



MEMORANDUM

TO: Marijuana Control Board DATE: January 23, 2020

FROM: Jane Sawyer, Regulations Specialist RE: Regulations Project – Quality Control
Sampling and Exit Packaging

At the November 2019 meeting, the board opened two regulations projects, one to clarify that a cultivation facility or a product manufacturing facility distributing a sample of marijuana or marijuana product for the purpose of quality control under 3 AAC 306.460 and 3 AAC 306.557, respectively, may only distribute the sample to the cultivation's or manufacturer's own employee, and may not transfer the sample to another licensee for that other licensee to distribute as a quality control sample to his/her employee. During the discussion about this issue, there was a brief comment by the board about the need (or not) for the quality control sample to be tested.

The other project is to allow the opaqueness component of the "exit packaging" to be achieved by other means other than the retail providing the opaque bag, this project would also address the "exit packaging" on quality samples distributed by a cultivator or manufacturer.

For the sake of efficiency, continuity, and clarity, the two projects will be combined into one.

Based on the board's discussions about these two matters, attached are two versions of initial drafts attempting to address what I just mentioned above.

Version 1 – this version would do the following:

- require the quality control sample distributed by a cultivator or manufacturer to be tested before distributing it to the licensee's employee, and clarify that the quality control sample may not be transferred from licensee A to licensee B for licensee B to distribute as quality control sample; and
- allow the opaqueness of the "exit packaging" that is required by retailers to provide to consumers, and by cultivators and manufacturers to provide to employees for quality control samples, to be achieved by other means.

Version 2 – this version would do the following:

- clarify that a quality control sample may not be transferred from licensee A to licensee B for licensee B to distribute as quality control sample. It does not address testing; and
- allow the opaqueness of the "exit packaging" that is required by retailers to provide to consumers, and by cultivators and manufacturers to provide to employees for quality control samples, to be achieved by other means.

Options for the board:

- Choose which version to work with

- Put chosen version out for public comment
- Amend chosen version 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 306.345(a)(3) is amended to read:

(3) marijuana or a marijuana product sold is packaged in opaque, resealable, child-resistant packaging when the purchaser leaves the retail section of the licensed premises; the packaging must be designed or constructed to be significantly difficult for children under five years of age to open, but not normally difficult for adults to use properly. **For the purpose of this paragraph, the opaqueness component of the packaging may be achieved by the consumer placing the marijuana or marijuana product on the consumer's person in an opaque manner or in the consumer's personal opaque bag.**

(Eff. 2/21/2016, Register 217; am 11/8/2018, 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 306.460(d)(7) is amended to read:

(7) samples that leave the licensed premises are packaged in opaque, resealable, child-resistant packaging and clearly marked or labeled "For Quality Control" and the packaging is designed or constructed to be significantly difficult for children under five years of age to open, but not normally difficult for adults to use properly. **For the purpose of this subsection, the opaqueness component of the packaging may be achieved by the employee placing the sample on the employee's person in an opaque manner or in the employee's personal opaque bag.**

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

(e) A sample provided under (d) of this section

(1) must pass all applicable laboratory tests required under this chapter before distributing it to an employee; and

(2) may be distributed only to an employee of the facility that grew the marijuana. (Eff. 2/21/2016, Register 217; am 11/8/2018, 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
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3 AAC 306.557(7) is amended to read:

(7) samples that leave the licensed premises are packaged in opaque, resealable, child-resistant packaging and clearly marked or labeled “For Quality Control” and the packaging is designed or constructed to be significantly difficult for children under five years of age to open, but not normally difficult for adults to use properly. **For the purpose**

of this subsection, the opaqueness component of the packaging may be achieved by the employee placing the sample on the employee’s person in an opaque manner or in the employee’s personal opaque bag.

3 AAC 306.557 is amended by adding a new subsection to read:

(b) A sample provided under (a) of this section

(1) must pass all applicable laboratory tests required under this chapter before being distributed to an employee; and

(2) may be distributed only to an employee of the facility that manufactured the

marijuana product. (Eff. 5/25/2018, Register 226; am ____/____/_____, Register ____)

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AS 17.38.070 AS 17.38.190 AS 17.38.900
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