

COVID-19 MCB POLICY CHANGE OUTLINE

Summary Description	Regulation	Current Interpretation	Requested Interpretation	Explain how this protects public health in light of COVID-19	MCB Authority	Emergency Reg (Governor Authority)
Allow Retail Curbside Pickup, Drive-Up/Walk-up	<p>3 AAC 306.305. Retail marijuana store privileges</p> <p>3 AAC 306.310 Acts prohibited at retail marijuana store (5) over the Internet; a licensed retail marijuana store may only sell marijuana or a marijuana product to a consumer who is physically present on the licensed premises; <i>(this regulation section needs to be considered because it specifically says the customer has to be PHYSICALLY present on the licensed premises. SO - prehaps an emergency rule putting an and/or in parking lot or curb, etc?)</i></p> <p>3AAC 306.990(2) definition of delivery (delivery is carefully defined as: (A) Means handing to a person who purchases the product on licensed premises only; (B) does not include transferring or transporting to a consumer off licensed premises.) <i>(We either need an emergency regulation changing the definition to read: (A) Means handing to a person who purchases the product on licensed premises or handing to a person in their vehicle or directly outside the licensed premises who has called in an order or ordered online; (B) does not include transferring or transporting to a consumer who is not directly outside the licensed premises. OR prehaps Joan knows of a way to just suspend this definition for the 120 days that an emergency regulation lasts? that would work too.)</i></p>	Not allowed based on interpretation though not specifically prohibited in regulation. Currently the board interprets that sales can only occur with approved operating plan and inside the retail establishment not in its parking lot, even if the parking lot is a part of the premises diagram.	<p>Request that the MCB interpret the language in regulation that states: "3 AAC 306.305 (a) A licensed retail marijuana store is authorized to (1) sell marijuana purchased from a licensed marijuana cultivation facility, packaged and labeled as required under 3 AAC 306.345, 3 AAC 306.470, and 3 AAC 306.475 in an amount not exceeding the limit set out in 3 AAC 306.355, to an individual on the licensed premises for consumption off the licensed premises; " to specifically mean that a "licensed premises" can include the parking lot as long as on camera and with other rules such as but not limited to:</p> <ul style="list-style-type: none"> o Everyone in the car must show proof of age or if under 21 must be identified as a dependent, unless the purchaser is a minimum of 15 years older than the oldest minor in the vehicle (FYI- the current system doesn't prevent a 21 year old from going into the store to purchase for 20 year olds waiting in the car, so this would not increase the chances of underage consumption but rather it has the potential to decrease it, o Retailis shall provide designated parking spots for curbside which must be on camera and marked for curbside delivery. o Drive-up shall be on camera, where the window has limited view to the inner contents of the store, the butdender is close enough to see the occupants of the car, and has a secure transaction drawer. o Product must be in store provided bag, butdender must show each item on camera as it is placed in the bag, receipt must be stapled to the outside of the bag o for curbside the butdender must be identifiable as staff via the use of a brightly colored safety vest with store name and/or license number in bold on front and back of vest o For curbside parking spaces must be directly adjacent to the licensed premises. Butdender must not traverse a street or large parking lot (for employee safety) or public sidewalk to make delivery. o The AMCO Director could be given authority to approve these operating plan changes, specifically when licensees need to expand their "non-restricted" premises diagrams to include the designated parking spaces if the parking lot is not already in the licensees existing premises diagram o Car must be in park and engine off o no one in the vehicle can be smoking or vaping during transaction o employees must wear PPE in accordance with CDC and HHS guidance o Butdender will follow procedure to identify over intoxication as per 3 AAC 306.310(b)(4) and as trained through state approved marijuana handler course 	<p>Would comply with the Governor's public health mandate number 11 that states, "Public-facing businesses providing essential services and critical infrastructure will proactively promote social distancing between employees and others, including, but not limited to, expanding delivery options, drive-through services, limiting the number of individuals in a building, clearly spacing lines to keep individuals six feet apart, or making appointment times to minimize interactions between members of the public." This would facilitate contactless and safe access to cannabis in a way that is consistent with the current helath mandates and promotes social distancing. This would further protect vulnerable populations by allowing them to remain in their vehicles while providing safe access.</p> <p>See what other states are doing: Enclosed Attachment "State by State on MJ and COVID19"</p>	Yes, this is simply a board policy, the board can even create a little checklist that be included for an operating plan change.	Yes / ?
