



To: Marijuana Control Board  
Date: April 15, 2026  
From: Kevin Richard, Director  
RE: AMCO Director's Report

- **Introduction**
  - This report summarizes the activities of the Alcohol and Marijuana Control Office (AMCO) from the last board meetings held in February 2026.
- **Discussion Topics**
  - **Licensing**
    - Sonya Irwin will update you on the progress that has been made since the February 2026 board meetings. There are currently two vacant Licensing Examiner 2 positions in Anchorage.
  - **Enforcement**
    - Joe Bankowski will update you on the activities of the AMCO Enforcement Unit since the February board meetings. There are currently vacant Special Investigator positions in Fairbanks and Juneau.
  - **Administration**
    - AMCO is working to hire an Administrative Officer 1.
  - **AO 360**
    - AMCO has received an update that we're expecting AO 360 plan approval this month to allow us to start working on top priority regulations projects. The board will be updated as more information becomes available.
  - **Legislative Review**
    - **HB 91** Marijuana: Tax/Retail Stores/Registration
      - **Sponsor:** Representative Carrick
      - **Status:** House Rules
    - **HB 325** Industrial Hemp
      - **Sponsor:** Representatives McCabe, Tomaszewski
      - **Status:** House Labor and Commerce
  - **WCAG Web Content**
    - Effective April 24, 2026, all documents that AMCO posts to their website will be required to conform with Web Content Accessibility Guidelines (WCAG 2.1). As a result, there will be a reduction in material that AMCO posts online before board meetings. AMCO will continue to publicly notice the meeting and provide an agenda as required by statute and regulation. AMCO will no longer be posting completed applications on the website.



THE STATE  
of **ALASKA**

GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

ALCOHOL AND MARIJUANA CONTROL OFFICE

550 W 7<sup>TH</sup> AVENUE, STE 1600  
Anchorage, AK 99501  
Main: 907.269.0350

- As public records, license applications are still available to interested parties by submitting a public records request to AMCO under the Alaska Public Records Act in AS 40.25.100-AS 40.25.295.
- **Legislative Audit**
  - AMCO is currently participating in a routine legislative audit of both the Alcoholic Beverage Control Board and the Marijuana Control Board. The report will be released later this year.
- **METRC Transfer Reports and DOR**
  - AMCO was asked to prepare a letter for presentation to Department of Revenue to identify the issues found with METRC's reporting of transfer data. It has been provided for your review.
- **Official Version of 3 AAC 306.345(b)(2)**
  - At the December MCB meeting, the board was made aware that certain publications of the language for 3 AAC 306.345(b)(2) provided for a labeling requirement of "THC" rather than "total THC." The Board requested that the Department of Law confirm the official version of the regulation.
  - According to LRLR, the official version of 3 AAC 306.345(b)(2) is the language provided in Register 228, which requires labels stating the estimated amount of "total THC." This means that the Marijuana Regulations posted on AMCO's website are incorrect, as well as most other publications of 3 AAC 306.345(b)(2). LRLR is working with their publisher to fix this error.
- **Marijuana Working Group**
  - The Laboratory Testing Working Group has met three times since it's inception to discuss various topics of note for the marijuana industry. The meetings are publicly noticed. I would encourage interested parties to attend these meetings and provide input. The information is available on the AMCO website, and the next meeting is telephonic on May 6<sup>th</sup> at 10:00AM.



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Sincerely,

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

Kevin Richard  
Director

**CS FOR HOUSE BILL NO. 91(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

**BY THE HOUSE FINANCE COMMITTEE**

**Offered: 4/8/26**

**Referred: Rules**

**Sponsor(s): REPRESENTATIVE CARRICK**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the lawful operation of retail marijuana stores; relating to the**  
2 **registration of marijuana establishments; relating to marijuana taxes; and providing for**  
3 **an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 **\* Section 1.** AS 17.38.070(a) is amended to read:

6 (a) Notwithstanding any other provision of law, the following acts, when  
7 performed by a retail marijuana store with a current, valid registration, or a person 21  
8 years of age or older who is acting in the person's capacity as an owner, employee, or  
9 agent of a retail marijuana store, are lawful and are not an offense under state law or a  
10 basis for seizure or forfeiture of assets under state law:

11 (1) possessing, displaying, storing, or transporting marijuana or  
12 marijuana products, except that marijuana and marijuana products may not be  
13 displayed in a manner that is visible to the general public from a public right-of-way;

14 (2) delivering or transferring marijuana or marijuana products to a

1 marijuana testing facility;

2 (3) receiving marijuana or marijuana products from a marijuana testing  
3 facility;

4 (4) purchasing marijuana from a marijuana cultivation facility;

5 (5) purchasing marijuana or marijuana products from a marijuana  
6 product manufacturing facility; and

7 (6) delivering, distributing, or selling marijuana or marijuana products  
8 to **a consumer, a marijuana cultivation facility, or a marijuana product**  
9 **manufacturing facility** [CONSUMERS].

10 \* **Sec. 2.** AS 17.38.200(a) is amended to read:

11 (a) Each application or renewal application for a registration to operate a  
12 marijuana establishment shall be submitted to the board. A renewal application may be  
13 submitted up to 90 days before the expiration of the marijuana establishment's  
14 registration. When filing an application for a new registration under this subsection,  
15 the applicant shall submit the applicant's fingerprints and the fees required by the  
16 Department of Public Safety under AS 12.62.160 for criminal justice information and  
17 a national criminal history record check. When filing an application for renewal of  
18 registration, an applicant shall submit the applicant's fingerprints and the fees required  
19 by the Department of Public Safety under AS 12.62.160 for criminal justice  
20 information and a national criminal history record check every **six** [FIVE] years. The  
21 board shall forward the fingerprints and fees to the Department of Public Safety to  
22 obtain a report of criminal justice information under AS 12.62 and a national criminal  
23 history record check under AS 12.62.400.

24 \* **Sec. 3.** AS 17.38.200(d) is amended to read:

25 (d) Within 45 to 90 days after receiving an application or renewal application,  
26 the board shall issue **a biennial** [AN ANNUAL] registration to the applicant unless  
27 the board finds the applicant is not in compliance with regulations enacted **under**  
28 [PURSUANT TO] AS 17.38.190 or the board is notified by the relevant local  
29 government that the applicant is not in compliance with ordinances and regulations  
30 made **under** [PURSUANT TO] AS 17.38.210 and in effect at the time of application.

