Date: 6/27/2023

To: Department of Natural Resources | Industrial Hemp Program

 industrialhemp@alaska.gov

From: Governor’s Advisory Task Force on Recreational Marijuana

 Chair, Brandon Emmett

Re: Comment on Industrial Hemp changes to regulations in Title 11, Chapter 40 of the Alaska Administrative Code dealing with the Industrial Hemp Program.

Thank you for the opportunity to comment on these proposed regulations.

The Governor’s Advisory Task Force on Recreational Marijuana (“Task Force”) serves to provide advice and comment on regulations applicable to marijuana operators. It is also our duty to analyze the Industrial Hemp Program and provide recommendations that enhance public safety.

Over the past year you have seen numerous comments and letters from Industry Associations, Business Owners, and the Alaska Marijuana Control Board. These stakeholders have been urging you to take action on the threat presented by the proliferation of hemp derived intoxicating cannabinoids being offered for sale, intended for human or animal consumption, outside the scope of responsible and prudent regulatory controls and taxation.

The State of Alaska is not alone in addressing the issues related to hemp derived intoxicating cannabinoids. Earlier this year, the Cannabis Regulators Association (CANNRA) sent a white paper urging the United States Congress to take action on hemp derived cannabinoids.[[1]](#endnote-1) Additionally, the American Trade Association for Cannabis and Hemp (ATACH), has also recently released a policy paper providing regulatory solutions for addressing hemp synthesized intoxicants.[[2]](#endnote-2)

We would like to acknowledge that the process in which these regulations were written was not as inclusive as some members of the Task Force may have wished. However, after consideration and review of the 2022 Drafting Manual for Administrative Regulations[[3]](#endnote-3), as well as the 2023 training slides provided by the Department of Law, it is clear that these regulations have been drafted with thoughtful intent and incorporated some Task Force recommendations. . The Task Force would like to extend our gratitude to the individuals who worked diligently to draft these important regulations.

We believe that you have addressed in 11 AAC 40.400 our largest concern, which is the sale and endorsement of intoxicating hemp products intended for human consumption. This change is supported by the Task Force and will have an immediate and positive impact on public safety. Specifically, it will limit retail stores who do not have age gate requirements from selling intoxicants to minors and restore Alaska’s duty to responsibly regulate cannabis and intoxicants in all its’ forms.

Regulations are rarely perfect. There may be sections of this regulation that need to be changed in the future. The Task Force does not see any specific problems with these proposed regulations at this time and gives deference to the professionals entrusted with crafting these important changes.

The Task Force would like to specifically thank the following individuals for their hard work and dedication to solving the health and safety problems associated with intoxicating hemp products: The State of Alaska Department of Natural Resources Commissioner John Boyle, The Division of Agriculture Director Brian Scoresby, The Alaska Plant Materials Center Manager Rob Carter, and Assistant Attorney General Kevin Higgins.

Respectfully,

Brandon Emmett

1. [https://static1.squarespace.com/static/5f7e577e23ad7c718c269776/t/643c5d64c5e0c73aad733bf4/1681677670844/Considerations+for+Federal+Hemp+Regulation\_April+2023.pdf](https://static1.squarespace.com/static/5f7e577e23ad7c718c269776/t/643c5d64c5e0c73aad733bf4/1681677670844/Considerations%2Bfor%2BFederal%2BHemp%2BRegulation_April%2B2023.pdf) [↑](#endnote-ref-1)
2. <https://atach.org/wp-content/uploads/2023/06/ATACH-Paper-Toward-Normalized-Cannabinoid-Regulationd.pdf> [↑](#endnote-ref-2)
3. <https://law.alaska.gov/doclibrary/drafting_manual.html> [↑](#endnote-ref-3)