



## MEMORANDUM

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

DATE: November 14, 2017

FROM: Erika McConnell, Director  
Marijuana Control Board

RE: Regulations Project – Random  
Sampling

The board opened a project in February of this year to add marijuana and marijuana product to what can be requested as random samples from cultivators under 3 AAC 306.465. It appears that nobody recalled section 3 AAC 306.665 which allows the board or director to collect random samples of marijuana or marijuana product from a cultivation or product manufacturing facility. However, the ability to collect a random sample from a retail facility is not in the section, nor is it clear that the testing may be done at a lab other than a licensed testing lab and this should be allowed.

I recommend that the board abandon its project to amend 3 AAC 306.465 and instead vote to amend 3 AAC 306.665 as shown in the attached.

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

3 AAC 306.665 is amended to read:

(a) The board or director may at any time determine that the interests of the public require random supplemental testing of marijuana or a marijuana product. When the board or director requires random supplemental testing, the board will or director shall direct the **retail marijuana store that is selling the marijuana or marijuana product, the** marijuana cultivation facility that produced the marijuana, or the marijuana product manufacturing facility that manufactured the product, to submit a specified sample, batch, or packaged product to a designated marijuana testing facility **or to the board**. The material must be packaged in a manner that ensures the marijuana testing facility will be able to confirm that it has received and is testing the correct supplemental sample.

(b) When a marijuana testing facility **or the board** receives a sample for random supplemental testing under this section, the marijuana testing facility **or the board** shall

(1) perform **or arrange to have performed** any required laboratory test the board or director requests; and

(2) report its results to

(A) the board or director; and

(B) the facility that provided the sample.

(c) A marijuana testing facility that conducts laboratory testing under this section shall bill all costs directly to the **retail marijuana store, the** marijuana cultivation facility, or the marijuana product manufacturing facility that provided the samples for testing.

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| 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 |

DRAFT