



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

Alcohol and Marijuana Control Office

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MEMORANDUM

TO: Marijuana Control Board DATE: November 2 2024

FROM: Kristina Serezhenkov, Regulations RE: Labelling Requirements for
Specialist Marijuana Test Results

Bringing this back to the Board to consider Law's **proposed edits** to the regulations draft the board approved at the September 2024 meeting. Those edits include a definition of 'filth'. This project is still in the initial review phase by Law.

Options for the board:

- Move to approve and send to Law to continue initial review
- Move to amend and approve and then send to Law to continue initial review. (agency attorney to advise.)
- Move to send back to staff for more work
- Table the regulations project
- Close the regulations project

Attachments:

- The board approved draft sent to Law for initial review (Board approved on 9/12/24)
- The draft Law recommends with edits including a definition of 'filth'

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

Draft approved by Board

3 AAC 306.475(e)(4) is amended to read:

(4) **immediately upon request from the marijuana establishment receiving the shipment,** a statement listing any contaminants for which the product was tested in addition to contaminants for which 3 AAC 306.645(b) requires testing; any additional tested contaminants include

(A) molds, mildew, and filth;

(B) herbicides, pesticides, and fungicides; and

(C) harmful chemicals.

(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		

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

Draft proposed by Law includes definition of ‘filth’

3 AAC 306.475(e) is amended to read:

(e) If a marijuana cultivation facility transports wholesale marijuana to another marijuana establishment for sale at retail or for use in manufacturing a marijuana product, a label must be affixed to the shipping container showing that a licensed marijuana testing facility has tested each harvest batch in the shipment as provided in 3 AAC 306.645. The label must report the test results, including

(1) a cannabinoid potency profile expressed as a range of percentages that extends from the lowest percentage to highest percentage of concentration for each cannabinoid listed from every test conducted on that strain of marijuana from the same marijuana cultivation facility within the last three months;

(2) a statement listing the results of microbial testing required under 3 AAC 306.645(b)(2); **and**

(3) a statement listing the results of residual solvent testing required under 3 AAC 306.645(b)(3), if applicable [; AND

(4) A STATEMENT LISTING ANY CONTAMINANTS FOR WHICH THE PRODUCT WAS TESTED IN ADDITION TO CONTAMINANTS FOR WHICH 3 AAC 306.645(b) REQUIRES TESTING; ANY ADDITIONAL TESTED CONTAMINANTS INCLUDE

(A) MOLDS, MILDEW, AND FILTH;

(B) HERBICIDES, PESTICIDES, AND FUNGICIDES; AND

(C) HARMFUL CHEMICALS].

3 AAC 306.475(f) is amended to read:

(f) If a marijuana cultivation facility ships wholesale marijuana from a harvest batch that has not been tested for each contaminant listed in (g) [(e)(4)] of this section, the label for that batch must include a statement identifying each contaminant listed in (g) [(e)(4)] of this section for which that harvest batch has not been tested.

3 AAC 306.475 is amended by adding a new subsection to read:

(g) If a marijuana cultivation facility transports wholesale marijuana to another marijuana establishment for sale at retail or for use in manufacturing a marijuana product, the marijuana cultivation facility shall produce a statement that lists contaminants for which the wholesale marijuana was tested in addition to the contaminant testing required under 3 AAC 306.645(b) immediately upon request of the receiving marijuana establishment. Additional tested contaminants may include

(1) molds, mildew, and filth;

(2) herbicides, pesticides, and fungicides; and

(3) harmful chemicals. (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

Register _____, _____ 2025 COMMERCE, COMMUNITY, AND EC. DEV.

3 AAC 306.990(b) is amended by adding a new paragraph to read:

(52) "filth" has the meaning given "contaminated with filth" in AS 17.20.370

(Alaska Food, Drug, and Cosmetic Act; definitions). (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 4/11/2019, Register 230; am 5/9/2019, Register 230; am
3/13/2020, Register 233; am 12/6/2020, Register 236; am 12/10/2020, Register 236; am
8/7/2021, Register 239; am 7/23/2023, Register 247; am ____/____/____, Register ____)

Authority:	AS 17.38.010	AS 17.38.121	AS 17.38.900
	AS 17.38.040	AS 17.38.190	AS 18.35.301
	AS 17.38.070	AS 17.38.200	

Commented [KRS1]: AS 17.20.370(4) reads:
(4) "contaminated with filth" means
food, drug, device, or cosmetic not
securely protected from dust, dirt, and
as far as necessary by all reasonable
means, from foreign or injurious
contamination;

((Publisher: At the end of 3 AAC 306.990(b)(51), please change the period to a semicolon.)))