



## MEMORANDUM

TO: Marijuana Control Board

DATE: November 7, 2023

FROM: Kristina Serezhenkov, Regulations  
Specialist

RE: Regulations Project- Introduction  
of Seeds or Clones

The board approved the draft regulations for initial Law review at the August, 2023 meeting. Upon the Department of Law's approval, the draft was sent out for official public comment with the comment period closing 11.6.2023. Comments were received and are attached.

Options for the board:

- Move to adopt and send to Law for final review.
- Move to amend and adopt and then send to Law for final review.
- Move to send back to staff for more work
- Close the regulations project

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

3 AAC 306.405(a)(9) is amended to read:

(9) introduce a new strain after written approval by the director on a form prescribed by the board, by

(A) receiving not more than twenty [SIX] clones or cuttings from a person 21 years of age or older, without compensation; or

(B) receiving [NOT MORE THAN 10] seeds from a person 21 years of age or older, without compensation, for cultivation on the licensed premises.

(Eff. 2/21/2016, Register 217; am 10/20/2018, Register 228; am 12/10/2020, Register 236; am \_\_\_/\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**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

**From:** [Ryan Tunseth](#)  
**To:** [CED AMCO REGS \(CED sponsored\)](#)  
**Subject:** AMIA Regulation Comments  
**Date:** Monday, November 6, 2023 2:29:07 PM  
**Attachments:** [AMIA Packaging REG COMMENT 11.6.23.pdf](#)  
[AMIA SEEDS & CLONES REG COMMENT 11.6.23.pdf](#)

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**CAUTION:** This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

AMCO / MCB,

Please find the attached comments from the Alaska Marijuana Industry Association (AMIA) related to proposed regulations:

- [Introduction of seeds and clones](#)
- Changes to packaging of marijuana products.

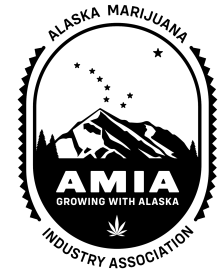
Thank you,

AMIA Board of Directors

Date: 11/6/2023

To: Alaska Marijuana Control Board (MCB)  
[amco.regs@alaska.gov](mailto:amco.regs@alaska.gov)

From: Alaska Marijuana Industry Association (AMIA)  
Ryan Tunseth, President.  
[President@alaskamia.org](mailto:President@alaskamia.org)



Re: Comment on MCB proposed changes to regulations in Title 3,  
Chapter 306.405(a)(9) AAC - Related to seeds and clones.

The Alaska Marijuana Industry Association (AMIA) is in support of the proposed regulation changes. The proposed changes are a step forward in the right direction. The current regulations stifle commerce and place an unnecessary burden on our cultivators. These new regulations will help cultivators remain competitive.

However, we do not think that these regulations go far enough and would respectfully ask the Board to consider why there are any limits on clones, cutting, or seeds. It is detrimental for any agricultural industry to be prohibited or limited in the purchase of seeds or plant starts. Agricultural businesses should be able to purchase as many clones, cuttings, or seeds for their business as necessary to produce viable, consistent, and competitive harvests. What is the goal in limiting cultivators from the very thing they need to operate? Furthermore, what is the goal of having a regulation that prohibits compensation for those agricultural products? Cultivators that are interested in developing genetics should be allowed to sell clones, seeds, or cuttings if they so desire.

Please consider removing all limits on clones, seeds, or cuttings and the prohibitions on compensation for such products. We do not see how this would negatively impact public health and safety in any way. Limiting the number of sees, clones, or cuttings only makes things harder on cultivators and limits innovation and commerce.

Respectfully,

AMIA Board of Directors  
Ryan Tunseth, President

**From:** [Alaska Online Public Notices](#)  
**To:** [CED AMCO REGS \(CED sponsored\)](#)  
**Subject:** New Comment on NOTICE OF PROPOSED CHANGES TO INTRODUCTION OF SEEDS OR CLONES TO LICENSED PREMISES IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD  
**Date:** Friday, November 3, 2023 8:56:32 AM

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A new comment has been submitted on the public notice [NOTICE OF PROPOSED CHANGES TO INTRODUCTION OF SEEDS OR CLONES TO LICENSED PREMISES IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD](#).

