



MEMORANDUM

TO: Marijuana Control Board DATE: October 20, 2020
FROM: Jane P. Sawyer, Regulations Specialist RE: Regulations Project –
Curbside/Window Pickup -
Extension

In light of regulations that allow retail marijuana stores to provide Curbside/Window Pickup expiring on November 15, 2020, staff has brought forth, as a suggestion, a draft regulations project to extend the expiration of those regulations through the date on which the expiration date of the State of Alaska's Public Health Disaster Declaration for Covid 19 ends, including any extension of the disaster as declared by the governor or legislature.

As an FYI, there will be a gap between November 15, 2020, and any adoption date for these regulations. If everything goes smoothly, and with a 30-day comment period, my estimation is end of January 2021 with the board holding a special meeting to consider any public comment received and adopt the regulations around the first week or second week of December 2020.

Options for the board:

- If the board wishes, open a regulations project and send out the draft for public comment. Otherwise, no action is needed.

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

3 AAC 306.005(a)(1) is amended to read:

(1) a retail marijuana store license, granting authority for activities allowed under AS 17.38.070(a), and subject to the provisions of 3 AAC 306.300 - 3 AAC 306.365, **3 AAC 306.995**, and 3 AAC 306.700 - 3 AAC 306.770;

(Eff. 2/21/2016, Register 217; am 10/17/2018, Register 228; am ____/____/_____, Register _____)

Authority:	AS 17.38.010	AS 17.38.070	AS 17.38.121
	AS 17.38.150	AS 17.38.190	AS 17.38.200
	AS 17.38.900		

3 AAC 306.305 (a) is amended to read:

(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 **or as permitted under 3 AAC 306.995** for consumption off the licensed premises;

(2) sell a marijuana product purchased from a licensed marijuana product

manufacturing facility, packaged and labeled as required under 3 AAC 306.345, 3 AAC 306.565, and 3 AAC 306.570, in a quantity not exceeding the limit set out in 3 AAC 306.355, to an individual on the licensed premises **or as permitted under 3 AAC 306.995** for consumption off the licensed premises;

(3) store marijuana and marijuana products on the licensed premises in a manner consistent with 3 AAC 306.710 – 3 AAC 306.720;

(4) with prior approval of the board, permit consumption of marijuana or a marijuana product purchased on the licensed premises, in a designated area on the licensed premises.

(Eff. 2/21/2016, Register 217; em am 4/17/2020 - 8/14/2020, Register 234; am

____/____/_____, Register _____; am ____/____/_____, Register _____)

- Authority:** AS 17.38.010 AS 17.38.070 AS 17.38.121
- AS 17.38.150 AS 17.38.190 AS 17.38.200
- AS 17.38.900

3 AAC 306.310(a) is amended to read:

(a) A licensed retail marijuana store may not sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver, marijuana or a marijuana product

(1) to a person under 21 years of age;

(2) to a person that is under the influence of an alcoholic beverage, inhalant, or controlled substance;

(3) that is not labeled and packaged as required in 3 AAC 306.345 and

(A) 3 AAC 306.470 and 3 AAC 306.475; or

(B) 3 AAC 306.565 and 3 AAC 306.570;

(4) in a quantity exceeding the limit set out in 3 AAC 306.355;

(5) **unless permitted under 3 AAC 306.995** 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 **or who is physically present at the location designated for exterior window or curbside pickup as described and permitted under 3 AAC 306.995;**

(6) after the expiration date shown on the label of the marijuana or marijuana product.

(Eff. 2/21/2016, Register 217; am 4/11/2019, Register 230; am ____/____/_____, Register _____)

Authority:	AS 17.38.010	AS 17.38.070	AS 17.38.121
	AS 17.38.150	AS 17.38.190	AS 17.38.200
	AS 17.38.900		

3 AAC 306.995(a) 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] **the expiration date of the State of Alaska’s Public Health Disaster Declaration for Covid-19, including any extension of the disaster as declared by the governor or legislature.**

The introductory language of 3 AAC 306.995(b) is amended to read:

(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] **the expiration date described in subsection (a)** only if

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(Eff. 4/17/2020, Register 234; am 8/23/2020, Register 235; am ____/____/_____, Register _____)

- Authority:** AS 17.38.010 AS 17.38.070 AS 17.38.121
- AS 17.38.150 AS 17.38.190 AS 17.38.200
- AS 17.38.900