



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

Alcohol and Marijuana Control Office

550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

MEMORANDUM

TO: Marijuana Control Board DATE: July 17, 2020
FROM: Jane P. Sawyer, Regulations Specialist RE: Regulations Project –
Curbside/Window Pick-up

At the June 10, 2020, meeting, the board sent out emergency regulation project Curbside/Window Pick-up for public comment to consider making the regulation permanent through November 15, 2020.

Public comment was opened for a little over 30 days closing July 16, 2020. Three comments were received and they are attached for your consideration.

Options for the board:

- Counsel will address at meeting.

(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 November 15, 2020.**

(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 November 15, 2020,** 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 17.38.150	AS 17.38.900
	AS 17.38.070	AS 17.38.190	
	AS 17.38.121	AS 17.38.200	

From: Christian Hudson
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Allowing pick up at window not curbside
Date: Thursday, June 18, 2020 4:19:54 AM

A window pickup ordering style such as McDonald's drive thru could help speed along customers on their ways home or just out to grab something and don't want to step inside and deal with a stuffy wait, such as the problems is with asthmatics. On another note, it could boost sales indefinitely, not to mention you could always throw on a 1% boost on taxes for allowing such a thing. People won't be too outraged they get weed even quicker. Talking about the curbside that could be a little more tricky, what about the safety of the workers carrying out bud? Cameras aren't always the best option, sure not everyone is violent but due to the uprise in meth and heroin users we would prefer a safer way for both parties to be taken care of. The boost on tax is worth the trade off for a drive through ordering system with full visual menus. Heck even a 2% tax raise is worth it. The workers stay inside, and the people get their weed. Make sure some sort of teller window like at Walgreens mobile pharmacy. Or a system like the bank, if we adopted a system like at the bank we could assist a lot more customers at one time. If a fast food worker can serve food fast, then weed workers can too. Just don't allow people to work as slowly as bank tellers, they are such a drag and don't understand how much people demand. Fast food ordering style, with bank teller tubing equipment. Perfect blend.



July 16, 2020

Written Public Comment for July 17, 2020 MCB meeting

Dear Honorable Marijuana Control Board Members,

The Alaska Marijuana Industry Association (AMIA) would like to offer the following public comment for your consideration:

Curbside/Window Pickup

The AMIA supports the permanent adoption of the Curbside/Window Pickup regulations. The industry has cautiously begun to implement curbside and window pickup options for customers. We have received positive feedback from retailers that have put these regulations into operation - this regulation change allows licensees another avenue to protect staff, customers, and the community. Lastly, if the board does not make this regulation permanent, we advise concurrence between the Governor's pandemic phase end date and emergency regulations set forth by the board.

Working Groups

We are pleased to note that AMCO and MCB are in the process of creating "Working Groups" to work on industry level issues that are too complex to deal with during MCB public meetings. We would encourage the MCB to consider the following when establishing guidelines for creating these groups:

- We see the following as priority working groups
 - Transportation
 - Testing
 - Product and packaging approval process
- Whenever possible, working groups should be made up of members that represent different backgrounds (e.g., all industry license types)
- We suggest that the MCB should set deadlines for delegated projects (e.g., 60-90 day period) to ensure progress is being achieved

Consideration for Nursing Mothers

Parents and caregivers employed in the cannabis industry must have the freedom to continue work during the precious early stages of child rearing, including the nursing stage. Under the current regulations, nursing mothers do not have the ability to care for their infants while at work. The AMIA has consistently received reported cases of nursing mothers struggling to maintain their positions in the cannabis industry due to the regulatory restrictions. In many cases, mothers have to resign from their positions because the situation is untenable. Those familiar with licensed cannabis operations understand that allowing nursing mothers a safe and clean space to nurse their infants does not pose a danger to the infants.

The cannabis industry has proven to be a solid source of employment for Alaskans. As the industry continues to grow, so do the employment opportunities in our state. Failure to provide consideration for parents with nursing infants effectively limits caregivers' ability to work in the cannabis industry. Protection for working parents and caregivers should be a priority for the MCB.

Consideration for Delays in Marijuana Handler Permits

The AMIA notes that the COVID-19 pandemic has delayed the process of obtaining Marijuana Handler Permits (MHP). We suggest that the MCB consider ways of minimizing delays. One possibility would be for AMCO to electronically provide (i.e., email) a temporary permit when a person has satisfied the MHP requirements (passed test, received background check, etc.) and is approved for the MHP by AMCO. This would cut down the waiting period for the physical permit, which would allow people to begin work sooner. This consideration is particularly important during this time of high unemployment and economic uncertainty.

Ultimately, we hope that Marijuana regulations on permits will one day parallel the Alcohol regulations - Alcohol regulations allow individuals to begin employment sooner in the process of receiving a permit:

<https://www.commerce.alaska.gov/web/Portals/9/pub/ABC/AlcoholStatutesRegulations/AlcoholRegulations4-23-20.pdf>

"3 AAC 304.465. Alcohol server education course

(a) While selling or serving alcoholic beverages, a person required under AS 04.21.025 to complete an alcohol server education course and the person's on-duty supervisor shall carry or have available to show a current course card or a photocopy of the card certifying completion of

an approved alcohol server education course. The card is effective for three years from the date of issuance during which time the person shall complete another approved course or successfully complete a written test demonstrating an understanding of the course subjects as required by AS04.21.025(c). The card must include the name and date of birth of the card holder, the name of the course, and the date of expiration of the card. If the card does not include a photograph of the holder, the person shall also carry a valid identification under 3 AAC 304.425(b). The card or a photocopy of the card must be shown upon request of a peace officer or board representative. **If the person cannot show a current card or a copy of it on file on the premises, or show a date of hire less than 30 days earlier, the person shall immediately cease selling or serving alcoholic beverages, or checking identification.**”

Thank you for the opportunity to provide public comment testimony.

Respectfully,

AMIA Board of Directors

CED AMCO REGS (CED sponsored)

From: Matthew Beck <Matt.beckak@outlook.com>
Sent: Sunday, June 14, 2020 10:40 AM
To: CED AMCO REGS (CED sponsored)
Subject: Comment On NOTICE OF PROPOSED CHANGES ON CURBSIDE/WINDOW PICKUP IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD

Follow Up Flag: Follow up
Flag Status: Flagged

Contrary to popular belief, the pandemic is not over. Infections, hospitalizations and deaths are increasing. Our "R" (rate of infection is the second highest in the country).

Curbside pickup should continue for those who deem it necessary. Many people who purchase marijuana have underlying health concerns. Not having curbside pickup is vile and puts people at risk.

Continue curbside pickup.

M.B.