



## MEMORANDUM

TO: Peter Mlynarik, Chair, and  
Members of the Board

DATE: November 14, 2017

FROM: Erika McConnell, Director  
Marijuana Control Board

RE: Regulations Project – Plant Count for  
New Cultivators; Testing Kief and  
Trim Separately; Reporting Test  
Equipment Failure

### **Plant Count for New Cultivators**

**Summary:** The board opened a regulations project in April to put into regulations your determination on what type of plant/seed inventory a new cultivation facility could start with, after which all marijuana would need to be created from existing stock and tracked in the seed-to-sale inventory tracking system.

While the definition of “mature” and “immature” in the proposal may not be the scientific meaning of those words as applied to marijuana plants, the intent as used in the regulations is to cover both the height/age of the plant and in the case of immature plants, the lack of flowers.

**Public Comment:** Comment period 8/15/17 to 9/22/17. Public comments attached.

**Recommendation:** Adopt the changes to 3 AAC 306.405(a), the new subsection 3 AAC 306.405(b), and the changes to 3 AAC 306.990(a).

### **Testing Kief and Trim Separately**

**Summary:** Current regulations do not require leaf and trim, which may be of a lower potency, or kief, which may be of a higher potency, to be tested independently from flower or bud. This regulation proposes to require separate testing for those parts of the plant, and also clarifies that kief is a derivative of the marijuana plant and may be produced by the cultivator, and would not have to be “created” or packaged by a product manufacturer.

**Public Comment:** Comment period 8/15/17 to 9/22/17. Public comments attached.

**Recommendation:** There is not clarity as to the intent of this regulation. Would each harvest batch be required to have three tests: 1) bud/flower; 2) leaf trim; 3) kief? I recommend that the board do more work on this project to clarify the intent and ensure the proposed language meets that intent, and not adopt the changes to 3 AAC 306.435, changes to 3 AAC 306.455(b)(1), the new subsection 3 AAC 306.470(a), the repeal of 3 AAC 306.555(d)(1), and the new subparagraph 3 AAC 306.645(b)(1).

#### **Reporting Test Equipment Failure**

**Summary:** This draft regulation requires any licensed testing facility that experiences a significant equipment malfunction or failure to report within 24 hours to the Alcohol and Marijuana Control Office director. Reporting requirements also include a contingency plan for completing suites of tests and destruction of test samples.

**Public Comment:** Comment period 8/15/17 to 9/22/17. Public comments attached.

**Recommendation:** Adopt the added subsection 3 AAC 306.670(d).

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

3 AAC 306.405(a) is amended by adding a new subsection to read:

(8) begin initial operations at the time of preliminary inspection with up to 12 mature, non-flowering plants, designated and used as mother plants; any number of immature plants; and any number of seeds. (Eff. 2/21/2016, Register 217; am \_\_/\_\_/\_\_\_\_)

**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 306.405(b) is amended by adding a new subsection to read:

(6) introduce marijuana or marijuana product, including plants and seeds, onto the licensed premises from any outside source after the initial preliminary inspection, except as acquired from another licensed cultivation facility and accounted for in the marijuana cultivation facility's marijuana inventory tracking system as required under 3 AAC 306.730. (Eff. 2/21/2016, Register 217; am \_\_/\_\_/\_\_\_\_)

**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 306.435 is amended to read:

(a) A marijuana cultivation facility shall use a marijuana inventory tracking system in compliance with 3 AAC 306.730 to ensure all marijuana propagated, grown or cultivated on the marijuana cultivation facility's premises is identified and tracked from the time the marijuana is

propagated through transfer to another licensed marijuana establishment or destruction. The marijuana cultivation facility shall assign a tracking number to each plant over eight inches tall. When harvested, bud and flowers, **kief**, clones or cuttings, or leaves and trim may be combined in harvest batches of distinct strains, not exceeding five pounds. Each harvest batch must be given an inventory tracking number. Clones or cuttings must be limited to 50 or fewer plants and identified by a batch tracking number. (Eff. 2/21/2016, Register 217; am \_\_/\_\_/\_\_\_\_)

**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 306.455 (b) (1) is amended to read:

(1) collect a random, homogenous sample for testing by segregating harvest marijuana into batches of individual strains of bud, flower, **leaf, trim, and kief**, then selecting a random sample from each batch in an amount required by the marijuana testing facility. (Eff. 2/21/2016, Register 217; am \_\_/\_\_/\_\_\_\_)

**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 306.470 (a) is amended to add a new subsection and renumber subsequent sections:

(a) a marijuana cultivation facility that repackages for sale leaf, trim, or any other usable part of the marijuana plant that is not flower or bud must have the product independently tested for THC potency in accordance with 3 AAC 306.345. (Eff. 2/21/2016, Register 217; am \_\_/\_\_/\_\_\_\_)

**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 306.555(d)(1) is repealed:

(1) repealed \_\_/\_\_/\_\_\_\_;

(Eff. 2/21/2016, Register 217; am \_\_/\_\_/\_\_\_\_)

**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) is amended by adding a new subparagraph:

(D) Marijuana leaf, trim, kief and other parts of the marijuana plant

must be tested for potency separately from marijuana flower. (Eff. 2/21/2016, Register 217; am \_\_/\_\_/\_\_\_\_)

**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 306.670 is amended to add a new subsection to read:

(d) A marijuana testing facility shall notify the director in writing not later than 24 hours after a significant equipment malfunction or failure that prevents the completion of required marijuana or marijuana product testing. The licensee shall notify the director of any action the licensee intends to take to provide for re-testing or destruction of the marijuana or marijuana product. (Eff. 2/21/2016, Register 217; am \_\_/\_\_/\_\_\_\_)

**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 306.990(a) is amended to read:

(5) "immature" means a marijuana plant **18 inches or less in height**, with no visible crystals, buds, or flowers, and in which the exposure to light is scheduled with the intent to prevent formation of crystals, buds, or flowers; (Eff. 2/21/2016, Register 217; am \_\_/\_\_/\_\_\_\_)

**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 306.990(a) is amended by adding a new subsection (11)

(11) "mature" means a marijuana plant over 18 inches in height. (Eff. 2/21/2016, Register 217; am \_\_/\_\_/\_\_\_\_)

**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



*September 20, 2017*

*Dear Alaska Marijuana Control Board and Staff:*

*Please accept the following public comment to this proposed draft:*

*<https://aws.state.ak.us/OnlinePublicNotices/Notices/Attachment.aspx?id=108982>*

*We **oppose** this regulations project in whole as there are changes here that would only serve to further inhibit, complicate and burden the industry.*

*There are items here that are agreeable, but not enough to garner approval of the packet as a whole.*

*Specific comment is below each proposed change in red.*

*Please include this comment in the board packets for the next MCB meeting as appropriate.*

(1) 3 AAC 306.405 adds new subsections to address plant counts for marijuana cultivation facilities.

3 AAC 306.405(a) is amended by adding a new subsection to read:

(8) begin initial operations at the time of preliminary inspection with up to 12 mature, non-flowering plants, designated and used as mother plants; any number of immature plants; and any number of seeds.

**Approve. This section (8) has been added and is consistent with the rest of the regulations.**

A standard marijuana cultivation facility that obtains any other marijuana establishment license shall

(6) introduce marijuana or marijuana product, including plants and seeds, onto the licensed premises from any outside source after the initial preliminary inspection, except as acquired from another

licensed cultivation facility and accounted for in the marijuana cultivation facility's marijuana inventory tracking system as required under 3 AAC 306.730

Disapprove. This is confusing. It's almost as though you meant to write "shall not" instead of "shall." As it reads now, it says that we shall introduce other plants and seeds from outside sources, but not through other cultivations, and accounted for in the system. That's the opposite of what we currently have, and can't be what was meant.

(2) 3 AAC 306.435 adds "kief" to the list of marijuana that may be combined in harvest packages.

Approve. This seems logical. If people want to purchase kief as an individual product, then they should be able to do so.

