

Nancy Dahlstrom
Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Sara Chambers, Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: November 8, 2024

RE: Filed Permanent Regulations: Marijuana Control Board
Marijuana Control Board regulations re: Exterior window pickups (3 AAC 306.380(g))

Attorney General File:	2024200077
Regulation Filed:	11/8/2024
Effective Date:	12/8/2024
Print:	252, January 2025

cc with enclosures: Beth Parsons, Department of Law
Judy Herndon, LexisNexis
Jane P. Sawyer, Regulations Specialist
Kristina Serezhenkov, Regulations Specialist



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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November 8, 2024

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *3 AAC 306.380(g): Marijuana Control Board - Exterior window pickups*
Our file: 2024200077

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Marijuana Control Board against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Marijuana Control Board after the close of the public comment period.

The regulations amend 3 AAC 306 to update requirements relating to the location, access, and conduct of transactions at a walk-up or drive-through exterior window area for a retail marijuana store.

Both the May 29, 2024 public notice and October 2, 2024 order certifying the changes to the regulations state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

No technical corrections were necessary to conform the regulations in accordance with AS 44.62.060.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: Rebecca C. Polizzotto

Digitally signed by
Rebecca C. Polizzotto
Date: 2024.11.08
09:56:17 -09'00'

Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

RCP/BWS

CC w/enclosure: Kristina Serezhenkov, Regulations Specialist 2
Department of Commerce, Community and Economic Development

Kevin Higgins, Assistant Attorney General
Department of Law

Brad Sharp, Assistant Attorney General
Department of Law

APPENDIX J: Certification Order

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE MARIJUANA CONTROL BOARD

The attached two pages of regulations, dealing with location of exterior window pick-ups, is certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its September 12, 2024, 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: 10/2/2024




Lizzie Kubitz, Acting Director

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on November 8, 2024 at 11:01 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


for Lieutenant Governor Nancy Dahlstrom

Effective: December 8, 2024.

Register: 252, January 2025.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, 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:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

3 AAC 306.380(g) is amended to read:

(g) A walk-up or drive-through exterior window area

(1) must be located

(A) so that [AS TO MINIMIZE] compromises to security are minimized;

(B) so that for each [. FOR EVERY] transfer of marijuana or

marijuana product through the [A] walk-up or drive-through exterior window, the

licensed retail marijuana store's video surveillance records [MUST ENABLE THE

RECORDING OF]

(i) the licensee's [LICENSEE] or [THE] employee of the

licensee's verification of [VERIFYING] the consumer's photographic

identification; and

(ii) the complete [COMPLETION OF THE] transaction; and [.]

(C) within the licensed premises of the retail marijuana store;

(2) may not be

(A) in a building separate from the licensed premises of the retail

marijuana store;

(B) in a movable structure, including a trailer or separate drive-

through structure; or

(C) accessible only through a licensed premises of a different license

type or the overlapping premises with another license type.

Register 252, January 2025

COMMERCE, COMMUNITY, AND EC. DEV.

(Eff. 8/13/2023, Register 247; am 12 / 8 / 2024, Register 252)

Authority: 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