



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

**Department of Commerce, Community,
and Economic Development**

Alcohol and Marijuana Control Office

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MEMORANDUM

TO: Marijuana Control Board

DATE: September 13, 2022

FROM: Jane P. Sawyer,
Regulations Specialist/Acting PC
for Joan M. Wilson, Director

RE: Regulations Project – Exterior
Window Pick-up

The board opened a regulations project to create regulations that would allow exterior window pick-up for orders. Attached is a raw draft for discussion.

Potential board actions to be discussed at meeting.

Exterior Window Pick-Up

AAC 306.380 Walk-up or drive-through exterior window pick-up for retail marijuana stores.

- (a) Unless prohibited by local law, a marijuana retail store may serve customers through a walk-up or drive-through exterior window pursuant to the requirements of this section.
- (b) Before accepting orders for sales of marijuana or marijuana products through a walk-up or drive-through exterior window, a licensed marijuana retail store shall submit for approval an operating plan or modification of an operating plan of its licensed premises that depicts the walk-up or drive-through exterior window area and the video surveillance of the same.
- (c) The area immediately outside a walk-up or drive-through exterior window must be under the licensee's sole possession and control and cannot include any public property such as public streets, public sidewalks, or public parking lots.
- (d) The marijuana retail store may accept internet or telephone orders or may accept orders from the purchaser at the walk-up or a drive-through exterior window pick up. All orders received through the window must be placed by the purchaser from a menu. The marijuana retail store may not display marijuana or marijuana products at the window.
- (e) Prior to completing a sale at a walk-up or drive-through exterior window, the licensee or its employees must physically view and inspect the customer's

identification. All individuals in a vehicle at a drive-up exterior window must be 21 years of age or older, unless the individuals are [the purchaser's own children or grandchildren who are no older than seven seated or otherwise required by local or state law to be seated in a car seat or bumper chair].

(f) All sales must occur within the licensed premises. This requirement is satisfied if payment is made through the following means:

- (1) by an electronic internet-based payment platform;
- (2) by phone in a call-ahead manner;
- (3) by a mobile payment point-of-sale (POS) system; or
- (4) by cash transferred through the walk-up or drive-through exterior

window into the interior of the marijuana retail store.

(g) A walk-up or drive-through exterior window area shall be located so as to minimize compromises to security, taking into consideration camera locations, foliage, or other obstructions. For every transfer of marijuana or marijuana products through a walk-up or drive-through exterior window, the licensed marijuana retail store's video surveillance must enable the recording of the customer's identity (and customer's vehicle in the event of drive-up exterior window), and must enable the recording of the licensee verifying the customer's identification and completion of the transaction.

(h) Licensees shall ensure that sales and all interactions at an exterior window pickup or video recorded and stored in compliance with 3 AAC 306.720.

(i) Sales of marijuana or marijuana products using a walk-up exterior window or drive-up exterior window are subject to requirements and restrictions imposed by the relevant local government.

DRAFT FOR DISCUSSION