



Marijuana Control Board Meeting Agenda

***Subject to change due to viral emergency**

Tuesday, November 23, 2020 beginning at 1pm
Third Judicial District
Zoom Meeting

<https://amco-alaska-gov.zoom.us/j/94420649463?pwd=eGNEVTQybVNGUy9tSm9JYXNWaWQvZz09>

Meeting ID: 944 2064 9463

Passcode: 769343

One tap mobile

+12532158782,,94420649463# US

+16699006833,,94420649463# US

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 669 900 6833 US

All times are approximate.

The Board may go into executive session at any time when appropriate under AS 44.62.310(b) and (c).

ADMINISTRATION 1:00pm

A. Call to Order

1:00 pm

B. Roll Call

Loren Jones, Public Health Member and Chair

Nick Miller, Industry Member and Vice Chair

Bruce Schulte, Public Member

Casey Dschaak, Rural Public Member

Christopher Jaime, Public Safety Member

Glen Klinkhart, Interim Director

Joan Wilson, Assistant Attorney General

Carrie Craig, Records and Licensing Supervisor

C. Approval of Agenda

1:01 pm

BOARD GOVERNANCE 1:05pm

There are no changes to be reported.

NO PUBLIC TESTIMONY 1:10pm

COVID19 Emergency Regulations/Options

Loren Jones tells the board they received two emails with the emergency regulations attached, and turns it over to counsel.

Joan Wilson summarizes the reason for the emergency regulations and what they would do. Explains that the Alcoholic Beverage Control Board adopted emergency regulations in response to Title 4 provisions being suspended by the governor. She asks the board to have the discussion.

Bruce S. motions to move the packet with the Emergency Findings and emergency regulations. Nick M. seconds.

Bruce S. talks about what the Board discussed at the last meeting where the Board did not want to move forward with extending curbside/window pickup at that time: it was unknown whether the Governor was going to extend the emergency declaration, it was prudent to let the emergency regulations sunset. Now that the Governor extended the emergency declaration, it changes the dynamic hence the Board is reconsidering extending curbside/window pickup.

Nick M. states he has spoken to customers who are not happy about not having curbside/window pickup. It's hard to explain to customers why marijuana does not have regulations that allow for curbside/window. He wants to let the board that there is significant public concern about not being able to.

Loren J. offers some background regarding the emergency regulations. Asks question to Joan Wilson regarding the "sunset date" of these emergency regulations. Joan Wilson answers his questions. The emergency regulations are dependent upon the Governor's extension of the declaration. She lets the Board know what the ABC Board did: sent it out for public comment to adopt as a permanent regulation.

Christopher J. asks if they move forward with a permanent regulation, would they still have a sunset date? Joan Wilson, yes and she explains further.

Casey D. asks would they be adopting these as permanent regulations today? Joan Wilson answers no, they would be sent out for public comment. Today the Board would only be adopting emergency regulations. Casey D. expresses his concerns regarding continuing the practice of curbside/window pickup via emergency regulations.

Bruce S. asks about the correlation between 120-day to the Governor's declaration, but he believes there is a need for these emergency regulations. Joan Wilson responds.

Casey D. is opposed. Motion passes, 4-1.

Consideration of making the emergency regulations permanent

Bruce S. motions to put these regulations out for public comment. Nick M. seconds.

Bruce S. says the word "permanent" gives him pause. He explains further. Loren J. follows up on Bruce's comments.

Casey D. asks about what data has been collected regarding curbside/window pickup. Has there been any problems?

Loren J. suggests a special meeting if the regulations do not make it to the January 2021 meeting to have more discussion about the topic.

Nick M. echoes Casey's comments. He would like Enforcement's input. Have there been any problems? Director Klinkhart comments on the Enforcement side of it.

Joan Wilson states there are enforceability constraints in that AMCO does not have the authority to go inside anyone's car where these transactions are occurring, and also the fact that children may be inside the vehicle. That's another thing to take into consideration. To her knowledge, most of the states have only made these regulations temporary. She clarifies and lets licensees who are listening know that these emergency regulations will not become effective until the Lt. Governor signs them. She wants people to know that the Board's action is not the end of the process.

Loren J. recognizes Sarah Oates, President and CEO of CHARR, and reminds her that the Board is not taking public comment. Sarah Oates makes comments about the word "permanent" on the alcohol emergency regulations and the confusion it caused in the alcohol industry. She makes a recommendation about the public notice for marijuana.

Joan Wilson states that the language is language that needs to be put on the public notice and the way it is clarified is through a FAQ. The same words will be on the public notice to meet the requirements of the Administrative

Procedures Act with Department of Law. Joan states that an FAQ or advisory can advise people regarding the “permanent” confusion should the public/licensees not read the regulations but it is their obligation to read them.

Jane Sawyer asks the Board if it will be taking oral comments at the January meeting. She states she will do her best to have them in front of the at the January meeting even though that is a tight deadline. Loren J. states no.

None opposed, motion passes.

□ NEXT MARIJUANA CONTROL BOARD MEETING

The next meeting is tentatively scheduled for January 6 - 7, 2021, in Juneau. All applications must be deemed complete and all other information for inclusion in the board’s packets must be received by December 18, 2020.

□ ADJOURN

1:25 pm