



## MEMORANDUM

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

DATE: July 12, 2017

FROM: Erika McConnell, Director  
Marijuana Control Board

RE: Regulations Project – Kief and Testing  
Trim

**Summary:** The Board opened two separate regulations projects to address issues surrounding kief and to address the separate testing of trim under some circumstances. Staff has combined these two topics into one regulations project as the two topics are related and require amending the same sections of regulations.

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 also clarifies that kief is a derivative of the marijuana plant and may be produced by the cultivator, and would not have to be packaged by a product manufacturer.

**Recommendation:** Put out for public comment.

MCB DRAFT Regulation: **Testing of flower, kief, leaf and trim**

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

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 sale.**

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.**

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.

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.

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.

3 AAC 306.810 (b)(2) is amended to add a new paragraph:

(C) A marijuana licensee shall not misrepresent the potency of a marijuana item or any other requirements under 3 AAC 306.645.

3 AAC 306.555 (d)(1) is repealed and sub section renumbered:

(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; ]

(1) hashish;

(2) bubble hash;

(3) infused dairy butter, oils or fats derived from natural sources; or

(4) other extracts.