Allow an expedited approval process, through the AMCO Director, for necessary packaging changes due to breaks in the supply chain requiring a switch of packaging materials.	<p>3 AAC 306.345. Packaging and labeling</p> <p>3 AAC 306.520.Application for marijuana product manufacturing facility license (3)(C) the packaging to be used for each type of product;</p>	Not allowed based on interpretation though not specifically prohibited in regulation <i>(Not sure this is needed as havent seen an NOV based on packaging changes? It seems as though as long as it meets the basic requirements, there isnt a needed approval for change? But if it turns out there is, from enforcement perspective, then should explore a change to allow such quick modifications)</i>	Through delegation to the director with clear expectation that those changes would still need to meet state regulation standards.	This policy shift would allow regulated/tested/taxed product a way to make it to the shelves if there were a break in packaging supply chain due to the virus. If a licensed cannabis supplier cannot provide their product to market because they ran out of their preferred/approved packaging, there is concern that a consumer would turn to the unregulated market, were it can come in any package and be delivered to your door.	Yes, this is simply a board policy. Unless expressly prohibited in law it can be allowed with a board action	Not needed
Allow more time on delivery manifests between licenses, allow overnight stopovers, allow multiple transporters on a single manifest, and allow off-site product handoffs	<p>3 AAC 306.750(a) <i>Is a regulation that would be impacted by this request - It provides that marijuana/product may only be transported to a licensed marijuana establishment by a licensee or agent of licensee. The "transported to a licensed marijuana establishment " section would need to be interpreted by MCB as meaning "marijuana or marijuana uproduct may only be transported by a licensee or agent of licensee, and that means you can hand off the product to another licensee's agent/employee to transport the product out of a licensed establishment."</i></p> <p>3 AAC 306.750(d) <i>states "mj/product must travel directly from the shipping marijuana establishment to the receiving marijuana establishment, and may not make unnecessary stops in between except to deliver or pick up marijuana or a marijuana product at another licensed establishment". Prehaps an emergency regulation or change in intepreation could modify the words unnecessary stops between except to drop off or hand off marijuana/product to another licensee, or licensee's agent"</i></p>	Not allowed based on interpretation and perhaps regulation o Currently transporters cannot make stops except at other mj establishments, cannot overnight with product, and cannot do handoffs to other agents/employee/handlers	The MCB could interpret these regs to allow a manifest transfer to occur at the airport parking lot, store parking lot, hotel or other safe non public area.	This temporary policy shift would comply with the Governor's public health mandate number 11 and mitigate exposure to risk by minimizing human to human interactions. This would allow a retailer or other transporter to meet a supplier at the airport or other safe location, minimizing the amount of contacts between transporters, retailers, staff, and customers.	Yes, this is simply a board policy. Unless expressly prohibited in law it can be allowed with a board action	Not needed
Allow manifested transport of product in checked luggage on commercial airlines so that wholesale deliveries can occur with fewer human transporters.	3 AAC 306.750(a) which requires that mj/mj product may only be transported to a licensed establishment by a licensee or agent or employee of a licensee. This might have to be an emergency regulation and not an interpretation, UNLESS the interpretation is simply this: "The MCB hereby interpretes the words to mean "only be transported.. by a licensee or agent" to mean that licensee or agent be on the same carrier/transport vehicle (vessel, craft) as the mj shipment. The MJ shipment does not have to be within the grab area or personal space of the licensee or its transporting agent" or something like that.	Not allowed based on interpretation and perhaps regulation o Currently transporters have to enlist several transporters who can deliver larger quantities due to carry-on limits.	The MCB could interpret these regs to allow a transporter to check a bag at the oversized luggage TSA counter in nearly the exact way a firearm is checked. The TSA oversized desk can check the manifest as they currently do, look at the charge as they currently do, and call local police to rub the transporter background as they currently do, once all things check out the bad is re-locked (just like a firearm) and put on the plane. This would be a simple change and only requires that enforcement understand that if they get a call that someone is trying to check a bag that they not issue a violation.	This policy shift would comply with the Governor's public health mandate number 11 and further protects public health by minimizing human to human interactions. This would allow individuals that are transporting from all areas of Alaska to minimize having to make multiple trips with multiple individuals. This is especially important when individuals are on essential travel plans. This allows for a temporary provision that minimizes the amount of individuals necessary for transport, specifically by air.	Yes, this is simply a board policy. Unless expressly prohibited in law it can be allowed with a board action	Not needed