31 \* **Sec. 4.** AS 17.38.210(e) is amended to read:

1 (e) A local government may establish a schedule of **biennial** [ANNUAL]  
 2 operating, registration, and application fees for marijuana establishments, provided  
 3 that the local government may charge the

4 (1) application fee only if an application is submitted to the local  
 5 government in accordance with (f) of this section; and

6 (2) registration fee only if a registration is issued by the local  
 7 government in accordance with (f) of this section.

8 \* **Sec. 5.** AS 17.38.210(f) is amended to read:

9 (f) If the board does not issue a registration to an applicant within 90 days  
 10 **after receiving** [OF RECEIPT OF] the application filed in accordance with  
 11 AS 17.38.200 and does not notify the applicant of the specific, permissible reason for  
 12 its denial, in writing and within **that** [SUCH] time period, or if the board has adopted  
 13 regulations **under** [PURSUANT TO] AS 17.38.190 and has accepted applications  
 14 **under** [PURSUANT TO] AS 17.38.200 but has not issued any registrations by 15  
 15 months after February 24, 2015, the applicant may resubmit its application directly to  
 16 the local regulatory authority, **under** [PURSUANT TO] (c) of this section, and the  
 17 local regulatory authority may issue **a biennial** [AN ANNUAL] registration to the  
 18 applicant. If an application is submitted to a local regulatory authority under this  
 19 subsection, the board shall forward to the local regulatory authority the application fee  
 20 paid by the applicant to the board upon request by the local regulatory authority.

21 \* **Sec. 6.** AS 17.38.210(h) is amended to read:

22 (h) A local regulatory authority issuing a registration to an applicant shall do  
 23 so within 90 days **after receiving** [OF RECEIPT OF] the submitted or resubmitted  
 24 application unless the local regulatory authority finds and notifies the applicant that  
 25 the applicant is not in compliance with ordinances and regulations made **under**  
 26 [PURSUANT TO] (b) of this section in effect at the time the application is submitted  
 27 to the local regulatory authority. The local government shall notify the board if **a**  
 28 **biennial** [AN ANNUAL] registration has been issued to the applicant.

29 \* **Sec. 7.** AS 17.38.210(j) is amended to read:

30 (j) A subsequent or renewed registration may be issued under (f) of this  
 31 section on **a biennial** [AN ANNUAL] basis only upon resubmission to the local

1 government of a new application submitted to the board **under** [PURSUANT TO]  
 2 AS 17.38.200.

3 \* **Sec. 8.** AS 17.38.320 is amended to read:

4 **Sec. 17.38.320. Effect on registrations of prohibition of marijuana**  
 5 **establishments.** If a majority of voters vote to prohibit the operation of marijuana  
 6 establishments under AS 17.38.300, the board may not issue, renew, or transfer,  
 7 between persons or locations, a registration for a marijuana establishment located  
 8 within the perimeter of the established village. A registration that may not be renewed  
 9 because of a local option election held under AS 17.38.300 is void 90 days after the  
 10 results of the election are certified. A registration that expires during the 90 days after  
 11 the results of a local option election are certified may be extended, until it is void  
 12 under this section, by payment of a prorated portion of the **biennial** [ANNUAL]  
 13 registration fee.

14 \* **Sec. 9.** AS 17.38.900(18) is amended to read:

15 (18) "retail marijuana store" means an entity registered to purchase  
 16 marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana  
 17 products from marijuana product manufacturing facilities, and to sell marijuana and  
 18 marijuana products to consumers, **marijuana cultivation facilities, and marijuana**  
 19 **product manufacturing facilities;**

20 \* **Sec. 10.** AS 43.61.010(a) is amended to read:

21 (a) An excise tax is imposed on the sale or transfer of marijuana from a  
 22 marijuana cultivation facility to a retail marijuana store or marijuana product  
 23 manufacturing facility. Every marijuana cultivation facility shall pay an excise tax at  
 24 the rate of **\$12.50 an** [\$50 PER] ounce, or proportionate part thereof, on marijuana  
 25 that is sold or transferred from a marijuana cultivation facility to a retail marijuana  
 26 store or marijuana product manufacturing facility.

27 \* **Sec. 11.** AS 43.61.010(f) is amended to read:

28 (f) The marijuana education and treatment fund is established in the general  
 29 fund. In addition to the accounting under (c) of this section, the Department of  
 30 Administration shall separately account for 25 percent of the tax collected under this  
 31 section and deposit it into the marijuana education and treatment fund. The

1 Department of Administration shall deposit interest earned on the fund into the general  
 2 fund. Money in the fund does not lapse. The legislature may use the annual estimated  
 3 balance in the fund to make appropriations to the Department of Health for the  
 4 comprehensive marijuana use education and treatment program established under  
 5 AS 44.29.020(a)(14) **and may use at least 50 percent of the annual estimated**  
 6 **balance in the fund to make appropriations to the youth services grant program**  
 7 **within the community-based marijuana misuse prevention component of that**  
 8 **program.**

9 \* **Sec. 12.** AS 43.61.010 is amended by adding a new subsection to read:

10 (g) A sales tax is imposed on the sale of marijuana and marijuana products  
 11 from a retail marijuana store to a consumer. Every consumer shall pay a six percent  
 12 sales tax at a retail marijuana store for all marijuana and marijuana products intended  
 13 for human consumption.

14 \* **Sec. 13.** AS 43.61.020 is amended to read:

15 **Sec. 43.61.020. Quarterly statements [MONTHLY STATEMENT] and**  
 16 **payments.** (a) Each **retail** marijuana **store** [CULTIVATION FACILITY] shall send a  
 17 statement by mail or electronically to the department on or before the last day of each  
 18 **quarter** [CALENDAR MONTH]. The statement must contain an account of the  
 19 amount of marijuana sold **to consumers** [OR TRANSFERRED TO RETAIL  
 20 MARIJUANA STORES AND MARIJUANA PRODUCT MANUFACTURING  
 21 FACILITIES IN THE STATE] during the preceding **quarter** [MONTH], setting out

22 [(1)] the total number of ounces, including fractional ounces, sold **and**  
 23 **the total value of the marijuana sold** [OR TRANSFERRED;

24 (2) THE NAMES AND ALASKA ADDRESS OF EACH BUYER  
 25 AND TRANSFEREE; AND

26 (3) THE WEIGHT OF MARIJUANA SOLD OR TRANSFERRED  
 27 TO THE RESPECTIVE BUYERS OR TRANSFEREES].