(3) 3 AAC 306.455 adds leaf, trim, and kief to random harvest samples for required testing.

Disapprove. This is a disaster. Kief will have much higher THC content, but cannot be added easily to the sample to be tested. On the other hand, sugar leaves (which are trim) have much less THC, so that's going to pull THC #s down, which will be bad for the industry compared to where the numbers are today. However, cultivations can manipulate their THC % by adding a bunch of kief and some popcorn buds (as part of their "trim") and only a couple of sugar leaves. This doesn't solve a problem, it only creates complications and new problems.

(4) 3 AAC 306.470 adds a new subsection requiring leaf, trim and other non-flower part of the marijuana plant to be independently tested for THC potency.

3 AAC 306.470 (a) is amended to add a new subsection and renumber subsequent sections: (a) a marijuana cultivation facility that repackages for sale leaf, trim, or any other usable part of the marijuana plant that is not flower or bud must have the product independently tested for THC potency in accordance with 3 AAC 306.345.

Disapprove. If people are putting the trim into prerolls, those are a dying product so they are likely to go away altogether as a consequence of the free market. In the beginning, when bud was scarce and there were no manufacturing companies, they were a necessity in order to use the whole plant and to meet demand. At this point, prerolls made from sugar leaves don't make sense because they're probably going to be made from the popcorn buds. If it's not a non-issue already, it will be in the next 2-3 months as all the summer crops are harvested and we have more flower than people can handle.

If there are still people doing this, we would say it's too expensive to test the trim, which would price them out of the market anyway and into concentrates, where it belongs.

(5) 3 AAC 306.555(d)(1) is proposed to be repealed.

3 AAC 306.555. Production of marijuana concentrate

(d) A marijuana product manufacturing facility may use heat, screens, presses, steam distillation, ice water, and other methods without employing solvents or gases to create (1) kief;

Disapprove. By repealing this section, are you saying that we can make kief any way we want to? This is how you make it. We are confused as to the purpose of this since you are also proposing



that we package it as its own product.

(6) 3 AAC 306.645 is proposed to add requirements for potency testing.

3 AAC 306.645 (b)(1) is amended by adding a new subparagraph:

The tests required for each marijuana type or marijuana product, are as follows: (1) potency testing is required on marijuana bud and flower, marijuana concentrate, and a marijuana product, as follows:

(D) Marijuana leaf, trim, kief and other parts of the marijuana plant must be tested for potency separately from marijuana flower.

This needs to be rewritten for clarity:

Approve. If the kief is sold as its own product, then it should follow the rest of the regulations in that it needs to be tested separately. Since it takes 4 g of flower for a test, this may become a non-issue as well because kief is a byproduct, and if 4 g are also required for testing, it may price the item out of the market.

Disapprove. The sugar leaves and trim that are put into concentrate should not be tested first because it is burdensome to the facility and serves no purpose since the concentrate will be tested before sale.

(7) 3 AAC 306.670 is proposed to change reporting requirements for marijuana testing facilities.

(d) A marijuana testing facility shall notify the director in writing not later than 24 hours after a significant equipment malfunction or failure that prevents the completion of required marijuana or marijuana product testing. The licensee shall notify the director of any action the licensee intends to take to provide for re-testing or destruction of the marijuana or marijuana product.

Disapprove. This seems logical that if there is a significant equipment malfunction, all parties involved (AMCO and the backlog of licensees waiting for their tests) should be notified within 24 hours so the other licensees can transport their product to another testing facility if it's going to take a long time to fix. However, we don't see the licensees as part of this regulation, only AMCO. Also, the testing facility doesn't have the right to destroy a cultivator's or manufacturer's product if it hasn't been tested.

(8) 3 AAC 306.990 is proposed to amend definitions of marijuana plant maturity.

3 AAC 306.990(a) is amended to read: (5) "immature" means a marijuana plant 18 inches or less in height, with no visible crystals, buds, or flowers, and in which the exposure to light is scheduled with the intent to prevent formation of crystals, buds, or flowers;

Previous definition: (5) "immature" means a marijuana plant with no visible crystals, buds, or flowers, and in which the exposure to light is scheduled with the intent to prevent formation of crystals, buds, or flowers;

Disapprove. This implies that plants under 18" are not allowed to go into the bloom cycle, and it would be against regulations to do so. This decision should be left to the individual growers, not the MCB, who, for the most part, have little to no experience growing.

*Please let us know if we can clarify further or add any detail to this comment.*

*Respectfully Submitted,*

*The Executive Board and Membership of the Alaska Marijuana Industry  
Association*

**From:** Doug A Anderson  
**To:** [CED AMCO REGS \(CED sponsored\)](#)  
**Subject:** Comment on testing for trim.  
**Date:** Sunday, September 10, 2017 9:01:43 PM

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### 306.645 Public comment on Testing for trim

Proposed language for 306.645(b)(1) regarding testing for trim and kief should NOT require additional testing for trim or kief unless it is intended to be sold as a product to the final consumer.

Lab testing is expensive. Requiring trim/kief to be tested would double or even triple the testing requirements for each batch. This is an unnecessary financial burden to those selling these products only to a processor. Once a processor receives trim from a tested batch, they extract the cannabinoids and create an entirely new product intended for sale to the consumer which is already required to be tested for THC potency, making any previous test results for that trim or kief irrelevant.

However, the consumer should absolutely know the potency of each product for sale at a retail establishment. Any final product at retail should be tested for THC potency. Therefore, you should consider the following amendments:

3AAC 306.645 (b)(1) is amended to read:

**(1) Potency testing is required on any marijuana bud, flower, kief, and leaf and trim product that is *intended to be sold, unprocessed, to a retail facility.***

3AAC 306.645 (b)(1) is amended by adding a new subparagraph:

**(D) Marijuana leaf, trim, kief and other parts of the marijuana plant must be tested separately from marijuana flower *only if they are intended to be sold, unprocessed, to a retail facility.***

3AAC 306.470(a)

**(a) A marijuana cultivation facility that repackages for sale *directly to a retail facility* any *unprocessed* leaf, trim, or any other usable part of the marijuana plant that is not flower or bud must have the product independently tested for THC potency in accordance with 3 AAC 306.345**

As a limited cultivator, I have chosen not to sell trim or kief to retail as I sell it all to a manufacturer for processing. I should not be required to have trim or kief separately tested for THC potency when the trim or kief is being sold to a processor and being manufactured into an entirely new, tested product before going to retail. It would be financially devastating to my small business to have to pay triple the testing fee for irrelevant testing results.

Thank You. Doug Anderson Odin's Wagon Kasilof Alaska License number 10034

From: Doug A Anderson  
To: [CED AMCO REGS \(CED sponsored\)](#)  
Date: Sunday, September 10, 2017 9:11:01 PM

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## Introduction of seeds or immature plants

3AAC 306.405(c) is being amended to disallow the introduction of marijuana plants and seeds after the preliminary inspection unless acquired by a licensed cultivator. Not only would this devastate the industry here in Alaska as new strains are what drives the success of the industry, but it is in direct contradiction with state law and the rights given in AS 17.38.070(b)(6). It would be like limiting a bakery to 10 ingredients, forever.