<https://www.mpp.org/issues/medical-marijuana/covid-19-medical-cannabis-access-letter/>

<https://www.mpp.org/issues/medical-marijuana/safe-access-to-cannabis-in-times-of-covid-19/>

State by State COVID-19 Comparison for Curbside Pickup or Delivery * prepared by Marijuana Policy Project (MPP)

State	Curbside?	Delivery?	Essential Service?	Telemedicine OK for Cannabis?	COVID Measures Taken	Other Notes
Alaska	No	Not allowed	Yes	Allowed for renewals, but not for initial appointment	Allowing ID check windows to be used for sales and allowing retailers to construct pass-through windows, and extending expiration dates of marijuana handler ID cards	
Arkansas	Yes	Allowed	State has not issued shelter-in-place orders, so businesses have not been deemed essential or nonessential.	No	None yet	At this point, no announcements have been made. Most dispensaries are gearing up to start home delivery.
Arizona	Yes, during the crisis	Allowed	Yes	No	None specifically for medical cannabis	
California	Yes, in some counties	Allowed	Yes	Yes	Yes	See this Leafly page for county and city information and updates.
Colorado	Yes, due to COVID.	Allowed for medical, but only one business is licensed so far, and sales won't start until late March 2020	Yes, for adult use and patients	Yes, temporarily due to COVID	Yes, Gov. Polis issued an executive order that allows telemedicine and online ordering. MED also adopted emergency rules to allow curbside pickup, online ordering, and other COVID-19 measures. See also, 3/30 MED memo.	
Connecticut	Yes, due to COVID. Required for adult use.	Allowed	Yes	Yes, due to COVID	Essential; allowing recommendations by telemedicine, extending renewal deadlines, relaxing staffing rules, and more	
Delaware	Yes, due to COVID	Yes, in response to COVID	Not explicitly, but operating	Allowed for renewals, but not for initial appointment	Allowing delivery, likely starting the week of April 13; delivery will continue post-COVID	Only Columbia Care has plans for delivery. Patients who can pick up cannabis curbside are urged to do so to ensure delivery is available for the homebound.
Florida	Yes, due to COVID	Allowed	Yes	During this crisis or for a follow-up	Yes, telemedicine and curbside during crisis	
Hawaii	Not to our knowledge	Unclear	Yes	Allowed for renewals, but not for initial appointment	From DOH: "All licensees are taking steps to ask clients to order online to minimize time spent in the dispensary and to arrange for a caregiver to pick up their orders if they are not feeling well or have a health condition which places them at increased risk for severe illness from COVID-19. Our usual schedule of regulatory inspections will be maintained as it is considered an essential function. We remain in close contact with all our licensees."	
Illinois	Yes	Not allowed	Yes, medical and adult-use dispensaries and cultivators	Allowed for renewals, but not for initial appointment	Allowing medical dispensaries to sell cannabis "on the dispensary's property or on a public walkway or curb adjacent to the dispensary," but delivery to patients is not allowed.	
Iowa (low-THC, with in-state access)	Yes	Not allowed	Yes		The state has provided a waiver to allow for curbside pickup.	
Louisiana	Not to our knowledge	Allowed temporarily "wherever that patient is located — at home, hospital, or any other location" as a COVID-related measure	Yes	Yes, for existing patients during declared emergency	Allowing delivery to patients, wherever patients are, by dispensary staff during crisis due to COVID-19. Also, during declared emergency, rules are waived to allow telemedicine for existing patients.	

