminal history information from the Department of Justice and the United States Federal Bureau of Investigation.

Both MCRSA and AUMA require applicants for state licenses to electronically submit fingerprint images and related information to the Department of Justice for the purpose of obtaining conviction and arrest information and to provide certain information and documentation in or with their applications under penalty of perjury. Although these requirements are generally similar, certain persons who are considered to be applicants subject to these requirements under MCRSA are not considered applicants under AUMA, and certain information or documentation must be provided by applicants for licenses under MCRSA or AUMA, but not both. Until January 1, 2019, AUMA authorizes licensing authorities to issue temporary licenses for a period of less than 12 months. Until December 31, 2019, AUMA prohibits licensing authorities from issuing licenses to persons who are not residents of California, as specified.

Cal Bus & Prof Code § 26051.5

§ 26051.5. State **license** requirements

- (a) An applicant for any type of state license issued pursuant to this division shall do all of the following:
 - (1) Require that each owner of the applicant electronically submit to the Department of Justice **fingerprint** images and related information required by the Department of Justice for the purpose of obtaining information as to the existence and content of a record of state or federal convictions and arrests, and information as to the existence and content of a record of state or federal convictions and arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance, pending trial or appeal.
 - (A) The Department of Justice shall provide a response to the licensing authority pursuant to paragraph (1) of subdivision (p) of [Section 11105 of the Penal Code](#).
 - (B) The licensing authority shall request from the Department of Justice subsequent notification service, as provided pursuant to [Section 11105.2 of the Penal Code](#), for applicants.
 - (C) The Department of Justice shall charge the applicant a fee sufficient to cover the reasonable cost of processing the requests described in this paragraph.

OREGON

AUTHORITY TO REQUIRE FINGERPRINTS

- ([Next](#) | [Previous](#)) **SECTION 16.**
 - (1) Section 17 of this 2016 Act is added to and made a part of [ORS 475B.010](#) to 475B.395.
 - (2) Section 18 of this 2016 Act is added to and made a part of [ORS 475B.550](#) to 475B.590.
- ([Next](#) | [Previous](#)) **SECTION 17.**
 - For the purpose of requesting a state or nationwide criminal records check under [ORS 181A.195](#), the Oregon Liquor Control Commission may require **the fingerprints** of any individual listed on an application submitted under ORS 475B.218.
- ([Next](#) | [Previous](#)) **SECTION 18.**
 - For the purpose of requesting a state or nationwide criminal records check under [ORS 181A.195](#), the Oregon Liquor Control Commission may require **the fingerprints** of any individual listed on an application submitted under [ORS 475B.560](#).

NEVADA

(a) The person who wishes to operate the proposed medical marijuana establishment has submitted to the Department all of the following:

- (1) The application fee, as set forth in [NRS 453A.344](#);
- (2) An application, which must include:

- (I) The legal name of the proposed medical marijuana establishment;
- (II) The physical address where the proposed medical marijuana establishment will be located and the physical address of any co-owned additional or otherwise associated medical marijuana establishments, the locations of which may not be within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the Department, or within 300 feet of a community facility that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the Department;
- (III) Evidence that the applicant controls not less than \$250,000 in liquid assets to cover the initial expenses of opening the proposed medical marijuana establishment and complying with the provisions of [NRS 453A.320 to 453A.370](#), inclusive;
- (IV) Evidence that the applicant owns the property on which the proposed medical marijuana establishment will be located or has the written permission of the property owner to operate the proposed medical marijuana establishment on that property;
- (V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;
- 4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical marijuana establishment, the Department shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.
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453A.332

453A.332. Agents required to register with Division; requirements for registration; establishment required to notify Division if agent ceases to be employed by, volunteer at or provide labor at establishment; expiration and renewal of registration.

