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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Amy Demboski
Department of Commerce Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: July 24, 2020

RE: Filed Permanent Regulations: Marijuana Control Board

Marijuana Control Board emergency regulations made permanent re: curbside delivery and drive-through service (3 AAC 306.995)

Attorney General File:	2020200408
Regulation Filed:	7/24/2020
Effective Date:	4/17/2020, am 8/23/2020
Print:	235, October 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis
Jane Sawyer, Regulations Specialist

CERTIFICATION OF COMPLIANCE

I, Glen Klinkhar, Interim Director, certify that, as required by AS 44.62.260 in order to make the attached two pages of regulations permanent, as of this date a legal opinion of the Department of Law has been requested under AS 44.62.060, a notice conforming to AS 44.62.200 was issued in compliance with AS 44.62.190, and an opportunity for public comment was provided under AS 44.62.210, for the following emergency regulation:

Emergency regulation 3 AAC 306.995 regarding curbside/window pickup of marijuana and marijuana products becoming permanent

This regulation originally was filed as an emergency regulation on April 17, 2020.

In considering the public comments, the Marijuana Control Board, paid special attention to the cost to private persons of the regulatory action being taken.

Date: 7-17-2020



Glen Klinkhart, Interim Director

FILING CERTIFICATION

April Simpson for

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on July 24, 2020, at 12:39 p.m., I filed the attached regulation according to the provisions of AS 44.62.

for 

Lieutenant Governor *Kevin Meyer*

Register: 235, October 2020.

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE MARIJUANA CONTROL BOARD

The attached two pages of regulations, dealing with curbside/window pickup, are certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its July 17, 2020, meeting, under the authority of AS 17.38.121 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Marijuana Control Board paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor as provided in AS 44.62.180.

Date: 7-17-2020



Glen Klinkhart, Interim Director

FILING CERTIFICATION

Annel Simpson for

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

July 24, 20 20 at 12:40 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

Annel Simpson
for _____
Lieutenant Governor *Kevin Meyer*

Effective: August 23, 2020

Register: 235, October 2020

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,
designate the following state employees to perform the Administrative Procedures Act
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on December 11th,
2018.**



Kevin Meyer

**KEVIN MEYER
LIEUTENANT GOVERNOR**

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

(adoption of)

(further)

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

(word)) Notwithstanding 3 AAC 306.305(a) and 3 AAC 306.310(a)(5),

(lower case))

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.**

(no bold or underline))

(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;

(lower case))

(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 **under the influence** or

(under the influence)

~~drunken person~~ as described under 3 AAC 306.310(a)(²);

(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 ^{that} 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.

Nothing in this section limits

~~This section is not intended to limit~~ the existing powers of investigative personnel.

(d) For purposes of this section,

(2) (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.

(1) (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 8/23/2020, Register 235)

Authority: AS 17.38.010

AS 17.38.150

AS 17.38.900

AS 17.38.070
[AS 17.38.071]

AS 17.38.190

AS 17.38.121

AS 17.38.200

Editor's note: Adoption of 3 AAC 306.995 took effect on April 17, 2020, as an emergency regulation, and was first published in Register 234 (July 2020). In reviewing the

"permanent" regulations and "permanent" amendments in accordance with AS 44.62.060 and 44.62.125(b), the regulations attorney made technical changes to 3 AAC 306.995. The technical changes appeared in the "permanent" regulations as published in Register 235 (October 2020). The history note does not reflect

the changes made by the regulations attorney to the emergency regulations of April 17, 2020.