28 (b) The **retail** marijuana **store** [CULTIVATION FACILITY] shall pay  
 29 **quarterly** [MONTHLY] to the department [,] all taxes, computed at the rates  
 30 prescribed in this chapter, on the respective total quantities of the marijuana sold [OR  
 31 TRANSFERRED] during the preceding **quarter** [MONTH]. The **quarterly**

1 [MONTHLY] return shall be filed and the tax paid on or before the last day of each  
2 **quarter** [MONTH] to cover the preceding **quarter** [MONTH].

3 \* **Sec. 14.** AS 43.61.030 is amended to read:

4 **Sec. 43.61.030. Administration and enforcement of tax.** (a) Delinquent  
5 payments under this chapter shall subject the **retail** marijuana **store** [CULTIVATION  
6 FACILITY] to civil penalties under AS 43.05.220.

7 (b) If a **retail** marijuana **store** [CULTIVATION FACILITY] fails to pay the  
8 tax to the state, the **retail** marijuana **store's** [CULTIVATION FACILITY'S]  
9 registration may be revoked in accordance with procedures established under  
10 AS 17.38.190(a)(1).

11 \* **Sec. 15.** AS 43.61.010(b) is repealed.

12 \* **Sec. 16.** AS 43.61.010(a) is repealed January 1, 2028.

13 \* **Sec. 17.** The uncodified law of the State of Alaska is amended by adding a new section to  
14 read:

15 APPLICABILITY. AS 43.61.010(a), as amended by sec. 10 of this Act, applies to  
16 taxes accrued on or after the effective date of sec. 10 of this Act.

17 \* **Sec. 18.** Sections 12 - 14 of this Act take effect January 1, 2028.

18 \* **Sec. 19.** Except as provided in sec. 18 of this Act, this Act takes effect July 1, 2026.

**HOUSE BILL NO. 325**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES MCCABE, Tomaszewski**

**Introduced: 2/23/26**

**Referred: Labor and Commerce, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to industrial hemp; and providing for an effective date."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 \* **Section 1.** AS 03.05.010(a) is amended to read:

4 (a) The commissioner of natural resources shall

5 (1) direct, administer, and supervise promotional and experimental  
6 work, extension services, and agricultural projects for the purpose of promoting and  
7 developing commercial and noncommercial agricultural industry in the state,  
8 including horticulture, dairying, cattle raising, fur farming, grain production, vegetable  
9 production, and agricultural products;

10 (2) procure and preserve all information pertaining to developing the  
11 agricultural industry in the state and disseminate that information to the public;

12 (3) assist prospective settlers and others to engage in the agricultural  
13 industry in the state by providing information about activities and programs essential  
14 to developing the agricultural industry and areas in the state that are suitable for  
15 agriculture;

1 (4) review the marketing, financing, transportation, and development  
 2 of agricultural products in the state, with special emphasis on local production, and  
 3 negotiate for the marketing of agricultural products of the state with federal and state  
 4 agencies operating in the state;

5 (5) regulate and control the entry in the state and the transportation,  
 6 sale, or use in the state of plants, seeds, vegetables, shell eggs, fruits and berries,  
 7 nursery stock, animal feeds, remedies and mineral supplements, fertilizers, and  
 8 agricultural chemicals to prevent the spread of pests, diseases, or toxic substances  
 9 injurious to the public interest and protect the agricultural industry against fraud,  
 10 deception, and misrepresentation; for purposes of this paragraph, the commissioner  
 11 may require registration, inspection, and testing and may establish procedures and  
 12 fees;

13 (6) regulate the farming of elk in a manner similar to the manner in  
 14 which the commissioner regulates domestic animals and livestock, to the extent that is  
 15 appropriate;

16 (7) adopt regulations relating to industrial hemp, including regulations  
 17 that

18 (A) specify approved sources or varieties of hemp seed or  
 19 **propagation material** to be grown, sold, or offered for sale by an individual  
 20 registered to produce industrial hemp, **including material certified under a**  
 21 **federally approved hemp program, federally certified seed scheme, or**  
 22 **recognized third-party certifier, without requiring grow-out trials**  
 23 **conducted by the department;**

24 (B) require testing, paid for by the registrant, for delta-9-  
 25 tetrahydrocannabinol concentration following harvest of the industrial hemp,  
 26 **allowing for independently accredited laboratories and samplers;**

27 (C) provide for general production practices to avoid the  
 28 unintended distribution of industrial hemp seeds by registrants into  
 29 nonagricultural land;

30 (D) establish **an** isolation **distance** [DISTANCES] for the  
 31 production of industrial hemp **grown for certified or seed-purity production**

1 **of at least 1,000 meters, and recommend isolation distances for the**  
 2 **production of other industrial hemp**; in this subparagraph, "isolation  
 3 distance" means the minimum separation required between two or more  
 4 varieties of the plant (genus) Cannabis for the purpose of keeping the seed  
 5 pure;

6 (E) permit manufacturing and retail sale of industrial hemp and  
 7 products made from industrial hemp;

8 (F) establish a registration and renewal procedure for a  
 9 participant in the industrial hemp program developed under AS 03.05.076;

10 **(G) establish a tiered testing frequency based on risk**  
 11 **categories developed in regulation that considers crop history and past**  
 12 **compliance**;

13 **(H) allow a harvest window of not more than 30 days after**  
 14 **sample collection, with permissible extensions for weather or other good**  
 15 **cause**;

16 **(I) establish tiered grower categories, including a micro-**  
 17 **grower category, with scaled reporting, inspection, testing, and fee**  
 18 **requirements**;

19 **(J) eliminate permits for in-state transportation of**  
 20 **industrial hemp between registered parties when a shipment is**  
 21 **accompanied by a certificate of analysis or other approved shipping**  
 22 **documentation**;

23 **(K) establish corrective-action-plan procedures to enforce**  
 24 **an industrial hemp violation that prioritize compliance, include a written**  
 25 **notice of the registrant's noncompliance, provide an opportunity for the**  
 26 **registrant to cure the noncompliance, and establish objective criteria for**  
 27 **escalation, including civil penalties, suspension, or revocation**;

28 (8) submit a list of individuals registered to produce industrial hemp  
 29 under AS 03.05.076 and the expiration dates of the registrations to the Marijuana  
 30 Control Board and the Department of Public Safety;

31 (9) regulate the labeling of seed that does not comply with the

1 requirements of AS 03.20.130.

