



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: May 29, 2020
FROM: Jane P. Sawyer, Regulations Specialist RE: Regulations Project –
Curbside/Window Pick-up

Emergency regulations may not be extended beyond the 120-day period provided by AS 44.62.260. The emergency regulations that allow for curbside/window pick-up of marijuana or marijuana products at a retail marijuana store will expire August 14, 2020.

If the board wishes to extend the emergency regulation, the board will need to make the regulation permanent. It must go through the normal 30-day public notice and comment process, including oral hearings if the board wishes, adoption, and Department of Law review: all before the emergency regulations expire. (There will only be about 62 days left to accomplish this from June 11, 2020).

If the regulation becomes permanent, the board will need to go through the normal repeal process in order to go back.

Attached is the draft that would go out for public comment.

(Words in boldface and underlined indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

The emergency regulation 3 AAC 306.995 is made permanent and that section is amended to read:

3 AAC 306.995. **Internet and phone orders; exterior window or curbside pickup.** (a)

A retail marijuana store licensed under 3 AAC 306.300 may accept internet or telephonic orders of marijuana or marijuana products from consumers if consumers intend to be physically present at the time of purchase on the licensed premises or at the location designated for exterior window or curbside pickup **before [insert date]**

(b) A retail marijuana store licensed under 3 AAC 306.300 may provide exterior window or curbside pickup of marijuana and marijuana products sold at retail **before [insert date]** only if:

(1) the marijuana or marijuana product offered for sale does not exceed the amounts set out under 3 AAC 306.355 and is packaged as required under 3 AAC 306.345;

(2) A holder of a marijuana handler permit completing the sale verifies the requirements of 3 AAC 306.350 are satisfied and that the purchaser is not an intoxicated or drunken person as described under 3 AAC 306.310(a)(4);

(3) the licensee extends the video surveillance requirements of 3 AAC 306.720 to include the area designated for exterior window or curbside pickup;

(4) the licensee submits, as applicable, a request for an operating plan change in accordance with 3 AAC 306.703 or a request for licensed premises alteration in accordance with 3 AAC 306.705, for which fees shall be waived, and the director provides written approval of such change or alteration; and

(5) the licensee provides written assurance that the local government permits the change or alteration.

(c) A licensee that offers marijuana or marijuana products for exterior window or curbside pickup must consent to inspections of the areas designated for exterior window or curbside pickup, excluding private vehicles, at all reasonable times and in a reasonable manner by investigative personnel of the board or by other peace officers acting in their official capacity. This section is not intended to limit the existing powers of investigative personnel.

(d) For purposes of this section,

(1) “exterior window pickup” means a drive-through or sliding or opening window of a marijuana retail store from which marijuana or marijuana products may be purchased without consumers entering the licensed premises;

(2) “curbside pickup” means parking spots designated by a licensee for pickup of marijuana or marijuana products or an area immediately adjacent to an entrance to a licensee’s business premises. (Eff. 4/17/2020, Register 234; am ____/____/_____, Register _____)

Authority:	AS 17.38.010	AS 17.38.071	AS 17.38.121	AS 17.38.150
	AS 17.38.190	AS 17.38.200	AS 17.38.900	