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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Amy Demboski
Department of Commerce Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: May 7, 2020

RE: Filed Emergency Regulations: Marijuana Control Board

Marijuana Control Board emergency regulation re: transportation repeal (3 AAC 306.750(a); 3 AAC 306.750(h))

Attorney General File:	Emergency Regulations
Regulation Filed:	5/7/2020
Effective Date:	5/7/2020
Expiration Date:	August 14, 2020 unless made permanent by the adopting agency
Print:	234, July 2020

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

FINDING OF EMERGENCY

The Marijuana Control Board finds that an emergency exists and that the attached emergency regulations are necessary for the immediate preservation of the public peace, safety, and general welfare. The facts constituting the emergency include the following:

On April 17, 2020, the Marijuana Control Board issued emergency regulations to permit marijuana or marijuana products to be transported unaccompanied on commercial air and marine carriers as long as an agent or employee of a licensee who holds a marijuana handler permit delivered the marijuana or marijuana product to and picked up the marijuana or marijuana product from the carrier. While the intent of this measure was to limit the need for individuals to enter into small communities off of established road systems and potentially prevent the spread of Covid19, the emergency regulations conflict with and are preempted by federal law applicable to commercial air and marine carriers and are therefore invalid. A repeal is necessary for the immediate preservation of public peace, safety, and the general welfare.


THEREFORE: The Marijuana Control Board finds it is in the best interest of the state to amend 3 AAC 306.750(a) and to repeal 3 AAC 306.750(h).

ORDER CERTIFYING ADOPTION

I certify that the Marijuana Control under the authority of AS 17.38.121, adopted at its May 7, 2020, meeting the attached one page of regulation changes as an emergency regulation to take effect immediately upon filing by the lieutenant governor as provided in AS 44.62.180(3).

This action is not expected to require an increased appropriation.

Date: 5/7/2020

DocuSigned by:

3877CBCDD3CA4CA

Glen Klinkhart, Interim Director

FILING CERTIFICATION

April Simpson for

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on May 7th,
2020, at 3:39 p.m., I filed the attached regulation according to the provisions of AS 44.62.

April Simpson
for Lieutenant Governor Kevin Meyer

Effective: May 7, 2020.

Register: 234, July 2020.

Expires August 14, 2020
unless made "permanent"
by the adopting agency

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**

EMERGENCY REGULATION

Register 234, July, 2020 COMMERCE, COMMUNITY, AND EC. DEV.

3 AAC 306.750(a), as amended on April 17, 2020, is further amended to read:

(a) **Marijuana** [OTHER THAN AS PERMITTED UNDER 3 AAC 750 (h), MARIJUANA] or a marijuana product may only be transported to a licensed marijuana establishment by a licensee or an agent or employee of a licensee.

3 AAC 306.750(h), as added on April 17, 2020, is repealed:

(h) Repealed 5 / 7 / 2020 . (Eff. 2/21/2016, Register 217; am 10/11/2017, Register 224; am 8/11/2018, Register 227; am 4/17/2020, Register 234; am 5 / 7 / 2020 , Register 234)

Authority:	AS 17.38.010	AS 17.38.150	AS 17.38.900
	AS 17.38.070	AS 17.38.190	[AS 26.23.020]
	AS 17.38.121	AS 17.38.200	