2 \* **Sec. 2.** AS 03.05.010(c) is amended to read:

3 (c) The commissioner of natural resources shall notify the Marijuana Control  
4 Board and the Department of Public Safety **of a person's repeated or knowing**  
5 **violations of state statutes or regulations relating to industrial hemp. Industrial**  
6 **hemp shall be tested using a federally compliant testing method that accounts for**  
7 **measurement uncertainty. Noncompliant industrial hemp is industrial hemp that**  
8 **tests above 0.3 percent delta-9 tetrahydrocannabinol on a dry-weight basis**  
9 [WHEN THE COMMISSIONER ISSUES A STOP ORDER]. The commissioner of  
10 natural resources **shall**

11 (1) [SHALL] issue a stop order to a person

12 [(A) NOT REGISTERED UNDER AS 03.05.076 WHO IS  
13 FOUND TO BE PRODUCING A PLANT WITH DELTA-9-  
14 TETRAHYDROCANNABINOL; OR

15 (B)] registered under AS 03.05.076 who is found to be  
16 producing a plant with delta-9-tetrahydrocannabinol over one percent; and

17 (2) **allow** [MAY ISSUE A STOP ORDER TO] a person registered  
18 under AS 03.05.076 who is found to be producing a plant with delta-9-  
19 tetrahydrocannabinol between 0.3 percent and one percent **to retain and recondition,**  
20 **remediate, or convert the plant to a nonintoxicating industrial use before issuing**  
21 **a stop order requiring destruction of the plant.**

22 \* **Sec. 3.** AS 03.05.010 is amended by adding a new subsection to read:

23 (e) The commissioner of natural resources may issue enforcement actions for  
24 an industrial hemp violation using the corrective-action plan developed under  
25 (a)(7)(K) of this section.

26 \* **Sec. 4.** AS 03.05.076(a) is amended to read:

27 (a) Industrial hemp is an agricultural crop in the state. An individual who  
28 produces industrial hemp shall apply to the department for registration under this  
29 section. Registration is valid for one year but may be renewed. An application for  
30 registration or renewal must be on a form prescribed by the department that includes

31 (1) the name and address of the applicant;

1 (2) the address and global positioning system coordinates of the area to  
2 be used for the production of industrial hemp; and

3 (3) **the applicant's acreage or estimated plant count sufficient to**  
4 **determine the applicant's tiered grower category under AS 03.05.010(a)(7)(I)** [A  
5 SIGNED STATEMENT BY THE APPLICANT, MADE UNDER THE PENALTY  
6 OF PERJURY, AFFIRMING THAT THE APPLICANT

7 (A) HAS NOT BEEN CONVICTED OF A FELONY  
8 RELATED TO A CONTROLLED SUBSTANCE IN THIS OR ANOTHER  
9 JURISDICTION WITHIN THE 10 YEARS IMMEDIATELY PRECEDING  
10 THE DATE OF APPLICATION; OR

11 (B) WAS LAWFULLY GROWING HEMP BEFORE  
12 DECEMBER 20, 2018, AND WAS NOT CONVICTED OF A FELONY  
13 RELATED TO A CONTROLLED SUBSTANCE IN THIS OR ANOTHER  
14 JURISDICTION AFTER THAT DATE].

15 \* **Sec. 5.** AS 03.05.076(b) is amended to read:

16 (b) An individual registered under this section may

17 (1) produce industrial hemp, including growing, harvesting,  
18 possessing, transporting, processing, selling, or buying industrial hemp;

19 (2) use any propagation method, including planting seeds or starts or  
20 using clones or cuttings to produce industrial hemp;

21 (3) retain industrial hemp seeds for the purpose of propagating  
22 industrial hemp in future **growing seasons** [YEARS];

23 (4) retain and recondition, **remediate, or convert** any industrial hemp  
24 that tests between 0.3 percent and one percent delta-9-tetrahydrocannabinol on a dry-  
25 weight basis.

26 \* **Sec. 6.** AS 03.05.076(c) is amended to read:

27 (c) An individual registered under this section shall

28 (1) comply with testing standards and procedures established by the  
29 commissioner **of natural resources** by regulation;

30 (2) maintain, for at least three years following the sale or transfer of  
31 industrial hemp, records showing

1 (A) the name and address of the person that received the  
2 industrial hemp;

3 (B) the amount of industrial hemp transferred;

4 (3) make the records required under (2) of this subsection available for  
5 inspection by the department during normal business hours if the department provides  
6 at least **10** [THREE] days' notice before inspecting the records.