AS 17.38.070(b(6)) Lawful operations of marijuana-related facilities - cultivation

### 17.38.070

(b) Notwithstanding any other provision of law, the following acts, when performed by a

marijuana cultivation facility with a current, valid registration, or a person 21 years of age or older who is acting in his or her capacity as an owner, employee or agent of a marijuana cultivation facility, **are lawful** and shall not be an offense under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law:

(1) Cultivating, manufacturing, harvesting, processing, packaging, transporting, displaying, storing, or possessing marijuana;

(2) Delivering or transferring marijuana to a marijuana testing facility;

(3) Receiving marijuana from a marijuana testing facility;

(4) Delivering, distributing, or selling marijuana to a marijuana cultivation facility, a marijuana product manufacturing facility, or a retail marijuana store;

**(5) Receiving or purchasing marijuana from a marijuana cultivation facility; and**

**(6) Receiving marijuana seeds or immature marijuana plants from a person 21 years of age or older.**

## **Sec. 17.38.020. Personal use of marijuana.**

Notwithstanding any other provision of law, except as otherwise provided in this chapter, the following acts, by persons 21 years of age or older, are lawful and shall not be a criminal or civil offense under Alaska law or the law of any political subdivision of Alaska or be a basis for seizure or forfeiture of assets under Alaska

law:

(a) Possessing, using, displaying, purchasing, or transporting marijuana accessories or one ounce or less of marijuana;

(b) Possessing, growing, processing, or transporting no more than six marijuana plants, with three or fewer being mature, flowering plants, and possession of the marijuana produced by the plants on the premises where the plants were grown;

**(c) Transferring one ounce or less of marijuana and up to six immature marijuana plants to a person who is 21 years of age or older without remuneration;**

(d) Consumption of marijuana, except that nothing in this chapter shall permit the consumption of marijuana in public; and

(e) Assisting another person who is 21 years of age or older in any of the acts described in paragraphs (a) through (d) of this section.

The voters of Alaska voted AS 17.38 into law, and it is AMCO's duty to implement that law according to state statute. AS 17.38.070(b)(6) explicitly allows licensed cultivators to obtain seeds or immature plants from anyone 21 years of age or older. There is no other interpretation.

The proposed definitions of "immature" and "mature" are incorrect. The Marijuana Control Board must use terminology that is accurate for regulating Marijuana.

An immature marijuana plant can be any size, as the scientific occurrence that makes it technically mature is when it has entered the flowering stage, typically controlled with light deprivation. An "autoflowering" plant does not need a change in light cycle to begin flowering, it is triggered automatically by age of the plant, usually 21-28 days from seed. A marijuana plant can be 8 inches or 800 inches tall before the light cycle is changed to trigger the flower stage, or an autoflower begins to flower, indicating maturity.

"Immature" should mean any plant of any size that has not yet entered the flowering stage.

"Mature" should mean any plant of any size that has begun to show bud sites, either automatically or triggered by light deprivation.

Doug Anderson   Odin's Wagon   Kasiloff   license number 10034

**Marijuana Control Board,**

**Marijuana Control Board proposed regulations—Changes to marijuana plant count, testing of marijuana, and reporting of testing equipment failure**

**Marijuana Plant Count:**

I am in support of the addition of the initial plant counts being added to the regulations. This will allow new applicants to know what is expected of them before beginning the application process. I am however opposed to the addition of how our industry will be expected to introduce new genetics of marijuana to an already licenses facility. I believe that if this was added to our regulations it would only hinder the marijuana industry. I believe the only time a regulation should be put in place that could hinder the marijuana industry is when it is needed to protect the health and/or safety of the public. I can't imagine how a new strain entering the market could offer any harm to the public.

I would also like to note that receiving marijuana seeds or immature marijuana plants from a person 21 years of age or older is part of the Lawful operations of a marijuana-related facility as set out in 17.38.070 (b)(6). It is my understanding that the addition of 3 AAC 306.405(b) would be contradicting the statute that governs 3 AAC 306.

3 AAC 306.405(b) is amended by adding a new subsection to read:  
(6) introduce marijuana or marijuana product, including plants and seeds, onto the licensed premises from any outside source after the initial preliminary inspection, except as acquired from another licensed cultivation facility and accounted for in the marijuana cultivation facility's marijuana inventory tracking system as required under 3 AAC 306.730.

**Sec. 17.38.070. Lawful operation of marijuana-related facilities.**

(b)Notwithstanding any other provision of law, the following acts, when performed by a marijuana cultivation facility with a current, valid registration, or a person 21 years of age or older who is acting in the person's capacity as an owner, employee, or agent of a marijuana cultivation facility, are lawful and shall not be an offense under Alaska law or be a basis for seizure or forfeiture of assets under

Alaska law:

(6)receiving marijuana seeds or immature marijuana plants from a person 21 years of age or older.

**Testing of Marijuana (leaf, kief, trim):**

I am in support of the addition of leaf, kief and trim being tested separately if it is to be sold as a stand-alone product to the end consumer. I believe this will help protect the health and safety of the public and keeps to the standard of only tested product going out the retail stores.

Bailey Stuart

**From:** zack bell  
**To:** [CED AMCO REGS \(CED sponsored\)](#)  
**Subject:** 306.645 Public comment on Testing for trim  
**Date:** Monday, September 11, 2017 10:18:37 AM

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Dear AMCO Board,

Regarding 306.645 Public comment on Testing for trim

Proposed language for 306.645(b)(1) regarding testing for trim and kief should NOT require additional testing for trim or kief unless it is intended to be sold as a product to the final consumer.

Lab testing is expensive. Requiring trim/kief to be tested would double or even triple the testing requirements for each batch. This is an unnecessary financial burden to those selling these products only to a processor. Once a processor receives trim from a tested batch, they extract the cannabinoids and create an entirely new product intended for sale to the consumer which is already required to be tested for THC potency, making any previous test results for that trim or kief irrelevant. However, the consumer should absolutely know the potency of each product for sale at a retail establishment. Any final product at retail should be tested for THC potency. Therefore, you should consider the following amendments:

3AAC 306.645 (b)(1) is amended to read:

**(1) Potency testing is required on any marijuana bud, flower, kief, and leaf and trim product that is *intended to be sold, unprocessed, to a retail facility.***

3AAC 306.645 (b)(1) is amended by adding a new subparagraph:

**(D) Marijuana leaf, trim, kief and other parts of the marijuana plant must be tested separately from marijuana flower *only if they are intended to be sold, unprocessed, to a retail facility.***

3AAC 306.470(a)

**(a) A marijuana cultivation facility that repackages for sale *directly to a retail facility* any *unprocessed* leaf, trim, or any other usable part of the marijuana plant that is not flower or bud must have the product independently tested for THC potency in accordance with 3 AAC 306.345**  
As a limited cultivator, I have chosen not to sell trim or kief to retail as I sell it all to a manufacturer for processing. I should not be required to have trim or kief separately tested for THC potency when the trim or kief is being sold to a processor and being manufactured into an entirely new, tested product before going to retail. It would be financially devastating to my small business to have to pay triple the testing fee for irrelevant testing results.

Zachary Bell

Odin's Wagon  
Kasilof Alaska

License number 10034



**From:** [steve@greatnortherncannabis.com](mailto:steve@greatnortherncannabis.com)  
**To:** [CED AMCO REGS \(CED sponsored\)](#)  
**Subject:** Comments on Proposed Regulations: Marijuana Plant Count, Testing of Marijuana, and Reporting of Testing Equipment Failure  
**Date:** Saturday, September 09, 2017 7:22:29 PM

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September 9, 2017

Marijuana Control Board

Peter Mlynarik, Chair

Mark Springer

Loren Jones

Brandon Emmett

Nicholas Miller

Alcohol & Marijuana Control Office

550 West Seventh Avenue, Suite 1600

Anchorage, Alaska 99501

RE: Proposed 3 AAC 306.405 3 AAC 306.435; 3 AAC 306.455; 3 AAC 306.470; 3 AAC 306.555; 3 AAC 306.645; 3 AAC 306.670; 3 AAC 306.99 – marijuana plant count, testing of marijuana, and reporting of testing equipment failure

Dear Sirs:

Great Northern Cannabis, Incorporated (GNC) is an Alaska corporation with approximately 40 full- and part-time employees, and 25 Alaskan shareholders from a wide variety of backgrounds. We currently own and operate a cultivation facility and a retail store. We thank you for the opportunity to comment on the proposed regulations for marijuana plant count, testing of marijuana and reporting of testing equipment failure.

