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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:** April 17, 2020

**RE:** Filed Emergency Regulations: Marijuana Control Board  
  
Marijuana Control Board emergency regulation re: transportation of marijuana in response to COVID-19 (3 AAC 750)

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|                        |   |
|------------------------|---|
| Attorney General File: | Emergency Regulations   |
| Regulation Filed:      | 4/17/2020   |
| Effective Date:        | 4/17/2020   |
| Expiration Date:       | August 14, 2020 unless made permanent<br>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, health, safety, or general welfare. The facts constituting the emergency include the following:

On March 11, 2020, the governor declared a public health disaster emergency under AS 26.23.020 due to the spread of COVID-19. The Center for Disease Control and Alaska Department of Health and Social Services have warned that COVID-19 is highly contagious and that limiting travel of individuals, including those that do not even know they carry the virus, is paramount to containing the spread of the virus. Alaska instituted public health mandates limiting intrastate travel, even for essential businesses. To travel within the State, essential businesses must submit travel plans to the Alaska Department of Health and Social Services detailing how the business plans to avoid the spread of Covid-19 and prevent endangering the lives of people in the communities, including small communities, in which they operate.

Many marijuana establishment licensees qualify as essential businesses. The Marijuana Control Board anticipates that it can halt the need for travel by employees and agents of these licensees altogether if marijuana or marijuana products can be transported by marine or air transportation carriers. In all such cases, marijuana or marijuana products must be delivered directly to the carrier by an individual holding a marijuana handler permit that is either an employee or agent of licensee and picked up from the carrier by an individual holding a marijuana handler permit that is either an employee or agent of licensee.

To provide constraints and avoid confusion, the Marijuana Control Board must pass emergency regulations so that minimized travel to limit the spread of Covid-19 can be balanced with existing public peace, health, and safety protections. This includes ensuring that the location of marijuana or marijuana products is properly documented at all times and that the marijuana or marijuana product will be secure during travel to the marine or air transportation carrier, during transport, and through delivery.

THEREFORE: The Marijuana Control Board finds it is in the best interest of the state to enact emergency regulations 3 AAC 306.750(as amended).


## ORDER CERTIFYING ADOPTION

I certify that the Marijuana Control under the authority of AS 17.38.121, adopted at its April 17, 2020 meeting the attached two pages 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.

4/17/2020

Date: \_\_\_\_\_

DocuSigned by:  
  
3877CBCDD3CA4CA

\_\_\_\_\_  
Glen Klinkhart, Interim Director

*April Simpson for*  
↑

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on April 17<sup>th</sup>,  
2020, at 5:41 p.m., I filed the attached regulation according to the provisions of AS 44.62.

*April Simpson*  
for Lieutenant Governor *Kevin Meyer*

Effective: April 17, 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.**



*K. Meyer*

**KEVIN MEYER  
LIEUTENANT GOVERNOR**

EMERGENCY REGULATION

Register 234, July 2020

COMMERCE, COMMUNITY, AND EC. DEV.

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

3 AAC 306.750(a) is amended to read:

(a) **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.

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

|                   |              |              |              |              |
|-------------------|--------------|--------------|--------------|--------------|
| <b>Authority:</b> | AS 26.23.020 | AS 17.38.010 | AS 17.38.150 | AS 17.38.200 |
|                   | AS 17.38.070 | AS 17.38.190 | AS 17.38.900 | AS 17.38.121 |

3 AAC 306.750(h) is amended by adding a new section to read:

(h) Marijuana or marijuana product may be transported to a license marijuana establishment by commercial marine or air transport carrier whose employees or agents do not have a marijuana handler permit required under 3 AAC 306.700, if

(1) A licensee or agent or employee of a licensee who hold a marijuana handler permit required under 3 AAC 306.700 delivers the marijuana or marijuana product to the commercial marine or air transport carrier for transportation;

EMERGENCY REGULATION

Register 234, July 2020

COMMERCE, COMMUNITY, AND EC. DEV.

(2) A licensee or agent or employee of a licensee who hold a marijuana handler permit required under 3 AAC 306.700 picks up the marijuana or marijuana product from the commercial marine or air transport carrier immediately after the marijuana or marijuana product is available for pickup;

(3) The originating and destination details of the transport are documented in the transport manifest accompanying the marijuana or marijuana product and in the marijuana inventory tracking system; and

(4) All other requirements of 3 AAC 306.750 are satisfied. (Eff.

4 / 17 / 2020, Register 234)

**Authority:** AS 17.38.010 AS 17.38.071 AS 17.38.121 AS 17.38.150  
AS 17.38.190 AS 17.38.200 AS 17.38.900