



The Testing Working Group has discussed whether Aspergillus testing is an effective measure or whether it results in false positives that have little benefit to protecting the public. Work is ongoing to develop other, perhaps more appropriate tests for water activity and pH. Changes related to these issues are not reflected in this regulations project, however.

Options for the board:

- Put out for public comment as written
- Amend and put out for public comment
- Send back to staff for revisions
- Close the project without action

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

3 AAC 306.435 is amended to read:

**3 AAC 306.435. Marijuana inventory tracking system** (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 FLOWER, CLONE OR CUTTINGS, OR LEAVES AND TRIM MAY BE COMBINED IN HARVEST BATCHES OF DISTINCT STRAINS, NOT EXCEEDING FIVE POUNDS.] **Marijuana to be transferred to another licensed facility shall be put into packages not exceeding 10 pounds, with each package being** [EACH HARVEST BATCH MUST BE] given an inventory tracking number. Clones, [OR ] cuttings, **or seeds shall be identified by an inventory tracking number; each inventory tracking number shall be assigned to 50 or fewer plants or seeds** [MUST BE LIMITED TO 50 OR FEWER PLANTS AND IDENTIFIED BY A BATCH TRACKING NUMBER].

(b) A marijuana cultivation facility shall record each sale and transport of **any plants or seeds and** each **package** [BATCH] in its marijuana inventory tracking system and shall generate a valid transport manifest to accompany **any transported plants and seeds and** each transported **package** [BATCH].

(c) A marijuana cultivation facility shall record in its marijuana inventory tracking system all marijuana used to provide a sample authorized under 3 AAC 306.460 for the purpose of negotiating sales, including

(1) the amount of each sample;

(2) the retail marijuana store or marijuana product manufacturing facility that received the sample; and

(3) the disposal of any expired or outdated promotional sample returned to the marijuana cultivation facility. (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  
AS 17.38.121

3 AAC 306.445 is amended to read:

**3 AAC 306.445. Standards for cultivation and preparation. (a)** A marijuana cultivation facility shall use registered scales in compliance with AS 45.75.080 and 3 AAC 306.745.

**(b) Harvested marijuana will be segregated into harvest batches.**

**(c) Once a harvest batch has been uniformly dried and cured, it shall be put into harvest batch packages not exceeding 10 pounds each. A sample of each harvest batch package in accordance with 3 AAC 306.455 shall be submitted to a marijuana testing facility.**

**(d) Once a harvest batch sample has passed all required testing, a marijuana cultivation facility may then repackage marijuana from that harvest batch for sale or transfer.** (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  
AS 17.38.121

3 AAC 306.455 is amended to read:

**3 AAC 306.455. Required laboratory testing.** (a) A marijuana cultivation facility shall provide samples of each harvest batch of marijuana produced at the facility to a marijuana testing facility and may not sell or transport any marijuana, **except as provided in (c) of this section**, until all laboratory testing required under 3 AAC 306.645 has been completed.

(b) To comply with (a) of this section, a marijuana cultivation facility shall

(1) collect a representative[, HOMOGENOUS] sample for testing from each harvest batch **package** that has been uniformly dried and cured, in an amount as set out in the following table:

Harvest Batch <b><u>Package</u></b> Size (pounds)	<b><u>Number of 1g sub-samples to make up required sample</u></b> [QUANTITY OF SAMPLES ( 1G EACH)]
1	4
2	4
3	5
4	6
5	8
6	10
7	11
8	13
9	14
10	16

(2) designate an individual responsible for collecting each sample; that individual shall

(A) prepare a signed statement showing that each sample is representative of the harvest **batch package**;

(B) provide the signed statement to the marijuana testing facility; and

(C) maintain a copy as a business record under 3 AAC 306.755; and

(3) transport the samples to the marijuana testing facility's licensed premises in compliance with 3 AAC 306.750.

(c) A marijuana cultivation facility shall segregate the **harvest** [ENTIRE] batch **package** from which the testing **sample was** [SAMPLES WERE] selected until the marijuana testing facility reports the results from its tests. During this period of segregation, the marijuana cultivation facility that provided the **sample** [SAMPLES] shall maintain the **harvest** batch **package** in a secure, cool, and dry location to prevent the marijuana from becoming contaminated or losing its efficacy. The marijuana cultivation facility that provided the **sample** [SAMPLES] may not sell or transport any marijuana from the segregated **harvest** batch **package** until the marijuana testing facility has completed its testing, and provided those results, in writing, to the marijuana cultivation facility that provided the sample, **except that a cultivation facility may transfer untested marijuana to a licensed concentrate manufacturer or product manufacturer.** (Eff. 2/21/2016, Register 217; am 11/08/2018, Register 228; 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  
AS 17.38.121

3 AAC 306.470 (a)(1)(B) is amended to read:

(B) in a wholesale package not exceeding **10** [FIVE] pounds for repackaging by the retail marijuana store; or

(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  
AS 17.38.121

3 AAC 306.565(c) is amended to read:

(c) Except as prohibited in 3 AAC 306.555(b)(2), a licensed marijuana product manufacturing facility may transfer marijuana concentrates in wholesale packages not to exceed **10** [FIVE] pounds to another licensed marijuana product manufacturing facility or a licensed retail marijuana store.

(Eff. 2/21/2016, Register 217; am 2/21/2019, Register 229; am\_\_/\_/\_\_\_\_, Register\_\_\_\_)

<b>Authority:</b>	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 306.660 is repealed and readopted to read:

**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, including a visual foreign matter inspection, the marijuana establishment that provided the sample shall dispose of in accordance with 3 AAC 306.740, the harvest batch package or production lot from which the sample was taken.

(b) If a sample of marijuana fails a required test, any marijuana plant trim, leaf, and other usable material from the same harvest batch package fails the required test. The board or 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 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 or a marijuana product manufacturing facility submits a written request, on a form prescribed by the board, for a retest of marijuana or a marijuana product that failed a required test, the board or 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.

(d) When requested by a marijuana product manufacturing facility, the director may authorize a retest of a marijuana concentrate that passed a required test when the licensee wishes to reprocess a marijuana product to further reduce residual solvent levels. The marijuana product manufacturing facility shall pay all costs of a retest. (Eff. 2/21/2016, Register 217; am 7/5/2017, Register 223; am 10/20/2018, Register 228; 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  
AS 17.38.121

3 AAC 306.990 (b) (3) is amended to read:

(3) "batch" or "harvest batch" means a specifically identified quantity of **bud and flower,** plant trim, leaf, and other usable product from marijuana plants, that are uniform in strain, cultivated in one place and under the same conditions, using the same medium and agricultural chemicals including pesticides and fungicides, and harvested at the same time; (Eff. 2/24/2015, Register 213, am 2/21/2016, Register 217; am 10/11/2017, Register 224; am 8/11/2018, Register 227; am 10/20/2018, Register 228; 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  
AS 17.38.121