7 \* **Sec. 7.** AS 03.05.076(d) is amended to read:

8 (d) The department shall

9 (1) establish fee levels for application, registration, and renewal of  
10 registration so that the total amount of fees collected under this section approximately  
11 equals the regulatory costs for regulating the industrial hemp industry, **with reduced**  
12 **or waived fees for micro-growers;**

13 (2) annually review each fee level to determine whether the regulatory  
14 cost of industrial hemp is approximately equal to the fees collected;

15 (3) notify the Marijuana Control Board and the Department of Public  
16 Safety when the department issues **a notice for a repeated or knowing** [A STOP-  
17 SALE ORDER AND ISSUES A] violation [NOTICE] under this section;

18 (4) require an individual registered under this section whose industrial  
19 hemp tests over one percent delta-9-tetrahydrocannabinol to destroy the product so  
20 that it cannot be used for the purpose of reconditioning other hemp crops or gifted or  
21 transferred to another individual other than for the purpose of having the industrial  
22 hemp destroyed in full form;

23 **(5) issue a notice to an individual for a repeated or knowing**  
24 **violation of state statutes or regulations relating to industrial hemp.**

25 \* **Sec. 8.** AS 03.05.076(e) is amended to read:

26 (e) The department **may**

27 (1) [SHALL] issue a stop-sale order and issue a violation notice to a  
28 person who is producing industrial hemp without a current registration;

29 (2) [MAY] adopt regulations regarding approved shipping  
30 documentation for the transportation of industrial hemp **and eliminate permits for in-**  
31 **state transportation between registered parties;**

1 (3) [MAY] conduct random tests and inspections of industrial hemp  
 2 for delta-9-tetrahydrocannabinol concentration produced by an individual registered  
 3 under this section; **random tests and inspections under this paragraph may use**  
 4 **risk-based tiers with reduced frequency for low-risk growers, products, or**  
 5 **production or testing methods approved by the department in regulation.**

6 \* **Sec. 9.** AS 03.05.079 is amended to read:

7 **Sec. 03.05.079. Production in violation of delta-9-tetrahydrocannabinol**  
 8 **limit.** (a) Notwithstanding AS 11.71.040 - 11.71.060, an individual registered under  
 9 AS 03.05.076 to produce industrial hemp whose product has a delta-9-  
 10 tetrahydrocannabinol content between 0.3 percent and one percent may retain and  
 11 recondition, **remediate, or convert** the product as provided in AS 03.05.076(b)(4).

12 (b) An individual who retains but fails to recondition, **remediate, or convert**  
 13 an industrial hemp product described in (a) of this section is guilty of a violation.

14 \* **Sec. 10.** AS 03.05.100 is amended by adding a new paragraph to read:

15 (6) "micro-grower" means an individual registered under AS 03.05.076  
 16 to produce industrial hemp whose product is cultivated on less than one-quarter of an  
 17 acre or who has fewer than 200 plants, including indoor or greenhouse production.

18 \* **Sec. 11.** This Act takes effect July 1, 2026.



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

ALCOHOL AND MARIJUANA CONTROL OFFICE

550 W 7<sup>TH</sup> AVENUE, STE 1600  
Anchorage, AK 99501  
Main: 907.269.0350

April 14, 2026

To: Department of Revenue, Tax Division  
From: Kevin Richard, Director  
RE: METRC Reporting of Transfer Dates

AMCO has identified a concern in METRC where transfers were not being captured in the month they were created.

If a manifest was created on the last day of the month after 4:00PM, from March to October, it would fall on the following months report. If the manifest was created on the last day of the month after 3:00PM from November to January, it would fall on the following months report.

The root cause was that METRC recorded a transfer at system time, then displayed that time less 8 or 9 hours, depending on daylight savings time. When the transfer report ran, it was pulling from system time leading to end-of-month transfers not being reported in the appropriate report.

For example, a manifest created January 31<sup>st</sup> at 7:00PM would not be captured in the January 1-January 31 transfer report. It appeared on the February 1-February 28 transfer report.

In February 2026, METRC released an update to the transfers report to pull transfer report data from Alaska local time. AMCO has reviewed monthly transfer reports and confirmed the update is effective in accurately reporting transfer data.

It is unlikely that a licensee would have identified this error in their routine monthly reporting of transfers. I would encourage the Tax Division to consider this memo when investigating potential penalties for licensees affected by this reporting error.

Sincerely,

A handwritten signature in black ink, appearing to read "KR", written over a light blue horizontal line.

Kevin Richard  
Director

Byron Mallott  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520  
WWW.LTGOV.ALASKA.GOV




530 West 7<sup>th</sup> Ave, Suite 1700  
Anchorage, Alaska 99501  
907.269.7460  
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Linda Mattson  
Department of Commerce, Community and Economic Development

**FROM:** April Simpson, Office of the Lieutenant Governor   
465.4081

**DATE:** October 9, 2018

**RE:** Filed Permanent Regulations: Marijuana Control Board

Marijuana Control Board regulations re: marijuana testing, inventory tracking, and sample preparation (3 AAC 306.345(b)(2); 3 AAC 306.455; 3 AAC 306.475(d)(2); 3 AAC 306.645; 3 AAC 306.670(b))

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Attorney General File:	2018200632
Regulation Filed:	10/9/2018
Effective Date:	11/8/2018
Print:	228, January 2019

cc with enclosures: Linda Miller, Department of Law  
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF THE MARIJUANA CONTROL BOARD

The attached six pages of regulations, dealing with marijuana testing, inventory tracking, and sample preparation, is certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its August 15, 2018, 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.

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: 9/11/18

Erika M. McConnell  
Erika McConnell, Director

claire Richards m for FILING CERTIFICATION  
I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on  
October 9, 2018 at 12:34p.m., I filed the attached regulations according to  
the provisions of AS 44.62.040 - 44.62.120.

Claire Richards  
Lieutenant Governor

Effective: November 8, 2018.

Register: 228, January 2019.

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, BYRON MALLOTT, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employee to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:**

**Claire Richardson, Special Assistant**

**IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on January 7<sup>th</sup> 2015.**



**BYRON MALLOTT  
LIEUTENANT GOVERNOR**



9

3 AAC 306.345 (b)(2) is repealed and readopted to read:

(2) states the estimated amount of total THC in the labeled product; and

(Eff. 2/21/2016, Register 217; am 11/8/2018, Register 228)

**Authority:** AS 17.38.010 AS 17.38.150 AS 17.38.200  
*(bold the color)* AS 17.38.070 AS 17.38.190 AS 17.38.900  
 AS 17.38.121

3 AAC 306.455 is amended to read:

**3 AAC 306.455. Required laboratory testing.** (a) A marijuana cultivation facility shall provide **samples** [A SAMPLE] of each harvest batch of marijuana produced at the facility to a marijuana testing facility and may not sell or transport any marijuana until all laboratory testing required under 3 AAC 306.645 has been completed.

