



THE STATE
of ALASKA

GOVERNOR MIKE DUNLEAVY

Department of Commerce,
Community, and Economic
Development

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

June 30, 2022

*Transmitted via email
jill.schaefer@alaska.gov*

The Honorable Michael Dunleavy
Governor
State of Alaska
Alaska State Capitol Building, Third Floor
Juneau, AK 99801

Dear Governor Dunleavy,

By now you are in receipt of the attached letter dated June 29, 2022 from the Alaska Marijuana Industry Association (“AMIA”). It does well to explain the danger hemp-derived, delta-9 THC products pose to Alaskans, particularly our children. As the letter states, the AMIA presented those concerns to the Marijuana Control Board at its public meeting on June 29, 2022. We write to echo those concerns and to outline an approach your administration can take to ameliorate those concerns, both on an immediate and long-term basis.

As the AMIA has described, industrial hemp and recreational marijuana are the same plant, *cannabis sativa l.* Because of the low quantity of intoxicating delta-9 THC in the plant (below .3 percent) the Farm Bill of 2018 legalized industrial hemp on a national basis. So long as it is regulated under a federal, state, or tribal plan, industrial hemp can be grown, harvested, and turned into other products. Those products may enter interstate commerce, including being shipped to Alaska. Unfortunately, out-of-state hemp producers have managed to take advantage of the legalization of industrial hemp by creating dangerous, intoxicating, high-THC-per-serving products. Those hemp-based products are primarily unregulated, wholly untaxed, and readily available to children.

Alaska has one advantage most states do not. Its State Hemp Plan regulates not only industrial hemp, but industrial hemp products. This means an industrial hemp product may not lawfully be sold in the State of Alaska unless: (1) the product is sold by a registered retailer; and (2) the product holds a product endorsement from the State Hemp Plan. The hemp endorsement goes a

long way to control the quality of the industrial hemp product. But the endorsement is available under DNR regulations, even if the product contains a high level of THC per serving. This has to do with a “dry weight” calculation we can explain in greater detail later. The only thing to know for sure is the industrial hemp products containing large levels of delta-9 THC per serving can be endorsed by DNR and legally sold in Alaska. Because this product was largely unforeseen, the industrial hemp regulations did not set per serving limitations.

By way of example, marijuana products approved by this board can have no more than 10 milligrams of delta-9 per serving. Some DNR endorsed, hemp-derived delta-9 products have 15 milligrams per serving. Unlike the adult-use marijuana products (which may be sold only in licensed stores and which also must satisfy strict packaging and labeling restrictions), hemp-derived, delta-9 products may be sold in gas stations, grocery stores, and shopping mall stalls. We have no doubt you understand what a danger this can pose to Alaska children.

The Marijuana Control Board can propose many solutions for keeping these products either out of the state or away from children. But in our estimation these solutions will require commissioner to commissioner to Attorney General level discussions. Therefore, we respectfully request that you require the Commissioners of Natural Resources, Commerce, and Health and a representative from the Attorney General’s office to meet to coordinate the actions of the respective departments. AMCO’s Director Joan Wilson has and can work with the Department of Natural Resources Agricultural Director and State Hemp Plan Manager to finalize regulations (we request issued on an emergency basis) that will at least limit how many milligrams of delta-9 THC may be in an individual serving of an industrial hemp product. That limit will be at a level that is not intoxicating. Packaging and labeling restrictions may also be enhanced.

In addition, AMCO’s Director has and can work with the Department of Health and the Department of Law’s Consumer Protection Unit to develop a consumer advisory alerting parents to the proliferation of this product in Alaska, particularly through unregulated internet sales that do not verify age of the buyer.

Once the more imminent threats are redressed, this Board also requests legislation to put all intoxicating or impairing hemp products under its jurisdiction and not the Department of Natural Resources State Hemp Plan. The latter is better geared to address the growing of the plant than the consumer safety of products produced from the plant.

In conclusion, we are honored to serve on the Marijuana Control Board. We recognize an imminent threat and request immediate action as detailed above. We are available for any and all discussions.

Sincerely,

Nicholas Miller
Marijuana Board Chair

(Adopted by a vote of 4-0 of the Marijuana Control Board on June 30, 2022)