FINDING OF EMERGENCY

The Marijuana Control Board finds that an emergency exists and that the attached regulations are necessary for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

1. Many Marijuana Establishment Licensees governed under AS 17.38 and 3 AAC 306 are permitted to operate as essential businesses under the Governor of the State of Alaska’s Declaration of Public Health Emergency Regarding Covid-19 and the Public Health Mandates issued under that declaration;
2. As such, patrons of marijuana retail stores are permitted to enter licensed premises of licensees to purchase marijuana or marijuana products;
3. While social distancing may be maintained in these premises, additional action learned from grocery store operations can be taken to even further minimize contact between patrons and contact between patrons and employees or agents of licensees, thereby further reducing the likelihood of the spread of Covid-19;
4. Retail grocery stores are minimizing direct human contact by providing curbside pickup of grocery store items. With curbside pickup, the purchaser of the groceries need only directly communicate with one agent or employee of the grocery store and most of that communication can occur while separated by a window or other partition;
5. Patrons of marijuana retail stores have requested similar accommodations; so too have licensees.
6. The Marijuana Control Board believes it can permit curbside or window delivery of marijuana or marijuana products to patrons of marijuana retail stores and still protect against the unlawful diversion of marijuana or marijuana products to minors or individuals already under the influence of marijuana, alcohol, or other substances;
7. In addition to permitting curbside pickup, many marijuana licensees that operate as essential businesses can further limit their intrastate travel, particularly to small communities, by permitting one more one marijuana handler to transport the marijuana or marijuana product, by utilizing commercial carriers, and by permitting combined travel to more than one location in one trip with overnight stops that might otherwise be impermissible under 3 AAC 306.750.
8. The Marijuana Control Board believes it can balance the interests of public peace to protect against the diversion of marijuana against the interests of protecting the public health by mitigating the spread of Covid-19 and adopting emergency regulations to permit curbside or window delivery of marijuana or marijuana products by marijuana retail stores and by adopting emergency regulations to accommodate additional means and methods of transport.

THEREFORE: The Marijuana Control Board finds it is in the best interest of the state to enact emergency regulation 3 AAC 306.905

ORDER CERTIFYING ADOPTION

I certify that the Marijuana Control Board under the authority of AS 17.3.121, adopted at its [date] meeting the attached \_\_\_\_\_\_\_\_\_ pages of regulation changes as an emergency regulation to take effect immediately upon filing by the lieutenant governor as provided in AS 44.62.180(3).

This action is not expected to require an increased appropriation.

Date:

Glen Klinkhart, Interim Director

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_\_\_\_\_.m., I filed the attached regulation according to the provisions of AS 44.62.

Lieutenant Governor

Effective: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Register: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.