- 1. Except as otherwise provided in this section, a person shall not volunteer or work at, contract to provide labor to or be employed by an independent contractor to provide labor to a medical marijuana establishment as a medical marijuana establishment agent unless the person is registered with the Department pursuant to this section.
- 2. A medical marijuana establishment that wishes to retain as a volunteer or employ a medical marijuana establishment agent shall submit to the Department an application on a form prescribed by the Department. The application must be accompanied by:
 - (a) The name, address and date of birth of the prospective medical marijuana establishment agent;
 - (b) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;
 - (c) A statement signed by the prospective medical marijuana establishment agent asserting that he or she has not previously had a medical marijuana establishment agent registration card revoked;

- (d) A complete set of the **fingerprints** and written permission of the prospective medical marijuana establishment agent authorizing the Department to forward the **fingerprints** to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;
 - (e) The application fee, as set forth in [NRS 453A.344](#); and
 - (f) Such other information as the Department may require by regulation.
- 3. A medical marijuana establishment that wishes to contract with an independent contractor to provide labor as a medical marijuana establishment agent shall submit to the Department an application on a form prescribed by the Department for the registration of the independent contractor and each employee of the independent contractor who will provide labor as a medical marijuana establishment agent. The application must be accompanied by:
 - (a) The name, address and, if the prospective medical **marijuana** establishment agent has a state **business** registration, the **business** identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
 - (b) The name, address and date of birth of each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent;
 - (c) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to, or allow any of its employees to dispense or otherwise divert marijuana to, any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;
 - (d) A statement signed by the prospective medical marijuana establishment agent asserting that it has not previously had a medical marijuana establishment agent registration card revoked and that none of its employees who will provide labor as a medical marijuana establishment agent have previously had a medical marijuana establishment agent registration card revoked;
 - (e) A complete set of **the fingerprints** of each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent and written permission of the prospective medical marijuana establishment agent and each employee of the prospective medical marijuana establishment agent authorizing the Department to forward the **fingerprints** to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;
 - (f) The application fee, as set forth in [NRS 453A.344](#); and
 - (g) Such other information as the Department may require by regulation.
- 4. A medical marijuana establishment shall notify the Department within 10 days after a medical marijuana establishment agent ceases to be employed by, volunteer at or provide labor as a medical marijuana establishment agent to the medical marijuana establishment.
- 5. A person who:
 - (a) Has been convicted of an excluded felony offense; or

- (b) Is less than 21 years of age,
 - shall not serve as a medical marijuana establishment agent.
- 6. The Department shall submit the **fingerprints** of an applicant for registration as a medical marijuana establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.

Sec. 56.9.

- 1. When conducting a background check pursuant to subsection 6 of NRS 453D.200, the Department may require each prospective owner, officer and board member of a **marijuana** establishment license applicant to submit a complete set of **fingerprints** and written permission authorizing the Department to forward the **fingerprints** to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.
- 2. When determining the criminal history of a person pursuant to paragraph (c) of subsection 1 of NRS 453D.300, a **marijuana** establishment may require the person to submit to the Department a complete set of **fingerprints** and written permission authorizing the Department to forward the **fingerprints** to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

Lizzie Kubitz

From: Paul Disdier <thefireweedfactory@gmail.com>
Sent: Friday, February 23, 2018 10:05 AM
To: House Judiciary
Subject: House Bill 319

Follow Up Flag: Follow up
Flag Status: Flagged

As a Alaska resident taking part in a licensed cannabis business, I am writing to show support for House Bill 319 that changes the annual fingerprinting requirement to a six year requirement.

The annual requirement is an undue burden in many ways for cannabis businesses especially when other measures are in place that monitor criminal records. We have nine members in our LLC and it is very complicated to complete the paperwork required.

Thank you for your consideration.

June E. Hall
Office Manager
The Fireweed Factory LLC
Juneau, AK

Lizzie Kubitz

From: Art <northart@mtaonline.net>
Sent: Thursday, February 15, 2018 12:28 PM
To: Rep. Matt Claman
Cc: House Judiciary; Sen. John Coghill; Jordan.Schilling@AKLeg.gov
Subject: Amend HB 319 to include Firearms Question

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir,

HB 319 needs to be amended to include questions of firearm ownership, by marijuana license applicants. This Pertains to federal criminal code.

Firearms and marijuana do not mix! Marijuana users, even those with medicinal cards , cannot own/possess firearms or ammo. This is under Title 18 USC Section 922 g, 3.

The Alaska Dept. of Public Safety, doing NCIC computer background checks, only check for convictions of previous crimes, within the last 5 years. They do not ASK, if they, are users of marijuana, or own/possess firearms or ammo.

The AMCB does not have the authority to ask applicants if they own/possess firearms or ammo ! So I was told when I called the AMCB !

