



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

**Department of Commerce, Community,
and Economic Development**

ALCOHOL AND MARIJUANA CONTROL OFFICE

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Thursday, January 29, 2026

To: Marijuana Control Board Laboratory Testing Working Group
From: Kevin Richard, Director, AMCO
RE: Subgroup Supporting Documentation for March 2026 Meeting

At the January 2026 meeting of the Laboratory Testing Working Group, a subgroup was created to discuss Loopholes to Pass Unsafe Product and Testing for Cause from the January 2026 meeting agenda. I've provided the regulatory language proposed from the 2024 working group to help the discussion.

Sincerely,

A handwritten signature in black ink, appearing to read "KR".

Kevin Richard
Director



3. Loopholes to Pass Unsafe Product

- a. If cultivators and manufacturers are informed that their samples are going to be tested for pesticides and heavy metals, bad actors can present “clean” samples for testing.
- b. If samples for supplemental surveillance testing are packaged separately than clearance packages, bad actors can package two products for testing-- potency samples with higher THC and “clean” samples grown separately.

ADDITIONS: Section **3 AAC 306.665. Supplemental marijuana quality testing** addresses sampling, but it could be changed IF the supplemental surveillance screening is added to this section OR a new section for

3 AAC 306.676 Supplemental Surveillance Screening could be created and either section could specify:

- (1) Authorized personnel from the cultivation in the process of collecting representative samples for testing if the specification in subsection (i) is met.
 - (i) Personnel from the cultivation may collect and deliver samples to the laboratory as part of the batch clearance process if there has been no prior notification that the sample is designated to have supplemental surveillance testing.
- (2) If regular surveillance screening “for cause” is mandated by the board or director after failing batches for contamination and the required samples are being collected by authorized personnel from the licensed facility, there must be no segregation of the sample for potency and supplemental quality testing so that the potency results and contaminant testing come from the same sample.

- c. Cultivators who know they are failing or using pesticides that will fail, may be able to transfer product to infused product manufacturers to “off-load” contaminated product that will be further concentrated to serve as a base for edibles. For this reason, any product transferred to a manufacturer could be considered for mandatory supplemental quality testing.



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ADDITION: 3 AAC 306.660. Failed materials; retests

- (1) If a food-grade concentrate is mixed with a concentrate that has failed pesticide or heavy metals testing to remediate the product to pass contaminant testing, and if the concentrate will only be used for production of edible or topical products, a retest of the mixed product must still include potency, as well as the retest for contaminants.
- (2) Any food-grade concentrate made from marijuana or marijuana product that has not had clearance testing must undergo supplemental quality testing.



7. Testing for Cause

- a. The current regulations under *AAC 306.465 Random Sampling* and *AAC 306.665 Supplemental Marijuana Quality Testing* already address the collection and assignment of financial responsibility for samples for which MCB or the Director of AMCO have requested additional quality testing “for cause.” These sections specify that the cultivator or manufacturer is financially responsible for this additional testing. Under the current regulatory language, licensees could be asked to continue regular monitoring of batches for pesticides or heavy metals if MCB or the Director requests quality testing after failed results on a surveillance screening. This point would not be relevant if all batches are tested. Alternatively, if not all batches are tested and the division is responsible for payment of the supplemental surveillance screening program, this clause would essentially cap the cost of the program by requiring that all testing “for cause” be paid by the licensee.
- b. Currently, under *AAC 306.465 Random Sampling*, the testing facilities are assigned responsibility for collecting samples for supplemental quality testing.
 - i. This is not feasible financially for most licensees in the industry, as it would require sizable fees for transportation and collection time.
 - ii. This section could be amended to state that trained Enforcement Officers or trained samplers could perform collection for supplemental marijuana quality samples. By not understanding how glass and metal exposure can contaminate samples during collection, it is important that personnel be trained.



CHANGE: AAC 306.465. Random sampling

- (a) The board will or the director shall from time to time require a standard or limited marijuana cultivation facility to provide samples of **cannabis flower**, growing medium, soil amendments, fertilizers, crop production aids, pesticides, or water for random compliance checks. The sample may be screened for pesticides and chemical residues, screened for unsafe levels of metals, and used for other laboratory tests the director finds to be in the interests of the public. **The marijuana cultivation facility shall bear all costs of testing under this subsection.**
- (b) When the board or the director orders random sampling under this section, the director shall identify a licensed marijuana testing facility to perform the testing. The marijuana cultivation facility shall cooperate to facilitate the collection of samples. (Eff. 2/21/2016, Register 217)

ADDITIONS: AAC 306.465. Random sampling and/or 3 AAC 306.665. Supplemental marijuana quality testing may include a subsection stating:

- (c) **Samples may be collected and presented to the laboratory by one of the following:**
1. **An AMCO Enforcement Officer trained in the collection of each specific type of sample;**
 2. **Authorized personnel from the cultivation in the process of collecting representative samples for testing if the specification in subsection (a)(2)(i) is met.**
 - i. **Personnel from the cultivation may collect and deliver samples to the laboratory as part of the batch clearance process if there has been no prior notification that the sample is designated to have supplemental surveillance testing; and**
 3. **A trained representative of any AMCO-approved testing facility under conditions specified in (a)(3)(i-iii)**
 - i. **A trained agent of the testing facility approved to perform the supplemental screening may collect samples directly from the licensee under the direction of the board;**
 - ii. **Samples received at a testing facility that is not approved to perform the supplemental screening or mandated "for cause" supplemental quality testing may be subdivided for transfer to an approved testing facility.**
 - A. **Interlaboratory transfers must be made by laboratory personnel to maintain the chain of custody.**