(b) To comply with (a) of this section, a marijuana cultivation facility shall

(1) collect a **representative** [RANDOM], homogenous sample for testing [BY SEGREGATING HARVESTED MARIJUANA INTO BATCHES OF INDIVIDUAL STRAINS OF BUD AND FLOWER, THEN SELECTING A RANDOM SAMPLE] from each **harvest** batch **that has been uniformly dried and cured**, in an amount **as set forth in following table** [REQUIRED BY THE MARIJUANA TESTING FACILITY];

Harvest Batch Size (pounds)	Quantity of samples <i>(one gram + 1g each)</i>
1	4
2	4
3	5
4	6
5	8
6	10
7	11

*Publisher: The table is new material - please treat as if it were displayed boldface and underlined, like other new material in amended text. ///*

8	13
9	14
10	16

} "a continuation of table on previous page"

(2) designate an individual responsible for collecting each sample; that individual shall

(A) prepare a signed statement showing that each sample is representative of the harvest [HAS BEEN RANDOMLY SELECTED FOR TESTING];

(B) provide the signed statement to the marijuana testing facility; and

(C) maintain a copy as a business record under 3 AAC 306.755; and

(3) transport the samples [SAMPLE] to the marijuana testing facility's licensed premises in compliance with 3 AAC 306.750.

(c) A marijuana cultivation facility shall segregate the entire batch from which the testing samples were [SAMPLE WAS] selected until the marijuana testing facility reports the results from its tests. During this period of segregation, the marijuana cultivation facility that provided the samples [SAMPLE] shall maintain the batch in a secure, cool, and dry location to prevent the marijuana from becoming contaminated or losing its efficacy. The marijuana cultivation facility that provided the samples [SAMPLE] may not sell or transport any marijuana from the segregated batch until the marijuana testing facility has completed its testing and provided those results, in writing, to the marijuana cultivation facility that provided the samples [SAMPLE]. The marijuana cultivation facility shall maintain the testing results as part of its business books and records. (Eff. 2/21/2016, Register 217; am 11 / 8 / 2018, Register 228)

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200

check the colon

AS 17.38.070      AS 17.38.190      AS 17.38.900  
AS 17.38.121

3 AAC 306.475(d)(2) is amended to read:

(2) the **inventory tracking** [HARVEST BATCH] number assigned to the marijuana in the package;

(Eff. 2/21/2016, Register 217; am 11/8/2018, Register 228)

*add the colon* 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

3 AAC 306.645(a) is amended to read:

(a) A marijuana testing facility shall use the general body of required laboratory tests as set out in this section for marijuana plant material, an extract or concentrate of marijuana, and [AN EDIBLE] a marijuana product. Required tests may include potency analysis, moisture content, foreign matter inspection, microbial screening, pesticide, other chemical residue, and metals screening, and residual solvents levels. A marijuana testing facility shall establish a schedule of fees [AND SAMPLE SIZE] required for each test it offers, **and shall perform tests using methods in compliance with guidelines prescribed by the board.**

~~(Eff. 2/21/2016, Register 217; 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~~

3 AAC 306.645(b)(1)(B)(i) is repealed and readopted to read:

(i) for a potency test on marijuana and marijuana concentrate, the marijuana testing facility shall list for each required cannabinoid a single percentage concentration, based on dry weight, that represents an average of all samples within the test batch; additionally, total THC and total CBD shall be reported. ~~Eff. 2/21/2016,~~

~~Register 217; 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 17.38.124~~

9

3 AAC 306.645(b)(2) is amended to read:

(2) microbial testing for the listed substances on the listed **marijuana and** marijuana products is required as follows:

Substance	Acceptable Limits Per Gram	Product to be Tested
--Shiga-toxin producing <i>retail</i> Escherichia coli (STEC)- <i>retail</i> bacteria	Less than 1 colony forming  unit  (CFU/g)	<b><u>Marijuana</u></b> [FLOWER];  retail marijuana products;  water-and food-based  concentrates
<i>Salmonella</i> species-bacteria	Less than 1 colony forming  unit  (CFU/g)	
<i>Aspergillus fumigatus</i> ,  <i>Aspergillus flavus</i> ,  <i>Aspergillus niger</i> -fungus	Less than 1 colony forming  unit  (CFU/g)	

(Eff. 2/21/2016, Register 217; am 11/8/2018, Register 228)

am 7/5/2017, Register 223;

**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

*included the  
 colon*

3 AAC 306.670(b) is amended to read:

(b) A marijuana testing facility shall establish procedures to ensure that reported results are accurate, precise, and scientifically valid. To ensure reported results are valid, a marijuana

testing facility shall **report results in compliance with guidelines prescribed by the board**  
**and** shall include in a final report

- (1) the name and location of the marijuana testing facility;
- (2) the unique sample identifier assigned by the marijuana testing facility;
- (3) the marijuana establishment or other person that submitted the testing sample;
- (4) the sample identifier provided by the marijuana establishment or other person that submitted the testing sample;
- (5) the date the marijuana testing facility received the sample;
- (6) the chain of custody identifier;
- (7) the date of the report;
- (8) the type of marijuana or marijuana product tested;
- (9) the test results;
- (10) the units of measure; and
- (11) any other information or qualifiers needed for interpretation of the test method and the results being reported, including any identified and documented discrepancy.

(Eff. 2/21/2016, Register 217; am 11/8/2018, Register 228.)

<b>Authority:</b>	AS 17.38.010	AS 17.38.150	AS 17.38.200
<i>ur</i>			
<i>("bold the column")</i>	AS 17.38.070	AS 17.38.190	AS 17.38.900
	AS 17.38.121		

# MEMORANDUM

## State of Alaska Department of Law


**To:** The Honorable Byron Mallott  
Lieutenant Governor

**Date:** October 9, 2018

**File No.:** 2018200632

**Thru:**

**Tel. No.:** 465-3600

**From:** Steven C. Weaver   
Senior Assistant Attorney General  
and Assistant Regulations Attorney  
Legislation and Regulations Section

**Re:** Marijuana Control Board regulations  
re: marijuana testing, inventory  
tracking, and sample preparation  
(3 AAC 306.345(b)(2); 3 AAC  
306.455; 3 AAC 306.475(d)(2);  
3 AAC 306.645; 3 AAC 306.670(b))

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. I have reviewed this project under a specific delegation dated October 8, 2018 from the Regulations Attorney. This memorandum 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 update provisions regarding marijuana testing, inventory tracking, and sample preparation.

