

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

3 AAC 306.465 is amended to read:

3 AAC 306.465. Random sampling (a) The board will or the director shall from time to time require a standard or limited marijuana cultivation facility to provide samples of the growing medium, soil amendments, fertilizers, crop production aids, pesticides, **any part of the marijuana plant**, or water for random compliance checks. The sample may be screened for pesticides and chemical residues, screened for unsafe levels of metals, **microbials** and used for other laboratory tests the director finds to be in the interests of the public. The marijuana cultivation facility shall bear all costs of testing under this subsection. (b) When the board or the director orders random sampling under this section, the director shall identify a licensed marijuana testing facility to perform the testing. The marijuana testing facility shall collect the test samples. The marijuana cultivation facility **or peace officer** shall cooperate to facilitate the collection of samples. (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

3 AAC 306 is amended by adding a new section to read:

3 AAC 306.7xx Random testing of marijuana or marijuana products

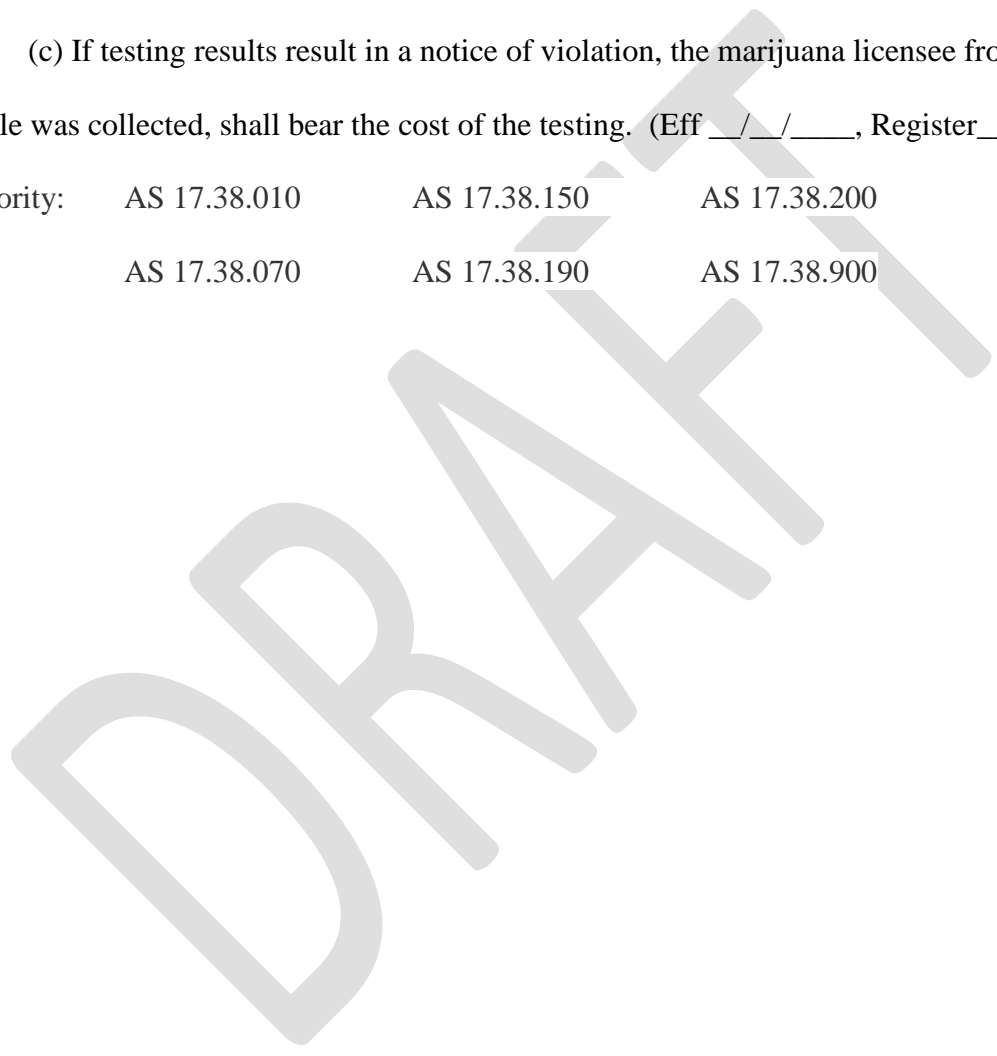
(a) The board will or the director shall from time to time require a marijuana licensee to provide samples of marijuana or marijuana products for random compliance checks. The sample may be screened for potency, pesticides and chemical residues, screened for unsafe levels of metals, **microbials** and used for other laboratory tests the director finds to be in the interests of

the public. Except for (c) of this subsection, the Alcohol and Marijuana Control Office shall bear all costs of testing under this subsection.

(b) When the board or the director orders random sampling under this section, the director shall identify a licensed marijuana testing facility to perform the testing. The peace officer shall facilitate the collection of samples.

