FINDING OF EMERGENCY

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

On March 11, 2020, the governor declared a public health disaster emergency under AS 26.23.020 due to the spread of COVID-19. The Center for Disease Control and Alaska Department of Health and Social Services have warned that COVID-19 is highly contagious and that physical distancing is paramount to containing the spread of the virus. Alaska instituted public health mandates requiring that individuals maintain physical distance from people who are not members of the person’s household. The mandates allow for the continued operation of businesses that provide essential services and supplies and businesses where people can maintain the required social distance when inside.

Stores providing essentials, such as groceries and pharmaceuticals, are implementing stricter measures to maintain physical distance and increasing the availability of drive-through and curbside pick-up. The Marijuana Control Board anticipates that so long as patrons are able to enter the premises of licensed marijuana retail stores for purchasing, it is necessary to take every possible step to protect the health and safety of those patrons and employees by providing purchasing opportunities that minimize physical distance between patrons and employees.

The mandates further limit intrastate travel, even for essential business, asking businesses to submit travel plans detailing how the business plan to avoid the spread of Covid-19 and prevent endangering the lives of people in the communities in which they operate. The Marijuana Control Board anticipates that it can halt the need for travel altogether if marijuana or marijuana products can be transported by marine or air transportation carriers. In all such cases, product must be directly delivered to and picked up by an individual holding a marijuana handler permit that is either an employee or agent of licensee.

To accomplish these ends, the Marijuana Control Board has requested the governor to suspend the following regulations implementing Title 17, relating to the retail sale or transport of marijuana or marijuana products.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Authority |  | Division | Suspended as described below | |
| 3 AAC 306.305 | | AMCO | Suspension of the regulations only to the extent necessary to permit retail marijuana stores licensed under 3 AAC 306.300 to provide exterior window or curbside pickup of marijuana or marijuana products. |  |
| 3 AAC 306.310 | | AMCO | Suspension of the regulations only to the extent necessary to permit retail marijuana stores licensed under 3 AAC 306.300 to provide exterior window or curbside pickup of marijuana or marijuana products. |  |
| 3 AAC 306.750 | | AMCO | Suspension of the regulations only to the extent necessary to permit marijuana establishments licensed under 3 AAC 306.300 (retail marijuana stores), 3 AAC 306.400 (standard and limited marijuana cultivation facilities), 3 AAC 306.500 (marijuana product manufacturing facilities), and 3 AAC 306.600 (marijuana testing facilities) to transport marijuana or marijuana products by commercial air or marine transportation carriers |  |
|  | |  |  |  |

To provide constraints and avoid confusion should the suspension request be granted, the board must pass emergency regulations so that physical distancing and minimized travel can be balanced with existing public peace, health, and safety protections, including verification that the purchasers are of eligible age and assurance that the location of marijuana or marijuana products is properly documented and that the marijuana or marijuana product will not secure during both transport and delivery.

THEREFORE: The Marijuana Control Board finds that upon suspension of the regulations identified above, it is in the best interest of the state to enact emergency regulations 3 AAC 306.305(as amended), 3 AAC 306.310 (as amended), 3 AAC 306.750(as amended), and 3 AAC 306.995.

ORDER CERTIFYING ADOPTION

I certify that the Marijuana Control under the authority of AS 17.38.121, 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: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.