FINDING OF EMERGENCY

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

(1) in December 2019, a novel coronavirus known as severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) was first detected in Wuhan, Hubei province, People's Republic of China, leading to outbreaks of novel coronavirus disease (COVID-19) that have now spread globally;

(2) on January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency under 42 U.S.C. 247d (Public Health Service Act);

(3) to date, 50 states have confirmed cases of COVID-19, including confirmation of community transmission of COVID-19;

(4) on March 11, 2020, the commissioner of health and social services certified to the governor that there is a high probability that COVID-19 presents a credible threat of an imminent outbreak of the disease in the state, meeting the definition of disaster under AS 26.23.900(2)(E);

(5) on March 11, 2020, the governor issued a declaration of a public health disaster emergency under AS 26.23.020 in anticipation of the spread of COVID-19 to the state;

(6) in the disaster declaration issued March 11, 2020, the governor found that a statewide response under AS 18.15.390 is required to address the public health disaster emergency and authorized the commissioner of health and social services and the adjutant general of military and veterans' affairs to take all actions necessary to address the public health disaster emergency;

(7) on March 12, 2020, the Department of Health and Social Services and the governor announced that the first case of COVID-19 was diagnosed in an individual in Anchorage;

(8) additional cases of COVID-19 continue to be diagnosed across the state; as of April 8, 2020, and excluding presumptive positives, 226 cases of COVID-19 have been diagnosed in Alaska and seven residents of Alaska have succumbed to the illness;

(9) the state chief medical officer in the Department of Health and Social Services and the commissioner of Department of Health and Social Services have determined that it will take months of monitoring and active public health management, including closing public facilities, limiting public events, closing restaurants and other eating establishment for in-dining services, and establishing quarantine and isolation protocols and enforcement under AS 18.15.390, to contain the spread of COVID-19;

 (10) the adjutant general of the Alaska organized militia has determined that it may be necessary for the Department of Military and Veterans' Affairs, under the guidance of the commissioner of health and social services, to use personnel and other resources of the Department of Health and Social Services to institute actions under AS 26.23.020, including provisions to perform or facilitate performance of disaster emergency services;

(11) As part of the efforts described in paragraph 9, the Governor issued Public Mandate 11 on March 27, 2020. The mandate substantially closed all businesses within Alaska, except those listed in the state’s Alaska Essential Services and Critical Workforce Infrastructure Order. Under that order, amended March 27, 2020, essential services and critical workforce infrastructure may include many marijuana licensees. Those licensees would qualify as businesses that can maintain social distancing requirements and prohibit congregations of 10 or more people in a business at a time, including employees.

(12) After hearing testimony from licensees and the public at large, the Marijuana Control Board concludes the purpose of Public Mandate 11, including social distancing, would be better accomplished and the spread of Covid19 can be reduced by relaxing certain requirements of 3 AAC 306. Those relaxations would permit: (1) curbside delivery of marijuana or marijuana product by retail marijuana stores: (2) the transportation of marijuana or marijuana products outside the direct control of marijuana permit handlers for limited periods of time so long as product integrity can be maintained; and (3) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

THEREFORE: The Marijuana Control Board finds that it is in the best interest of the state to enact emergency regulation 3 AAC 306.\_\_\_\_.

ORDER CERTIFYING ADOPTION

I certify that the Marijuana Control Board 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: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.