**Submitted:**

11/3/2023 8:56:26 AM

Kerby Coman  
[kerby@greendegree.net](mailto:kerby@greendegree.net)

Wasilla, AK, US  
Anonymous User

**Comment:**

I think these regulation project is definetly something that needs to be addressed.  
I do however believe that there should not be any limit on the number immature plants and or seeds being brought into a licensed facility from an unlicensed source. Where is the benefit to public safety and health by limiting the number of such? Thank you

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You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

**From:** [Mike Emers](#)  
**To:** [CED AMCO REGS \(CED sponsored\)](#)  
**Cc:** [Ryan Tunseth](#); [Bailey Stuart](#)  
**Subject:** Proposed Changes regarding introduction of seeds or clones  
**Date:** Thursday, November 2, 2023 9:10:23 PM  
**Attachments:** [Comment on proposed changed to introduction of seeds and clones.pdf](#)

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Dear AMCO,

Please accept this comment regarding the introduction of new genetics to licensed premises - 3 AAC 306.405(a)(9)

Thank you,

Mike Emers, Managing Owner

RCFC LLC license # 4a-10005



**P.O Box 181  
Ester, Alaska 99725  
Alaska License 10005**

**November 2, 2023**

Marijuana Control Board and AMCO Director  
Alcohol and Marijuana Control office  
550 w 7<sup>th</sup> Avenue, Ste.1600  
Anchorage, AK 99501

Dear MCB and Director Wilson,

Thank you for considering changes to regulation 3 AAC 306.405(a)(9) concerning the introduction of new strains to licensed premises. I cannot speak to the proposed changes concerning raising the number of clones, however, since we are considering this change, we also should also consider raising limits on seeds for introducing new genetics.

Being an outdoor grower, I rely solely on seeds for growing my crop of auto-flowering cannabis. If I want to introduce new genetics into my operation but I'm not sure if the new strain will work for me, 10 seeds is an unreasonably small sample with which to do a trial. Since each seed is a unique genetic package, there will be variability among the 10 plants grown (assuming that all 10 seeds germinate) thereby muddling the decision making. Also, the 10 plants grown make for too small of a sample size or harvest get a reliable lab test.

If I do like the way those 10 plants perform in an outdoor season and I want to introduce those genetics into my operation, I'll need to cross another strain to those plants, harvest an appropriate amount of seeds that first season and then wait another year to see how those crosses perform. The end result of trialing a new strain is that it might be a year and a half at the earliest, from the time that I file the MJ-27 that I will get enough of a harvest to get the new strain on my menu. Fifty seeds are a minimum to do an appropriate trial, but 100 seeds would be much better to get a decent harvest in order to get that new strain on menu that season.

Let's not limit the amount of either seeds or clones to introduce new genetics - it just

ties our hands behind our backs and limits innovation and commerce.

Thank you,

Mike Emers, owner  
RCFC LLC dba Rosie Creek Farm

A handwritten signature in black ink that reads "Michael Emers". The signature is written in a cursive style with a large initial 'M' and a long, sweeping tail on the 's'.



**From:** [Barret Goodale](#)  
**To:** [CED AMCO REGS \(CED sponsored\)](#)  
**Subject:** Public Comment on Seeds and Clones from an Unlicensed Source  
**Date:** Wednesday, October 11, 2023 11:21:12 AM

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Dear Members of the Board,

I appreciate and approve of the sentiment in this regulation change, but I do not think it goes far enough. The marijuana industry is an agricultural industry. It is preposterous for an agricultural industry to be prohibited or limited in the purchase of seeds or plants. I believe a marijuana company should be able to purchase as many clones, cuttings, or seeds for their business as needed. What is the goal in limiting this? The only thing of concern I have is tax evasion by individuals who may be selling these clones or seeds as a cottage industry business. However, I believe that that responsibility of tax liability is outside the purview of this board. I would recommend removing all quantity limits on seeds, clones, and cuttings as well as removing the prohibition of providing compensation for those agricultural products.

Thank you,

**C. Barret Goodale**  
**GOOD Cultivation Manager**  
907-699-9478

Follow GOOD on [Instagram](#), [Twitter](#), and [Facebook](#)  
**Alaska Marijuana Industry Association member**

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