GNC suggests the following changes to proposed 3 AAC 306.455 (b) (1):

1. Delete the reference to leaf, as it is not a saleable product in raw form.
2. Consider moving kief testing to 3 AAC 306.550. To be saleable kief must be processed (pressed) which, from our understanding of the AMCO regulations, requires a manufacturing license. Presuming our understanding is correct we feel kief testing should be located with laboratory testing.
3. Delete the reference to trim. While trim is different from bud and flower, this is commonly known. If it is found to be in the public interest to ensure consumers know they are purchasing raw products (e.g. pre-rolls) containing trim, then a labeling requirement to that effect would be more appropriate.

GNC opposes the proposed changes to 3 AAC 306.990 (a). While we understand the desire to

simplify the standard for maturity there are many different variables and strain characteristics that determine maturity which a height measurement fails to capture. Some strains grow long and tall in the vegetative state, some strains grow short and bushy. If a plant doesn't receive sufficient light concentration it can stretch upwards well beyond 18 inches yet still be far from mature. Conversely, a plant can be trained by manipulating the main stem and the offshoots so that it will be shorter than 18 inches at harvest, or full maturity. The existing "no visible crystals, buds or flowers" is better suited to define maturity.

Thank you again for the opportunity to comment on these proposed changes. We would be happy to answer questions and participate in any rule-drafting discussions.

Best regards

Steve Brashear  
Chairman & CEO  
Great Northern Cannabis, Inc.

**Marijuana Control Board,**

**Marijuana Control Board proposed regulations—Changes to marijuana plant count, testing of marijuana, and reporting of testing equipment failure**

**Marijuana Plant Count:**

I am in support of the addition of the initial plant counts being added to the regulations. This will allow new applicants to know what is expected of them before beginning the application process. I am however opposed to the addition of how our industry will be expected to introduce new genetics of marijuana to an already licenses facility. I believe that if this was added to our regulations it would only hinder the marijuana industry. I believe the only time a regulation should be put in place that could hinder the marijuana industry is when it is needed to protect the health and/or safety of the public. I can't imagine how a new strain entering the market could offer any harm to the public.

I would also like to note that receiving marijuana seeds or immature marijuana plants from a person 21 years of age or older is part of the Lawful operations of a marijuana-related facility as set out in 17.38.070 (b)(6). It is my understanding that the addition of 3 AAC 306.405(b) would be contradicting the statute that governs 3 AAC 306.

3 AAC 306.405(b) is amended by adding a new subsection to read:  
(6) introduce marijuana or marijuana product, including plants and seeds, onto the licensed premises from any outside source after the initial preliminary inspection, except as acquired from another licensed cultivation facility and accounted for in the marijuana cultivation facility's marijuana inventory tracking system as required under 3 AAC 306.730.

**Sec. 17.38.070. Lawful operation of marijuana-related facilities.**

(b)Notwithstanding any other provision of law, the following acts, when performed by a marijuana cultivation facility with a current, valid registration, or a person 21 years of age or older who is acting in the person's capacity as an owner, employee, or agent of a marijuana cultivation facility, are lawful and shall not be an offense under Alaska law or be a basis for seizure or forfeiture of assets under

Alaska law:

(6)receiving marijuana seeds or immature marijuana plants from a person 21 years of age or older.

**Testing of Marijuana (leaf, kief, trim):**

I am in support of the addition of leaf, kief and trim being tested separately if it is to be sold as a stand-alone product to the end consumer. I believe this will help protect the health and safety of the public and keeps to the standard of only tested product going out the retail stores.

Caleb Saunders

**From:** Siretha Criss  
**To:** [CED AMCO REGS \(CED sponsored\)](#)  
**Subject:** Regulations  
**Date:** Sunday, September 03, 2017 11:59:48 AM

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Dear AMCO,

Please do not change the regulations regarding seeds or immature plants entering a licensed cultivation after the initial inspection.

Introduction of seeds or immature plants

3AAC 306.405(c) is being amended to disallow the introduction of marijuana plants and seeds after the preliminary inspection unless acquired by a licensed cultivator. Not only would this devastate the industry here in Alaska as new strains are what drives the success of the industry, but it is in direct contradiction with state law and the rights given in AS 17.38.070 (b)(6).

The voters of Alaska voted AS 17.38 into law, and it is AMCO's duty to implement that law according to state statute. AS 17.38.070(b)(6) explicitly allows licensed cultivators to obtain seeds or immature plants from anyone 21 years of age or older. There is no other interpretation.

The proposed definitions of "immature" and "mature" are incorrect. The Marijuana Control Board must use terminology that is accurate for regulating Marijuana.

An immature marijuana plant can be any size, as the scientific occurrence that makes it technically mature is when it has entered the flowering stage, typically controlled with light deprivation. An "autoflowering" plant does not need a change in light cycle to begin flowering, it is triggered automatically by age of the plant, usually 21-28 days from seed. A marijuana plant can be 8 inches or 800 inches tall before the light cycle is changed to trigger the flower stage, or an autoflower begins to flower, indicating maturity.

"Immature" should mean any plant of any size that has not yet entered the flowering stage.

"Mature" should mean any plant of any size that has begun to show bud sites, either automatically or triggered by light deprivation. Thank you.

Sincerely,  
Siretha Criss

**From:** Buddy Crowder  
**To:** [CED AMCO REGS \(CED sponsored\); McConnell, Erika B \(CED\)](#)  
**Subject:** Public Comment regarding 3 AAC 306.455(b)(1), 3 AAC 306.470(a), and 3 AAC 306.645(b)(1)  
**Date:** Thursday, September 21, 2017 7:51:09 PM

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Dear Marijuana Control Board,

As a hopeful future concentrates manufacturer, I am in support of amending 3 AAC 306.455(b)(1), 3 AAC 306.470(a), 3 AAC 306.645(b)(1) regarding leaf, trim, and kief.

This is a regulated industry that depends on good quality control. I know that some cultivators bag the trim they sell and tag it so that it can be traced back to its source, so additional testing is not needed, but not sure all cultivators do. Some cultivators may have problems keeping their inventory straight. Tracing the trim back to its source before we as manufacturers purchase the material could be trying and time intensive.

Leaf, trim, and Kiefer are different from the flower or bud material. The THC potency of the trim is significantly less than the flower or bud material. Quality control would dictate we know what it is for our manufacturing process.

As a concentrates manufacturer, we create a brand new product from the trim that will also be tested for potency and quality. As Alaska's industry evolves, pesticides in the trim will become an issue. Any pesticides present in the trim will ruin the product as they get concentrated in the extraction process. Since trim is different from flower, testing it separately will ensure that the concentrates manufacturer can avoid purchasing trim that has pesticides present. We may be able to visually tell if the trim is good quality from a potency perspective, but it is impossible for a buyer of trim to see if pesticides are present. Testing is the only way to know.

I have been in contact with the CEO of an extraction company who also is a cultivator. They operate in both Washington and Oregon. In Oregon, the testing of trim is mandatory and in Washington it is not. I wanted to know their opinion on this issue. The CEO stated that the required testing in Oregon has helped standardize their purchasing since they can trust what they are buying. In Washington, it's more labor and time intensive because they insist that the cultivators get their trim tested. He stated that testing is a good thing.

I believe this regulated industry wants to ensure safe products are made and sold to the consumer. Testing of trim separately from flower helps ensure that happens by allowing a manufacturer to know what they are purchasing before they process it.

Thank you for your time.

Respectfully,  
Buddy Crowder  
Herban Extracts  
[Buddy@907maryjane.com](mailto:Buddy@907maryjane.com)

**From:** Paul Disdier  
**To:** [CED AMCO REGS \(CED sponsored\)](#)  
**Subject:** testing cannabis leaf, timing kief  
**Date:** Friday, September 22, 2017 2:06:42 PM

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To the Marijuana Control Board,

As The Fireweed Factory LLC entity (license #10266) in Juneau, we are opposed to the proposed regulation changes to 3AAC 306.455 covered in the Notice dealing with plant count, testing of marijuana and reporting of testing equipment failure regarding the addition of "leaf, trim and kief to random harvest samples for required testing."

