THE STATE of ALASKA
GOVERNOR BILL WALKER

Department of Commerce, Community, and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

MEMORANDUM

TO:	Chair Springer and Members of the Board	DATE:	August 15, 2018
FROM:	Erika McConnell, Director	RE:	Wakin Bakery #13697

Wakin Bakery, a marijuana product manufacturing facility, is requesting approval of amendments to three of its products. Attached is the MJ-15 Operating Plan Change application, and current approved products.

The licensee proposes to eliminate the "total amount of THC" and the "individual serving sizes" for three types of cookies, replacing that information with statements that "No mylar bag container will contain more than 50mg of THC" and "No serving shall exceed the state allowable limit (5mg)."

While this would certainly provide more flexibility for the licensee, there are several concerns with this proposal:

1. 3 AAC 306.520 requires a product manufacturing license applicant to file an application <u>on a form the board prescribes</u>. The board has approved forms that specifically require the total amount of THC in a package and the individual serving sizes. The board has been consistent in requiring that a manufacturer applicant provide the serving size for each edible item, as well as the total THC content for each proposed package. In addition, the application requires a photograph, drawing, or graphic representation of the finished product, and that should show the board any required serving demarcation. If the serving size of the cookie varied, then any necessary demarcation is not shown.

2. 3 AAC 306.525(d) requires the licensee to "keep its ingredient list and <u>potency limits</u> for any food product containing marijuana on file" on the premises. If the intent of this language was that the potency limit was just the state limit of 5mg, then there would be no point in requiring that for each food product. The intent was that the potency limit of each food product be established through the approval process.

3. 3 AAC 306.645(b)(1)(B)(iii) states, "testing whether the THC content is homogenous, the marijuana testing facility shall report the THC content of each single serving in a multi-unit package; the reported content <u>must be within 20 percent of the manufacturer's target</u>;…" Clearly the intent is that the manufacturer have a target THC content, which would have been set in the product form approved by the board, that a 20% deviation is allowed from.

The regulations and forms are set up for each individual product to have a set potency, a set number of servings per edible item, and a set number of edible items per package. This provides clarity and predictability for the board and staff. The licensee is expected to create recipes to result in a predictable and repeatable product. Absent regulatory and forms changes, this request should be denied.