



**MEMORANDUM**

TO: Marijuana Control Board                      DATE: November 13, 2019  
FROM: Erika McConnell, Director              RE: Regulations Project – Staff  
Recommendations

Staff recommends that the board consider opening the following regulations projects:

1. Amend 3 AAC 306.645(b)(2) as shown here:

<b>2. Substance</b>	<b>Acceptable Limits Per Gram</b>	<b>Product to be Tested</b>
-- <i>Shiga</i> -toxin producing <i>Escherichia coli</i> (STEC)- bacteria	<u><b>Not detected in 1 gram</b></u> [LESS THAN 1 COLONY FORMING UNIT (CFU/G)]	<b>Marijuana; retail marijuana products;</b> water-and food- based concentrates
<i>Salmonella</i> species-bacteria	<u><b>Not detected in 1 gram</b></u> [LESS THAN 1 COLONY FORMING UNIT (CFU/G)]	concentrates
<b>Substance</b>	<b>Acceptable Limits Per Gram</b>	<b>Product to be Tested</b>
<i>Aspergillus fumigatus</i> , <i>Aspergillus flavus</i> , <i>Aspergillus niger</i> -fungus	<u><b>Not detected in 1 gram</b></u> [LESS THAN 1 COLONY FORMING UNIT (CFU/G)]	<b>Marijuana; retail marijuana products;</b> water-and food- based concentrates

The Environmental Health Lab recommends the change in the “Acceptable Limits Per Gram” column to provide greater clarity, although there is little substantive difference between the current text and the proposed text.

The yellow-highlighted text needs clarity as to the intent of what needs to be tested for each microbial.

2. Amend 3 AAC 306.830 to:

- Add reasons for why marijuana can be seized, such as not having been tested, or suspected of being contaminated.
- Clarify what qualifies as a seizure—does an administrative hold in Metrc always qualify as a seizure?
- Allow the board more options in (c) if it finds the seizure to be justified. The board may find that the seizure was justified, but that the seized material can be returned or used for extraction. Currently, if the board finds a seizure to be justified, the seized material must then be destroyed.