We specifically oppose the regulation change under 3 AAC 306.455 as written because it unnecessarily requires that ALL leaf, trim and kief would require testing irregardless of how it might be sold or may be processed later. The new requirement would lead to unnecessary and expensive duplicate testing. When leaf, or kief trim is sold to another licensed establishment to be used in their manufactured products, their products are tested. If extracted or made into edibles, additional testing would be unnecessary. The testing of unaltered trim etc. would only be necessary and make sense when sold directly to a consumer or used in products to be sold that contain trim.

Thank for your time and efforts.

Paul V. Disdier

**Marijuana Control Board,**

**Marijuana Control Board proposed regulations—Changes to marijuana plant count, testing of marijuana, and reporting of testing equipment failure**

**Marijuana Plant Count:**

I am in support of the addition of the initial plant counts being added to the regulations. This will allow new applicants to know what is expected of them before beginning the application process. I am however opposed to the addition of how our industry will be expected to introduce new genetics of marijuana to an already licenses facility. I believe that if this was added to our regulations it would only hinder the marijuana industry. I believe the only time a regulation should be put in place that could hinder the marijuana industry is when it is needed to protect the health and/or safety of the public. I can't imagine how a new strain entering the market could offer any harm to the public.

I would also like to note that receiving marijuana seeds or immature marijuana plants from a person 21 years of age or older is part of the Lawful operations of a marijuana-related facility as set out in 17.38.070 (b)(6). It is my understanding that the addition of 3 AAC 306.405(b) would be contradicting the statute that governs 3 AAC 306.

3 AAC 306.405(b) is amended by adding a new subsection to read:  
(6) introduce marijuana or marijuana product, including plants and seeds, onto the licensed premises from any outside source after the initial preliminary inspection, except as acquired from another licensed cultivation facility and accounted for in the marijuana cultivation facility's marijuana inventory tracking system as required under 3 AAC 306.730.

**Sec. 17.38.070. Lawful operation of marijuana-related facilities.**

(b)Notwithstanding any other provision of law, the following acts, when performed by a marijuana cultivation facility with a current, valid registration, or a person 21 years of age or older who is acting in the person's capacity as an owner, employee, or agent of a marijuana cultivation facility, are lawful and shall not be an offense under Alaska law or be a basis for seizure or forfeiture of assets under

Alaska law:

(6)receiving marijuana seeds or immature marijuana plants from a person 21 years of age or older.

**Testing of Marijuana (leaf, kief, trim):**

I am in support of the addition of leaf, kief and trim being tested separately if it is to be sold as a stand-alone product to the end consumer. I believe this will help protect the health and safety of the public and keeps to the standard of only tested product going out the retail stores.

Chris Farris

**From:** Wyoming  
**To:** [CED AMCO REGS \(CED sponsored\)](#)  
**Subject:** Introduction of seeds or immature plants  
**Date:** Monday, September 11, 2017 8:02:27 PM

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## Comments on Introduction of seeds or immature plants

3AAC 306.405(c) is being amended to disallow the introduction of marijuana plants and seeds after the preliminary inspection unless acquired by a licensed cultivator. Not only would this devastate the industry here in Alaska as new strains are what drives the success of the industry, but it is in direct contradiction with state law and the rights given in AS 17.38.070(b)(6). It would be like limiting a bakery to 10 ingredients, forever.

AS 17.38.070(b(6)) Lawful operations of marijuana-related facilities - cultivation

17.38.070

(b) Notwithstanding any other provision of law, the following acts, when performed by a

marijuana cultivation facility with a current, valid registration, or a person 21 years of age or older who is acting in his or her capacity as an owner, employee or agent of a marijuana cultivation facility, **are lawful** and shall not be an offense under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law:

(1) Cultivating, manufacturing, harvesting, processing, packaging, transporting, displaying, storing, or possessing marijuana;

(2) Delivering or transferring marijuana to a marijuana testing facility;

(3) Receiving marijuana from a marijuana testing facility;

(4) Delivering, distributing, or selling marijuana to a marijuana cultivation facility, a

marijuana product manufacturing facility, or a retail marijuana store;

**(5) Receiving or purchasing marijuana from a marijuana cultivation facility; and**

**(6) Receiving marijuana seeds or immature marijuana plants from a person 21 years of age or older.**

## **Sec. 17.38.020. Personal use of marijuana.**

Notwithstanding any other provision of law, except as otherwise provided in this



chapter, the following acts, by persons 21 years of age or older, are lawful and shall not be a criminal or civil offense under Alaska law or the law of any political subdivision of Alaska or be a basis for seizure or forfeiture of assets under Alaska law:

- (a) Possessing, using, displaying, purchasing, or transporting marijuana accessories or one ounce or less of marijuana;
- (b) Possessing, growing, processing, or transporting no more than six marijuana plants, with three or fewer being mature, flowering plants, and possession of the marijuana produced by the plants on the premises where the plants were grown;
- (c) Transferring one ounce or less of marijuana and up to six immature marijuana plants to a person who is 21 years of age or older without remuneration;**
- (d) Consumption of marijuana, except that nothing in this chapter shall permit the consumption of marijuana in public; and
- (e) Assisting another person who is 21 years of age or older in any of the acts described in paragraphs (a) through (d) of this section.

The voters of Alaska voted AS 17.38 into law, and it is AMCO's duty to implement that law according to state statute. AS 17.38.070(b)(6) explicitly allows licensed cultivators to obtain seeds or immature plants from anyone 21 years of age or older. There is no other interpretation.

The proposed definitions of "immature" and "mature" are incorrect. The Marijuana Control Board must use terminology that is accurate for regulating Marijuana.

An immature marijuana plant can be any size, as the scientific occurrence that makes it technically mature is when it has entered the flowering stage, typically controlled with light deprivation. An "autoflowering" plant does not need a change in light cycle to begin flowering, it is triggered automatically by age of the plant, usually 21-28 days from seed. A marijuana plant can be 8 inches or 800 inches tall before the light cycle is changed to trigger the flower stage, or an autoflower begins to flower, indicating maturity.

"Immature" should mean any plant of any size that has not yet entered the flowering stage.

"Mature" should mean any plant of any size that has begun to show bud sites, either automatically or triggered by light deprivation.

Dan harris   Odin's Wagon   Kasiloff   license number 10034

**From:** Chris and Ember Haynes  
**To:** [CED AMCO REGS \(CED sponsored\)](#)  
**Subject:** AS 17.38.070 (b) (6)  
**Date:** Sunday, September 03, 2017 3:38:18 PM

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Dear AMCO Board,

I'm writing to you today to discuss my concern about your stance on seeds. As someone who is familiar , and understands Cannabis Botany, I feel like I am qualified to speak to this matter.

When Proposition 2 was first voted on, under Sec. 17.38.090. Rule making, (A) ,it clearly states:

"Such regulations shall not prohibit the operation of marijuana establishments, either expressly or through regulations that make their operation unreasonably impracticable"

Proposition 2 also is very clear in its wording regarding seeds, and how a facility is to acquire them, both for commercial facilities, and for personal use for people over 21.

The below Section is right from Proposition 2 and is strictly referring to marijuana-related facilities.

Sec. 17.38.070. Lawful operation of marijuana-related facilities.

(a) Notwithstanding any other provision of law, the following acts, when performed by a retail marijuana store with a current, valid registration, or a person 21 years of age or older who is acting in his or her capacity as an owner, employee or agent of a retail marijuana store, are lawful and shall not be an offense under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law:

1. Possessing, displaying, storing, or transporting marijuana or marijuana products, except that marijuana and marijuana products may not be displayed in a manner that is visible to the general public from a public right-of-way;
2. Delivering or transferring marijuana or marijuana products to a marijuana testing facility;
3. Receiving marijuana or marijuana products from a marijuana testing facility;
4. Purchasing marijuana from a marijuana cultivation facility;
5. Purchasing marijuana or marijuana products from a marijuana product manufacturing facility; and
6. Delivering, distributing, or selling marijuana or marijuana products to consumers.