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Maine	Yes, due to COVID	Allowed	Yes	Yes	Regulators issued guidance on social distancing, including regarding signage, disinfecting, hours for seniors, and limiting the number of people allowed in stores. Expired ID cards may be accepted.	The opening of adult-use stores in Maine — which was expected in June — may be delayed even further due to the virus.
Maryland	Yes	Allowed	Yes	Allowing for renewals in light of COVID-19	The MMCC has implemented the following measures: <ul style="list-style-type: none"> • Telehealth for written certification renewal • Suspension of signature and attestation requirements to limit patient exposure • Extension of agent registrations set to expire until 30 days after the state of emergency is terminated • Onsite delivery • Ensure cannabis businesses throughout the supply chain are able to stay open and operational • Home delivery is permitted under COMAR 10.62.30. In addition, MMCC staff are currently processing all registration renewals promptly, with no disruption in our activities. If this were to change, the MMCC commission members would re-evaluate the need to extend patient registrations.	
Massachusetts	Yes, as a COVID measure	Allowed	Medical, yes. Adult-use must close.	Yes, for renewals; also as a COVID measure for new patients	Medical dispensaries that deliver were advised to consider enlarging the areas they service and to encourage patients to place larger individual orders.	See this article for more information.
Michigan	Yes, as a COVID-19 measure	Allowed	Yes	Allowed for renewals, but not for initial appointment	The governor signed an executive order that permits all licensed marijuana retailers to provide home delivery and curbside pickup of products. Previously, retailers had to be licensed for delivery, and sales had to be conducted inside the store.	Michigan regulators sent a bulletin about steps in response to the coronavirus outbreak, including the allowance of marijuana curbside pickup and delivery services.
Minnesota	Yes, due to COVID	Not allowed, but temporary caregivers are allowed and may service multiple patients	Yes	Yes, due to COVID	Curbside, extended expiration date certifications, allowing certification by telehealth, and allowing temporary caregivers. Details here.	
Missouri	N/A, not open	No access	N/A, not open	Yes	N/A, not open	No dispensaries open right now
Montana	Yes	Allowed in some localities	Yes	Yes	Yes, see this page for updates.	
Nevada	No, only delivery	Yes, only delivery is allowed during the crisis.	Only delivery is allowed during the crisis.	Yes	Only delivery is allowed during the crisis.	
New Hampshire	Yes, during crisis	Not allowed	Yes	Yes, during crisis (previously allowed for renewals)	Curbside, waived fee for designated caregiver applications, telehealth, encouraging pre-orders	
New Jersey	Yes, due to COVID	Not yet	Yes	No	Curbside dispensing and consultations, reduced caregiver fees, and expedited employee onboarding. Details here.	
New Mexico	Yes, during crisis	Yes	Yes	Allowed for renewals, but not for initial appointment	Declared essential, allowed curbside, expanded ID cards for 90 days, suspended employee background checks.	
New York	Not to our knowledge	Allowed	Yes	Yes	Through April 16, DOH is permitting registered organizations that have previous approval to deliver medical marijuana to the homes of registered patients and designated caregivers without written approval.	

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State	Curbside?	Delivery?	Essential Service?	Telemedicine OK for Cannabis?	COVID Measures Taken	Other Notes
North Dakota	Yes	Allowed	The state has not issued a shelter-in-place order, and businesses have not been deemed essential or nonessential.	Yes	None yet	At least one dispensary (in Fargo) has temporarily closed due to a slowing of sales.
Ohio	Yes.	Not allowed	Yes.	Yes, due to COVID-19	See this page for updates.	Gov. DeWine is considering allowing home delivery during the stay-at-home order. He said, "That's something I will ask our team to look at and to look at what the situation is for these individuals."
Oklahoma	Yes, due to COVID	Not allowed yet, but a bill recently passed by the House of Representatives would permit it.	Yes	Yes	Essential business, curbside pickup	
Oregon	Yes, during crisis	Allowed	Allowed to remain open	Allowed for renewals, but not for initial appointment	Increased purchase limit, curbside delivery during COVID; reducing red tape for new workers	See this article for more information.
Pennsylvania	Yes, during crisis	Not allowed, but during crisis temporary caregivers can pick up cannabis for unlimited patients	Yes	Yes	Considered an essential service, curbside, delivery, 90-day supply allowed, caregivers can deliver to unlimited patients. More here.	
Rhode Island	Yes	Yes	Yes	Yes, during the crisis	Regulators are expected to release more guidelines publicly soon.	DOH indicated they are in the process of approving plans for delivery and curbside pick up for all three dispensaries.
Texas (low-THC, with in-state access)	Not to our knowledge	Allowed	TBD		None yet	
Utah	Not to our knowledge	Not allowed	State health authorities expect them to be essential for new patients	Not for the initial appointment, but allowed for follow-up	None yet	Some pharmacies have revised procedures to reduce in-person contact, such as advance ordering.
Vermont	Yes, during the crisis	Allowed	Not explicitly, but operating	Allowed for renewals, but not for initial appointment	Yes, delivery to patients in cars in dispensary parking lots is allowed during the pandemic, and registry identification cards for patients, caregivers, and staff have been temporarily expanded for 90 days.	
Washington	Allowed during COVID-19	Not allowed	Yes, exempt from stay-at-home order	Allowed for renewals, but not for initial appointment	Yes. Curbside delivery allowed, minors under 16 allowed on premises. COVID-19 guidance is available here and here .	More information
Washington, D.C.	Not to our knowledge	Not allowed	Yes	Allowed for renewals, but not for initial appointment	None yet	
West Virginia	N/A, no access	No access	N/A, no access		N/A, no access	No dispensaries open right now