I called the local ATF office here in Anchorage, and was told, marijuana users cannot own/possess firearms or ammo ! ATF Form 4473 Line 11e, says, "Warning: The use or possession of marijuana remains unlawful under Federal Law, regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state you reside". A marijuana medicinal card means you are addicted to marijuana!

The 4th Circuit Appellate Court and the 9th also, have ruled in such cases, and affirmed marijuana users cannot own/possess firearms or ammo ! Obviously marijuana license applicants are marijuana users. So If they own/possess firearms or ammo, they are Federal criminals and must be denied applications.

Therefore the on background checks,(a loophole) the question must be asked if the license applicants own/possess firearms or ammo. Till they are asked, a freeze or denial of ALL applicants should be in effect ! The Alaska Marijuana Control Board, must ensure the license application process is not sanitized, by looking the other way!

Regards, Art Wettanen
Talkeetna, Alaska

Fiscal Note

State of Alaska
2018 Legislative Session

Bill Version: HB 319
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB319CS(STA)-DCCED-AMCO-02-23-18
Title: RENEW MARIJUANA LICENSE:BACKGROUND
CHECKS
Sponsor: JOSEPHSON
Requester: (H) Judiciary

Department: Department of Commerce, Community and
Economic Development
Appropriation: Alcohol and Marijuana Control Office
Allocation: Alcohol and Marijuana Control Office
OMB Component Number: 3119

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2019	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2019 Request	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
OPERATING EXPENDITURES	FY 2019	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2018) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2019) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

Analysis updated to reflect the committee substitute that amends the submission of applicants' background checks and fingerprinting from every three years to every six years.

Prepared By:	Erika McConnell, Director	Phone:	(907)269-0351
Division:	Alcohol and Marijuana Control Office	Date:	02/23/2018
Approved By:	Catherine Reardon, Director	Date:	02/23/18
Agency:	Division of Administrative Services, DCCED		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2018 LEGISLATIVE SESSION

BILL NO. CSHB319

Analysis

HB319 reduces the requirement that applicants for renewal of a marijuana establishment license must submit fingerprint cards and fees for a national criminal history record check from annually to every six years.

The Alcohol and Marijuana Control Office (AMCO) collects fingerprint fees from applicants, and forwards them to the Department of Public Safety (DPS) to perform the criminal history record check. AMCO enters into an annual reimbursable service agreement (RSA) with DPS to transfer the collected fingerprint fees. Licenses renew annually on June 30. During the 2017 renewal cycle, AMCO forwarded \$7.6 to DPS for background checks of renewal applications.

There is not an anticipated cost to the department associated with this legislation. If HB319 is enacted, renewals of marijuana licenses will not require the yearly processing of a fingerprint based background check for applicants. Multiple aspects of the commercial marijuana industry in Alaska are still unknown, and the variability of revenues collected for fingerprint fees are not expected to be significant.

At this time, the DPS fee for a fingerprint-based criminal background check is \$47.00 per person. Background checks are required for each individual listed on a marijuana establishment license.

Fiscal Note

State of Alaska
2018 Legislative Session

Bill Version: HB 319
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB319CS(STA)-DPS-CJISP-02-23-18
Title: RENEW MARIJUANA LICENSE:BACKGROUND
CHECKS
Sponsor: JOSEPHSON
Requester: (H) JUD

Department: Department of Public Safety
Appropriation: Statewide Support
Allocation: Criminal Justice Information Systems Program
OMB Component Number: 3200

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2019	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2019 Request	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
OPERATING EXPENDITURES	FY 2019	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2018) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2019) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

This fiscal note updates the analysis section to reflect changes made to the bill which extends the frequency of submission of fingerprints to the Department of Public Safety from three to six years.

Prepared By:	Kelly Howell, Administrative Services Director	Phone:	(907)465-4336
Division:	Administrative Services	Date:	02/23/2018
Approved By:	Walt Monegan, Commissioner	Date:	02/23/18
Agency:	Public Safety		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2018 LEGISLATIVE SESSION

BILL NO. HB 319

Analysis

This bill amends AS 17.38.200(a) dealing with marijuana establishment registrations to require persons renewing a marijuana establishment registration to submit their fingerprints to the Department of Public Safety (DPS) for a national criminal history record check every six years.