(b) Notwithstanding any other provision of law, the following acts, when performed by a marijuana cultivation facility with a current, valid registration, or a person 21 years of age or older who is acting in his or her capacity as an owner, employee or agent of a marijuana

cultivation facility, are lawful and shall not be an offense under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law:

(1)

(1) Cultivating, manufacturing, harvesting, processing, packaging, transporting, displaying, storing, or possessing marijuana;

(2) Delivering or transferring marijuana to a marijuana testing facility;

(3) Receiving marijuana from a marijuana testing facility;

(4) Delivering, distributing, or selling marijuana to a marijuana cultivation facility, a marijuana product manufacturing facility, or a retail marijuana store;

(5) Receiving or purchasing marijuana from a marijuana cultivation facility; and

(6) Receiving marijuana seeds or immature marijuana plants from a person 21 years of age or older.

It clearly states that a marijuana cultivation facility, a retail marijuana store with a current, valid registration, or a person 21 years of age or older who is acting in his or her capacity as an owner, employee or agent of a retail marijuana store, are lawful and shall not be an offense under Alaska law, and can receive marijuana seeds or immature plants from a person 21 years of age or older. It does NOT say under AS 17.38 (b) (6), however, that you can ONLY get seeds or immature plants from other facilities, and once you enter into METRC, you are done, that's it, forever,

I totally understand that the AMCO Board is trying to maintain a regulated market, and at the same time keeping the public who is opposed to Cannabis feeling safe.

What will eventually end up happening, is creating a stagnant gene pool, a genetic bottleneck, if you will. At the same time, it will give an upper hand to whoever just got licensed last, and who has the latest, and greatest strains that just came out that year.

Facilities need to be able to have the ability to bring new genetics in without having to get them from their direct competition. It is not that far fetched to have a facility hand out bug infested clones to their competition. I believe that is why Prop 2, who was written by professional Cannabis lawmakers, was written the way it was. To allow for new genetics to be entered into METRC, and for a facility to be able to acquire seeds and immature plants from someone 21 years or older. It could easily be a strain that a friend created in Alaska, gifted, etc.

On METRC's Youtube Channel, under their video "How to add Strains", which can be found at the copied link below, it doesn't even talk about adding strains from other facilities, or mention other facilities for that matter: Just how to add a strain.

[https://www.youtube.com/watch?v=r\\_-T1z0pycg](https://www.youtube.com/watch?v=r_-T1z0pycg)

One other thing is the terminology used. I would encourage the AMCO Board to change the language from immature/ mature to

vegetative/flowering. A plant isn't mature until it ripe. In others words, until the bud, or the produce, is done..

Nothing about height has anything to do with maturity, and an immature plant can be 10' tall, and not ever have been put into flower.

I would also encourage the AMCO Board to appoint an advisory committee made up of people in the Cannabis industry that can advise them on Cannabis matters instead of a Board made up of people in which the majority know very little about it's basic makeup making all the rules and decisions, no disrespect.

If anything, It seems like it would help it move along more smoothly, and just like the Cannabis plant, the advisory committee, and the AMCO Board could work in a symbiotic relationship, making the industry better as a whole.

Thank you for your time. Sincerely,

Chris Haynes

*Chris & Ember Haynes*

**Silverbear Sundries &  
Denali Hemp Company**

HC 89 Box 395

Willow, Alaska 99688

"Soft hands for tough Alaskans since 2008"

<http://www.silverbearsundries.com>

August 23, 2017

Dear AMCO,

I would like to comment on Tab 67 of the July Agenda regarding Regulations Project-Kief and Testing Trim.

My husband and I currently have a license for a standard cultivation facility. In our case, requiring all trim to be tested prior to transfer or sell would be an unnecessary expense and would probably cause us to destroy our trim rather than sell it as the testing would be cost prohibited. I'll explain:

We grow small harvests that typically produce less than 1 pound of marijuana. Of those harvests, a very small amount is "trim", since our trim is strictly sugar leaf (no fan leaves/stems, etc.) Attached is a copy of the Leaf/Trim Transfers we have made over the last year. Noted below, is each transfer by package and the weight of the leaf/trim in that package as follows:

1)	Lucille	#25	0.280 lbs.
	AK Mango	#27	0.395 lbs
	C99	#29	1.375 lbs
2)	Sample gram		0.0022 lbs
3)	Lucille	#36	0.2528 lbs
	Happiness	#38	0.120 lbs
	Chocolate Haze	#39	0.210 lbs
4)	Sample gram		0.0022 lbs
5)	LSD	#55	0.215 lbs
	CBD Skunk Hz	#56	0.230 lbs
	AK Mango	#50	0.1578 lbs
	Zeus	#51	0.1450 lbs
6)	Zeus	#66	0.190 lbs
	Happiness	#67	0.140 lbs
	C99	#68	0.120 lbs
7)	LSD	#77	0.090 lbs
	LSD	#78	0.120 lbs
	Sex Bud	#79	0.235 lbs

This shows 16 packages or 16 harvests of trim with a few of weights at .120 lbs. If trim sells for \$800 per pound, each harvest would bring approximately \$96. Each potency test costs \$80. With the cost of labor to prepare and package the sample, along with the cost of the test, we would barely break even.

All of our trim is sold to a licensed concentrate facility or to a licensed manufacture facility, who then process the trim into another product (such as shatter, dabs, brownies, etc.) Since the manufacture or concentrate facility must have the finished product tested prior to retail sale, why must the cultivator also test? I can understand the necessity of requiring the trim to be tested for potency if sold to a retail shop, who will then make trim prerolls.

I recommend that the wording of 3 AAC 306.645 (b)(1) is amended to read:

(1) Potency testing is required on marijuana bud [AND FLOWER], **flower, kief, and leaf and trim intended for retail sale.**

And that: 3 AAC 306.645 (b)(1) is amended by adding a new subparagraph:

**(D) Marijuana leaf, trim, kief and other parts of the marijuana plant must be tested for potency separately from marijuana flower if sold to a retail store.**

Thank you for your consideration,

Deborah Hutchens  
Sunrise Gardens  
bnd@sunrisegardensak.com



Transfers (limited)

From 8/1/2016 to 8/31/2017

Total Records: 6

Created	Manifest	Origin Lic.	Origin Facility	Origin Type	Dest. Lic.	Destination Facility	Dest. Type	Type	Received	Item Category	Ship'd	Rcv'd	Ship'd	Rcv'd
4/12/2017	0000048506	4a-10022	SUNRISE GARDENS	Standard Cultivation Facility	5a-10082	EINSTEIN LABS	Product Manufacturing Facility	Transfer	4/13/2017	Leaf/Trim	0 ea	0 ea	2.05 lb	2.05 lb
5/22/2017	0000066705	4a-10022	SUNRISE GARDENS	Standard Cultivation Facility	3a-10008	GREEN JAR	Retail Store	Wholesale	5/23/2017	Leaf/Trim	0 ea	0 ea	0.0022 lb	0.0022 lb
5/29/2017	0000070501	4a-10022	SUNRISE GARDENS	Standard Cultivation Facility	5a-10012	FROZEN BUDZ	Product Manufacturing Facility	Wholesale	6/15/2017	Leaf/Trim	0 ea	0 ea	0.5828 lb	0.5828 lb
6/23/2017	0000078606	4a-10022	SUNRISE GARDENS	Standard Cultivation Facility	4a-10279	GOODSINSE LLC	Standard Cultivation Facility	Wholesale	6/23/2017	Leaf/Trim	0 ea	0 ea	0.0022 lb	0.0022 lb
6/29/2017	0000080112	4a-10022	SUNRISE GARDENS	Standard Cultivation Facility	5a-10012	FROZEN BUDZ	Product Manufacturing Facility	Wholesale	6/29/2017	Leaf/Trim	0 ea	0 ea	0.7478 lb	0.7478 lb
7/27/2017	0000088905	4a-10022	SUNRISE GARDENS	Standard Cultivation Facility	5a-10886	GOOD TITRATIONS	Product Manufacturing Facility	Wholesale	7/27/2017	Leaf/Trim	0 ea	0 ea	0.45 lb	0.45 lb
Totals:											0 ea	0 ea	3.835 lb	3.835 lb

**From:** Dru Malone  
**To:** [CED AMCO REGS \(CED sponsored\)](#)  
**Subject:** Public comments  
**Date:** Wednesday, September 20, 2017 5:46:07 PM

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I would like to comment on several of the proposed regulations changes under consideration.