The June 24, 2018 public notice and the September 11, 2018 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We urge caution regarding the operation in practice of two amendments. In 3 AAC 306.345(a), the last sentence is amended to state that a marijuana testing facility "shall perform tests using methods in compliance with guidelines prescribed by the board." Similarly, an amendment to 3 AAC 306.670(b) requires a marijuana testing facility to "report results in compliance with guidelines prescribed by the board." If the Marijuana Control Board prescribes guidelines, without public notice or opportunity for public comment under AS 44.62 (Administrative Procedure Act), using the guidelines in an enforcement action could make them vulnerable to challenge.

Our understanding is that the Marijuana Control Board is relying on guidelines because the regulated industry is young, and because test methods are subject to rapid change as their effectiveness undergoes evaluation. Accordingly, guidelines let the board practically keep up with swift developments in the field; and reflect that a firm consensus has yet to develop regarding test methods and the accuracy, precision, and scientific validity of test results.

Hon. Byron Mallott, Lieutenant Governor  
Our file: 2018200632

October 9, 2018  
Page 2

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SCW

cc w/enc: Erika McConnell, Director  
Marijuana Control Board  
Department of Commerce, Community, and Economic Development

Linda Mattson, Regulations Contact  
Department of Commerce, Community, and Economic Development

Jedediah Smith  
Alcohol and Marijuana Control Office  
Department of Commerce, Community, and Economic Development

Harriet Dinegar Milks, Assistant Attorney General  
Commercial, Fair Business, and Child Support Section

# MEMORANDUM

## State of Alaska Department of Law

**TO:** Hon. Byron Mallott  
Lieutenant Governor

**DATE:** October 8, 2018

**FILE NO.:** 2018200632

**TELEPHONE NO.:** (907) 465-3600

**FROM:** Susan R. Pollard *SPP*  
Chief Assistant Attorney General  
and Regulations Attorney  
Legislation/Regulations Section

**SUBJECT:** Specific delegation of authority regarding regulations review on Marijuana Control Board regulations re: marijuana testing, inventory tracking, and sample preparation (3 AAC 306.345(b)(2); 3 AAC 306.455; 3 AAC 306.475(d)(2); 3 AAC 306.645; 3 AAC 306.670(b))

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SCW

cc w/enc: April Simpson  
Office of the Lieutenant Governor

Steven C. Weaver  
Sr. Assistant Attorney General and  
Assistant Regulations Attorney  
Legislation/Regulations Section

NOTICE OF PROPOSED CHANGES TO MARIJUANA TESTING, INVENTORY TRACKING, SAMPLE PREPARATION, IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD

The State of Alaska Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with sampling, testing, reporting and harvesting of marijuana, including the following:

3 AAC 306.345(b)(2) is repealed and readopted to state the estimated amount of total THC in the labeled product.

3 AAC 306.435 is amended to change the requirements for harvest batches.

3 AAC 306.445 is repealed and readopted to require harvested marijuana be segregated into batches.

3 AAC 306.455 is amended to require representative samples from a harvest batch and sets amounts to be collected and submitted to testing facilities.

3 AAC 306.475(d)(2) is amended to change marijuana tracking.

3 AAC 306.645(a) is amended to require testing methods in compliance with guidelines prescribed by the board.

3 AAC 306.645(b)(1)(B)(i) is repealed and readopted to require total THC and CBD be reported.

3 AAC 306.645(b)(2) is amended to change marijuana products that require testing.

3 AAC 306.670(b) is amended to require testing facilities report results in compliance with guidelines prescribed by the board.

3 AAC 306.990(b)(3) is amended to define harvest batch and requires batches to be segregated into specific grades not to exceed 10 pounds.

3 AAC 306.990(b) is amended to add new definitions of primary trim, secondary trim, total THC, and total CBD.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Alcohol and Marijuana Control Office at 550 West 7<sup>th</sup> Avenue, Suite 1600, Anchorage, AK 99501. Additionally, the Marijuana Control Board will accept comments by electronic mail at [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov). Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 4:30 pm on Wednesday, August 8, 2018.

You may submit written questions relevant to the proposed action to the Marijuana Control Board by email at [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov) or at 550 West 7<sup>th</sup> Avenue, Suite 1600, Anchorage, AK 99501. The questions must be received at least 10 days before the end of the public comment period. The Marijuana Control Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and AMCO Website.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact the Alcohol and Marijuana Control Office at [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov) or call (907) 269-0350 not later than July 30, 2018, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting the Alcohol and Marijuana Control Office at (907) 269-0350 or [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov).

After the public comment period ends, the Marijuana Control Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

**Statutory 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

**Statutes being implemented, interpreted, or made specific:** AS 17.38.070; AS 17.38.200; AS 17.38.210; AS 17.38.900.

**Fiscal information:** The proposed regulation changes are not expected to require an increased appropriation.

Date: June 21, 2018



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Erika McConnell, Director  
Alaska Alcohol and Marijuana Control Office

ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(d))

1. Adopting agency: Marijuana Control Board
2. General subject of regulation: Testing requirements
3. Citation of regulation (may be grouped): 3 AAC 306.345; 3 AAC 306.435; 3 AAC 306.445; 3 AAC 306.455; 3 AAC 306.475; 3 AAC 306.645; 3 AAC 306.670; 3 AAC 306.990
4. Department of Law file number, if any: JU2018200632

5. Reason for the proposed action:

- Compliance with federal law or action (identify): \_\_\_\_\_
- Compliance with new or changed state statute
- Compliance with federal or state court decision (identify): \_\_\_\_\_
- Development of program standards
- Other (identify): \_\_\_\_\_

6. Appropriation/Allocation: \_\_\_\_\_

7. Estimated annual cost to comply with the proposed action to:

A private person: \$0 \_\_\_\_\_

Another state agency: \$0 \_\_\_\_\_

A municipality: \$0 \_\_\_\_\_

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY <u>19</u>	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ <u>0</u>	\$ <u>0</u>
1003 General fund match	\$ <u>0</u>	\$ <u>0</u>
1004 General fund	\$ <u>0</u>	\$ <u>0</u>
1005 General fund/ program	\$ <u>0</u>	\$ <u>0</u>
Other (identify)	\$ <u>0</u>	\$ <u>0</u>