(c) If testing results result in a notice of violation, the marijuana licensee from whom the sample was collected, shall bear the cost of the testing. (Eff __/__/____, 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



3 AAC 306.460 is amended by adding a new subsection to read:

(d) A marijuana cultivation facility may provide a sample of marijuana to an employee in possession of a valid marijuana handler card for the purpose of quality control only if:

- (1) samples provided to employees for quality control does not exceed a cumulative total of one ounce per 30-day period;
- (2) each sample is registered and tracked using the marijuana inventory tracking system in accordance with 3 AAC 306.730;
- (3) consumption of marijuana does not occur on the licensed premises;
- (4) no sample is resold to another licensee or consumer;
- (5) each employee who receives a marijuana sample for the purpose of quality control completes a quality control form prescribed by the board for each sample; and
- (6) the marijuana cultivation facility licensee maintains copies of completed forms required under (5) of this subsection in accordance with 3 AAC 306.755. (Eff. __/__/____.

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

3 AAC 306 is amended by adding a new section to read:

3 AAC 306.5xx. **Quality Control sampling.** (a) A marijuana product manufacturing facility may provide a sample of marijuana concentrate or other marijuana product to an employee in possession of a valid marijuana handler card for the purpose of quality control only if:

- (1) Samples provided to employees for quality control do not exceed a cumulative total set out in 3 AAC 306.355 in a 30-day period:

(2) each sample is registered and tracked using the marijuana inventory tracking system in accordance with 3 AAC 306.730;

(3) consumption of marijuana does not occur on the licensed premises;

(4) no sample is resold to another licensee or consumer;

(5) each employee who receives a marijuana sample for the purpose of quality control completes a quality control form prescribed by the board for each sample; and

(6) the marijuana cultivation facility licensee maintains copies of completed forms required under (5) of this subsection in accordance with 3 AAC 306. 755. (Eff. __/__/____.

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

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3 AAC 306.660. Failed materials; retests (a) If a sample tested by a marijuana testing facility does not pass the required tests based on the standards set out in 3 AAC 306.645, the marijuana establishment that provided the sample shall

(1) dispose of the entire harvest batch or production lot from which the sample was taken; and

(2) document the disposal of the sample using the marijuana establishment's marijuana inventory tracking system; **and**

(3) notify the Director in writing if the amount destroyed totals more than one ounce.

(b) If a sample of marijuana fails a required test, any marijuana plant trim, leaf, and other usable material from the same plants automatically fail the required test. The [BOARD] **director** may approve a **written request, on a form prescribed by the Board,** to allow a batch of marijuana that fails a required test to be used to make a carbon dioxide- or solvent-based extract. After processing, the carbon dioxide- or solvent-based extract must pass all required tests.

(c) If a marijuana cultivation facility or a marijuana product manufacturing facility **submits a written request on a form prescribed by the board** [PETITIONS] for a retest of marijuana or a marijuana product that failed a required test, the [BOARD] **director** may authorize a retest to validate the test results. The marijuana cultivation facility or a marijuana product manufacturing facility shall pay all costs of a retest.

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 306.740. Waste disposal

(a) A marijuana establishment shall store, manage, and dispose of any solid or liquid waste, including wastewater generated during marijuana cultivation production, processing, testing, or retail sales, in compliance with applicable federal, state, and local statutes, ordinances, regulations, and other law

(b) Marijuana waste must be rendered unusable for any purpose for which it was grown or produced before it leaves a marijuana establishment. Marijuana waste includes

(1) marijuana plant waste, including roots, stalks, leaves, and stems that have not been processed with solvent;

(2) solid marijuana sample plant waste in the possession of a marijuana testing facility;

(3) marijuana or marijuana product; and

(4) other waste as determined by the board.

(c) A marijuana establishment shall

(1) in the marijuana inventory tracking system required under 3 AAC 306.730, give the board notice not later than three days before making the waste unusable and disposing of it; however, the director may authorize immediate disposal on an emergency basis; and

(2) keep a record of the final destination of marijuana waste made unusable; **and**

(3) immediately notify the director in writing if requesting disposal of

(A) more than 1 gram of marijuana concentrate; or

(B) more than one ounce of marijuana or marijuana product.

(d) Marijuana plant waste must be made unusable by grinding the marijuana plant waste and mixing it with at least an equal amount of other compostable or non-compostable materials. A marijuana establishment may use another method to make marijuana waste unusable if the board approves the method in advance. Material that may be mixed with the marijuana waste includes

(1) compostable materials including food waste, yard waste, vegetable based grease or oils, or other wastes approved by the board when the mixed material can be used as compost feedstock or in another organic waste method such as an anaerobic digester with approval of any applicable local government entity; or

(2) non-compostable materials including paper waste, cardboard waste, plastic waste, oil, or other wastes approved by the board when the mixed material may be delivered to a permitted solid waste facility, incinerator, or other facility with approval of any applicable local government entity.

(e) If marijuana or a marijuana product is found by, or surrendered to, a law enforcement officer including a peace officer or an airport security officer, the officer may dispose of the marijuana or marijuana product as provided in this section or by any method that is allowed under any applicable local ordinance. (Eff. __/__/____. 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