305.460 and 306.557 - It would be valuable to allow employees to test current batches of flower or other products to help determine the quality of the drying and curing process and to make adjustments to improve a strain. It would also help establish benchmarks for talking with retailers about specific strains.

306.405(a) - I do not understand what you are calling an immature plant? Different growers call plants immature at different stages, depending on their style of growing. For practical use I think somewhere between 24 and 36 inches or taller could be called immature. Most call a plant mature when it is ready to flower in their system.

306.405(b) - This proposal is illegal so should be dropped to avoid needless litigation. It is in total conflict with Sec. 17.38.070 (6)

306.470(a) - There is adequate testing for for flower and that test should apply to other products from the same plants. Additional testing should only be required when non flower products are going directly to retailers.

309.990(a) - This random height requirement has no counterpart in any cultivators scenario. Some growers start to flower plants when they are 12" tall and others start flowering when their plants are 4' or 5' tall. Again a plant is not considered mature until it is ready to flower and that height is dependent on each growers style and should not be dictated by the state.

Thank you for taking the time to read my comments.

Dru Malone



Submitted By	Comment
<p>9/22/2017 4:27:58 PM Unknown location Anonymous User</p>	<p>I have a specific concern with the added subsection of 306.405(b). The first concern is that Alaska Law Sec 17.38.070(b)(6) It clearly states "Notwithstanding any other provision of the law"...(b) Receiving marijuana seeds or immature plants from a person 21 years of age or older (6). I don't understand why regulations that clearly go against the word and the spirit of the law are on the table. This does not increase public safety. My second concern is that I was delayed in receiving my license because of this issue. I was told that this was already policy by Joe Hamilton on the phone. When I researched and did not find where I was restricted on obtaining new seeds I challenged Joe Hamilton during the inspection on 6/22. I was told that it was what it was, and the attitude was one where I was treated like I did not bother to read the rules. I sent an email directly to AMCO requesting clarification on this, that email was forwarded to the enforcement department and I never received a response. You can not imagine how upsetting it was to see that this policy is now up for public comment 3 months later. You should not make rules that fit what you have incorrectly been telling businesses is the law. I have more concerns that I do not have time to articulate, because your website was down most of the day.</p>
<p>9/21/2017 9:17:52 PM James V. Hunter <a href="mailto:greensandpurples@gmail.com">greensandpurples@gmail.com</a> Unknown location Anonymous User</p>	<p>Comments on proposed changes to regulations. 3 AAC 306.405(b)(6) (new subsection) I am opposed to this regulation as it severely restricts cultivators from acquiring new genetics and puts an established cultivator at a disadvantage to a new cultivator who will be able to bring in new seeds or cuttings. AS 17.38.070 (b)(6) specifically gives us the right to acquire seeds and cuttings from anyone over 21. Please don't change this. Also this does nothing to improve public safety or help keep it from the under age. 3 AAC 306.455 (b) (1) The language is not clear what is being batched. Does an individual batch include bud, flower, leaf trim and kief of one strain or are they different batches? (one batch flower/bud, one trim and one kief).</p>

Submitted By	Comment
	<p>3 AAC 306.470 (a) This new regulation requires an added cost to the cultivator keeping legal cannabis more expensive than black market. This decreases public safety and exposes the underage.</p> <p>Plus again the regulation is not clear what is being added. The old regulation doesn't mention repackaging. I'm not sure how a cultivation facility repackages product that hasn't been packaged?</p> <p>3 AAC 306.645 (b) (1) (D)</p> <p>Again this is an added cost to the cultivator making legal cannabis not competitive with black market.</p> <p>It does nothing to improve public safety or help keep cannabis from the underage.</p> <p>Thank you for this opportunity to comment.</p>
<p>9/2/2017 3:41:18 PM</p> <p>Unknown location</p> <p>Anonymous User</p>	<p>Government study:  <a href="https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3576702/">https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3576702/</a>  Internet opinions on the subject.  <a href="https://www.marijuana.com/blog/2017/01/24/cannabinoid-hyper">https://www.marijuana.com/blog/2017/01/24/cannabinoid-hyper</a>  <a href="https://www.leafly.com/news/health/what-is-cannabinoid-hyper">https://www.leafly.com/news/health/what-is-cannabinoid-hyper</a>  Now that marijuana is legal in Alaska, there is a great need to ensure consumer understanding of the *very* rare, but dangerous effects of chronic high dose usage of THC that is found in the concentrates.  Since marijuana is Legal in Alaska, the State should fund a study to follow up on the 2011 federal government research, in a controlled setting to determine what does and doesn't affect CHS.</p>
<p>9/2/2017 3:34:52 PM</p> <p>Unknown location</p> <p>Anonymous User</p>	<p>Regarding the testing of concentrates, I do not think that manufacturers "such as Good Titrations" should be allowed to get away with simply saying their products "pass" the MCL's they are tested for.</p> <p>How do I, as a consumer, know that what I am consuming is safe if the levels are not listed?</p>
<p>9/2/2017 3:33:21 PM</p> <p>Unknown location</p> <p>Anonymous User</p>	<p>(5) 3 AAC 306.555(d)(1) is proposed to be repealed.</p> <p>This means that a manufacturer can produce "keif" with a solvent process.</p> <p>Keif should be defined as the crystals that naturally fall off unadulterated bud. By allowing manufacturers to created a solvent based "keif" it is no longer keif.</p>

Submitted By	Comment
	This is just some food for thought. I can only opine on what business is intending on profiting from this repeal.
9/2/2017 3:31:46 PM Unknown location Anonymous User	(5) 3 AAC 306.555(d)(1) is proposed to be repealed. Why is this being repealed? This seems senseless.
8/25/2017 4:02:00 AM Unknown location Anonymous User	What is the actual proposed changed to the plant count?

**From:** Peggy Peters  
**To:** [CED AMCO REGS \(CED sponsored\)](#)  
**Subject:** Do not change the regulations regarding seeds or immature plants entering a licensed cultivation after the initial inspection  
**Date:** Sunday, September 03, 2017 12:45:05 PM

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Dear AMCO,

Please do not change the regulations regarding seeds or immature plants entering a licensed cultivation after the initial inspection.

Introduction of seeds or immature plants

3AAC 306.405(c) is being amended to disallow the introduction of marijuana plants and seeds after the preliminary inspection unless acquired by a licensed cultivator. Not only would this devastate the industry in Alaska, as new strains are what drives the success of the industry, but it is in direct contradiction with state law and the rights given in AS 17.38.070 (b)(6). The voters of Alaska voted AS 17.38 into law, and it is AMCO's duty to implement that law according to state statute. AS 17.38.070(b)(6) explicitly allows licensed cultivators to obtain seeds or immature plants from anyone 21 years of age or older. There is no other interpretation.

The proposed definitions of "immature" and "mature" are incorrect. The Marijuana Control Board must use terminology that is accurate for regulating Marijuana.

An immature marijuana plant can be any size, as the scientific occurrence that makes it technically mature is when it has entered the flowering stage, typically controlled with light deprivation. An "autoflowering" plant does not need a change in light cycle to begin flowering, it is triggered automatically by age of the plant, usually 21-28 days from seed. A marijuana plant can be 8 inches or 800 inches tall before the light cycle is changed to trigger the flower stage, or an autoflower begins to flower, indicating maturity.