9. The name of the contact person for the regulation:

Name: Jedediah Smith

Title: Local Government Specialist

Address: 550 West 7<sup>th</sup> Ave, Suite 1600 Anchorage, AK 99501

Telephone: (907) 269-0350

E-mail address: amco.regs@alaska.gov

10. The origin of the proposed action:

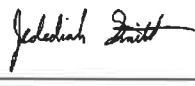
Staff of state agency

Federal government

General public

Petition for regulation change

Other (identify): Marijuana Control Board

11. Date: 6/21/2018 Prepared by: 

Name (printed): Jedediah Smith

Title (printed): Local Government Specialist

Telephone: (907) 269-0350

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION  
AND FURNISHING OF ADDITIONAL INFORMATION

I, Erika McConnell, Director of the Marijuana Control Board, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 3 AAC 306.345(b)(2); 3 AAC 306.455; 3 AAC 306.475(d)(2); 3 AAC 306.645(a); 3 AAC 306.645(b)(1)(B)(i); 3 AAC 306.645(b)(2); AND 3 AAC 306.670(b), has been given by being


- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulation, to the Legislative Affairs Agency, the chair of the Labor and Commerce Committee of the Alaska Senate and House of Representatives, and the legislative council.

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 9/11/18

Erika McConnell  
Erika McConnell, Director

Subscribed and sworn to before me at Anchorage, Alaska, on 9/11/18.

 Jane Sawyer  
Notary Public in and for the State of Alaska

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Erika McConnell, Director of the Marijuana Control Board, being duly sworn, state the following:

In compliance with AS 44.62.215, the Marijuana Control Board has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Marijuana Control Board regulations regarding marijuana testing, inventory tracking and sample preparation.

Date: 9/11/18

Erika McConnell  
Erika McConnell, Director  
Marijuana Control Board

Subscribed and sworn to before me at Anchorage, Alaska, on 9/11/18.  
(date)



Jane Sawyer  
Notary Public in and for the State of Alaska

# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 270221

Order #: 0001423630

Cost: \$413.34

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Joleesa Stepetin  
being first duly sworn on oath  
deposes and says that she is  
a representative of the  
Anchorage Daily News, a  
daily newspaper. That said  
newspaper has been approved  
by the Third Judicial Court,  
Anchorage, Alaska, and it now  
and has been published in the  
English language continually as a  
daily newspaper in Anchorage,  
Alaska, and it is now and during  
all said time was printed in an  
office maintained at the aforesaid  
place of publication of said  
newspaper. That the annexed is  
a copy of an advertisement as it  
was published in regular issues  
(and not in supplemental form)  
of said newspaper on

June 24, 2018

and that such newspaper was  
regularly distributed to its  
subscribers during all of said  
period. That the full amount of  
the fee charged for the foregoing  
publication is not in excess of  
the rate charged private individuals.

Signed

Subscribed and sworn to before

me this 31 day of August

20 18

Britney Thompson

Notary Public in and for  
The State of Alaska.

Third Division  
Anchorage, Alaska

MY COMMISSION EXPIRES

2/23/2019  
My Commission Expires Feb 23, 2019

### NOTICE OF PROPOSED CHANGES TO MARIJUANA TESTING, INVENTORY TRACKING, SAMPLE PREPARATION, IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD

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Statutory 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

Statutes being implemented, interpreted, or made specific: AS 17.38.070; AS 17.38.200; AS 17.38.210; AS 17.38.900.

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: June 21, 2018

Erika McConnell, Director  
Alaska Alcohol and Marijuana Control Office

Published: June 24, 2018

AFFIDAVIT OF MARIJUANA CONTROL BOARD ACTION

I, Erika McConnell, Director of the Marijuana Control Board, being duly sworn, state the following:

The attached motion, dealing with 3 AAC 306.345(b)(2); 3 AAC 306.455; 3 AAC 306.475(d)(2); 3 AAC 306.645(a); 3 AAC 306.645(b)(1)(B)(i); 3 AAC 306.645(b)(2); and 3 AAC 306.670(b), was passed by the Marijuana Control Board during its August 15, 2018, meeting.

Date: 9/11/18

*Erika McConnell*

Erika McConnell, Director  
Marijuana Control Board

Subscribed and sworn to before me at Anchorage, Alaska, on 9/11/18  
(date)



*Jane Sawyer*

Notary Public in and for the State of Alaska



**Marijuana Control Board**  
**Unapproved Excerpt of Meeting Minutes**  
**August 15, 2018**  
**Fourth Judicial District**  
**Noel Wein Public Library Auditorium**  
**1215 Cowles Street**  
**Fairbanks, Alaska**

● REGULATIONS

1. **Testing Working Group Recommendations, Set 1** **4:13pm** **TAB 18**  
Status: Comment period closed August 8, 2018  
Potential Board Actions: Vote to adopt; OR  
Substantially amend and put out for public comment

*Sarah Oates states that the Board put this out for public comment before the Testing Working Group realized that the Department of Revenue was also putting out a regulations project that was adding new definitions regarding the marijuana plant. She adds that in order to prevent additional confusion and confliction, staff is recommending that the Board adopt the majority of this project, and send other sections back to the Testing Working Group for additional work.*

*Loren Jones moves that the Board adopt 3 AAC 306.345(b)(2), 3 AAC 306.455, 3 AAC 306.475(d)(2), 3 AAC 306.645(a), 3 AAC 306.645(b)(1)(B)(i), 3 AAC 306.645(b)(2), and 3 AAC 306.670(b), and any remaining be referred back to the Testing Working Group.*

*Brandon Emmett seconds the motion and clarifies that the motion did not include sections 3 AAC 306.435, 3 AAC 306.445, 3 AAC 306.990(b), or 3 AAC 306.9909b)(3).*

*Sarah Oates clarifies that the motion did contain those four sections, but only in the sense that they would be referred back to the Testing Working Group for additional work, and not adopted.*

*The Board considers public comments received.*

*Motion carries unanimously.*