Passage of this legislation would increase the number of background checks DPS would conduct once every six years. The effects on the workload will be minimal and would result in a nominal increase in program receipts for the Division of Statewide Services' Criminal Records & Identification Bureau. Therefore, a zero fiscal note is being submitted.

AMENDMENT #1 Adopted

OFFERED IN THE HOUSE
TO: CSHB 319(STA)

BY REPRESENTATIVE KREISS-TOMKINS

- 1 Page 1, line 14:
- 2 Delete "six"
- 3 Insert "10"

Fiscal Note

State of Alaska
2018 Legislative Session

Bill Version:	CSHB 319(STA)
Fiscal Note Number:	1
(H) Publish Date:	2/16/2018

Identifier: HB319-DCCED-AMCO-02-09-18
 Title: RENEW MARIJUANA LICENSE:BACKGROUND CHECKS
 Sponsor: JOSEPHSON
 Requester: (H) STATE AFFAIRS

Department: Department of Commerce, Community and Economic Development
 Appropriation: Alcohol and Marijuana Control Office
 Allocation: Alcohol and Marijuana Control Office
 OMB Component Number: 3119

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2019	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2019 Request	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
OPERATING EXPENDITURES	FY 2019	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2018) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2019) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

Not applicable, initial version.

Prepared By: Erika McConnell, Director
 Division: Alcohol and Marijuana Control Office
 Approved By: Catherine Reardon, Director
 Agency: Division of Administrative Services, DCCED

Phone: (907)269-0351
 Date: 02/09/2018
 Date: 02/09/18

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2018 LEGISLATIVE SESSION

Analysis

HB319 reduces the requirement that applicants for renewal of a marijuana establishment license must submit fingerprint cards and fees for a national criminal history record check from annually to every three years.

The Alcohol and Marijuana Control Office (AMCO) collects fingerprint fees from applicants, and forwards them to the Department of Public Safety (DPS) to perform the criminal history record check. AMCO enters into an annual reimbursable service agreement (RSA) with DPS to transfer the collected fingerprint fees. Licenses renew annually on June 30. During the 2017 renewal cycle, AMCO forwarded \$7.6 to DPS for background checks of renewal applications.

There is not an anticipated cost to the department associated with this legislation. If HB319 is enacted, renewals of marijuana licenses will not require the yearly processing of a fingerprint based background check for applicants. Multiple aspects of the commercial marijuana industry in Alaska are still unknown, and the variability of revenues collected for fingerprint fees are not expected to be significant.

At this time, the DPS fee for a fingerprint-based criminal background check is \$47.00 per person. Background checks are required for each individual listed on a marijuana establishment license.

Fiscal Note

State of Alaska
2018 Legislative Session

Bill Version:	CSHB 319(STA)
Fiscal Note Number:	2
(H) Publish Date:	2/16/2018

Identifier: HB319-DPS-CJISP-02-09-18
 Title: RENEW MARIJUANA LICENSE:BACKGROUND CHECKS
 Sponsor: JOSEPHSON
 Requester: (H) STA

Department: Department of Public Safety
 Appropriation: Statewide Support
 Allocation: Criminal Justice Information Systems Program
 OMB Component Number: 3200

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2019	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2019 Request	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
OPERATING EXPENDITURES	FY 2019	FY 2019					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2018) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2019) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

Not applicable, initial version.

Prepared By: Kelly Howell, Administrative Services Director
 Division: Administrative Services
 Approved By: Walt Monegan, Commissioner
 Agency: Public Safety

Phone: (907)465-4336
 Date: 02/09/2018
 Date: 02/09/18

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2018 LEGISLATIVE SESSION**Analysis**

This bill amends AS 17.38.200(a) dealing with marijuana establishment registrations to require persons renewing a marijuana establishment registration to submit their fingerprints to the Department of Public Safety (DPS) for a national criminal history record check every three years.

The fee collected by the DPS Division of Statewide Services' Criminal Records & Identification Bureau for fingerprint-based background checks is \$35.00 plus a \$12.00 fee charged by the Federal Bureau of Investigation (FBI), \$2.00 of which is retained by DPS for processing costs.

Although this will increase the number of background checks DPS will conduct, the effects on the work load will be minimal and would result in only a nominal increase in program receipts for the Division of Statewide Services' Criminal Records & Identification Bureau. Therefore, a zero fiscal note is being submitted.