"Immature" should mean any plant of any size that has not yet entered the flowering stage.

"Mature" should mean any plant of any size that has begun to show bud sites, either automatically or triggered by light deprivation.

Sincerely,

Peggy Peters

North Pole, Alaska

**From:** dollynda Phelps  
**To:** [CED AMCO REGS \(CED sponsored\)](#)  
**Subject:** Public comment for Trim/Kief testing  
**Date:** Sunday, August 27, 2017 8:15:31 PM

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### 306.645 Public comment on Testing for trim

Proposed language for 306.645(b)(1) regarding testing for trim and kief should NOT require additional testing for trim or kief unless it is intended to be sold as a product to the final consumer.

Lab testing is expensive. Requiring trim/kief to be tested would double or even triple the testing requirements for each batch. This is an unnecessary financial burden to those selling these products only to a processor. Once a processor receives trim from a tested batch, they extract the cannabinoids and create an entirely new product intended for sale to the consumer which is already required to be tested for THC potency, making any previous test results for that trim or kief irrelevant.

However, the consumer should absolutely know the potency of each product for sale at a retail establishment. Any final product at retail should be tested for THC potency. Therefore, you should consider the following amendments:

3AAC 306.645 (b)(1) is amended to read:

**(1) Potency testing is required on any marijuana bud, flower, kief, and leaf and trim product that is *intended to be sold, unprocessed, to a retail facility*.**

3AAC 306.645 (b)(1) is amended by adding a new subparagraph:

**(D) Marijuana leaf, trim, kief and other parts of the marijuana plant must be tested separately from marijuana flower *only if they are intended to be sold, unprocessed, to a retail facility*.**

3AAC 306.470(a)

**(a) A marijuana cultivation facility that repackages for sale *directly to a retail facility* any *unprocessed* leaf, trim, or any other usable part of the marijuana plant that is not flower or bud must have the product independently tested for THC potency in accordance with 3 AAC 306.345**

As a limited cultivator, I have chosen not to sell trim or kief to retail as I sell it all to a manufacturer for processing. I should not be required to have trim or kief separately tested for THC potency when the trim or kief is being sold to a processor and being manufactured into an entirely new, tested product before going to retail. It would be financially devastating to my small business to have to pay triple the testing fee for irrelevant testing results.

Dollynda Phelps

907-252-8026



Hello,

This is being submitted regarding proposed regulation change to 306.405(b)(6), 306.455(b)(1), and 306.470(a), 306.555(d)(1)

I am assuming that the actual regulation proposing to be changed is 306.405 (c)(6) as (b) only has (1)&(2).

This regulation change proposes to add language to prohibit the introduction of immature plants and seeds into a licensed cultivation facility UNLESS it is coming from another licensed premises. The problem with that lies in that it is in direct conflict with AS 17.38.070(b)(6), which states that the receiving of marijuana seeds and immature plants may be permitted by anyone over the age of 21.

These regulations are not to be created to conflict with the already in place State Statutes.

AS 17.38.070

(b) Notwithstanding any other provisions of law, the following acts, when performed by a marijuana cultivation facility with a current, valid registration, or a person 21 years of age or older who is acting in the persons capacity as an owner, employee, or agent of a marijuana cultivation facility, are lawful and shall not be an offense under Alaska law or be a basis fro seizure or forfeiture of assets under Alaska law

(6) receiving marijuana seeds or immature marijuana plants form a person 21 years of age or older.

Because of the conflict with Alaska statute this needs to be stricken.

In regards to both 306.455(b)(1) & 306.470(a) requiring cultivation facility to test trim, leaf and keif.

We do Support the need for these items to be tested when being sold direct to a retail establishment for consumer purchase.

These comments have to do with those cultivation facilities that have no plans to sell the leaf, trim, or keif to a retail establishment for direct consumer sales.

Those cultivation facilities that are selling to a marijuana production facility need not test these items, when any product coming from a production facility is already



required to be tested upon completion. This is an unneeded expense on the cultivation facility, and needs only a simple few words such as in 306.455(b)(1) adding the “**When intended for a Retail Establishment:** leaf, trim, and keif, then selecting a random sample from each batch in an amount required by the marijuana testing facility”.

306.555(d)(1) This proposed change is unnecessary. There should still be an allowance for the creation of keif in a production facility, as not all cultivation has plans to spend time actively creating that specific product. What is the actual point of taking this option form the production facility, and how does it stay within the health and safety of the public to limit the creation to cultivation, if whatever establishment type is creating for sale to the consumer is still required to test it? It should not be repealed from this section

Thank you for your consideration when voting on these issues.

Sincerely,  
Tina Smith  
CEO  
[t.smith@midnightgreenery.com](mailto:t.smith@midnightgreenery.com)



**From:** Troy Foley  
**To:** [CED AMCO REGS \(CED sponsored\)](#)  
**Subject:** Public Comment regarding 306.405(b) proposed amendment  
**Date:** Wednesday, August 23, 2017 2:59:48 PM

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Members of the Marijuana Control Board,

The proposed amendment to 306.405(b) will create a regulatory structure that prohibits the addition of strain genetics to the licensed Alaska market except by way of the introduction of an entire new cultivation facility. This regulation will unreasonably stifle current cultivators and limit their ability to acquire and test new strains and determine the reliability of their phenotypes as desired. Furthermore, as far as I am aware, there is no parallel restriction applied to alcohol breweries, who are free to adjust their recipes within safety considerations in an effort to craft a better beer. It stands to reason that experimentation in production continues to be a safe manner of increasing variability in the licensed market and enabling us to compete with the unlicensed market.

Thank you for your consideration,

Troy Foley  
Owner, Foley's Irish Green  
License #: 12825

**From:** Birchie Walter  
**To:** [CED AMCO REGS \(CED sponsored\)](#)  
**Subject:** Regulations regarding seeds or immature plants  
**Date:** Sunday, September 03, 2017 1:04:12 PM

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Dear AMCO,

Please do not change the regulations regarding seeds or immature plants entering a licensed cultivation after the initial inspection.

Introduction of seeds or immature plants

3AAC 306.405(c) is being amended to disallow the introduction of marijuana plants and seeds after the preliminary inspection unless acquired by a licensed cultivator. Not only would this devastate the industry here in Alaska as new strains are what drives the success of the industry, but it is in direct contradiction with state law and the rights given in AS 17.38.070 (b)(6).

The voters of Alaska voted AS 17.38 into law, and it is AMCO's duty to implement that law according to state statute. AS 17.38.070(b)(6) explicitly allows licensed cultivators to obtain seeds or immature plants from anyone 21 years of age or older. There is no other interpretation.

The proposed definitions of "immature" and "mature" are incorrect. The Marijuana Control Board must use terminology that is accurate for regulating Marijuana.

An immature marijuana plant can be any size, as the scientific occurrence that makes it technically mature is when it has entered the flowering stage, typically controlled with light deprivation. An "autoflowering" plant does not need a change in light cycle to begin flowering, it is triggered automatically by age of the plant, usually 21-28 days from seed. A marijuana plant can be 8 inches or 800 inches tall before the light cycle is changed to trigger the flower stage, or an autoflower begins to flower, indicating maturity.

"Immature" should mean any plant of any size that has not yet entered the flowering stage.

"Mature" should mean any plant of any size that has begun to show bud sites, either automatically or triggered by light deprivation. Thank you.

Sincerely,

Birchie Walter  
Owner  
GreenDreams Cultivation  
[birchiesgreendream@gmail.com](mailto:birchiesgreendream@gmail.com)  
907-251-1420

**From:** aaron worthen  
**To:** [CED AMCO REGS \(CED sponsored\)](#)  
**Subject:** Seeds and immature plants.  
**Date:** Sunday, September 03, 2017 2:58:48 PM

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Sincerely,  
Aaron Worthen.

Owner Frozen North Farms.