



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: Definition of Total THC
Specialist

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 definitions of both delta-9 and delta-8. 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 definitions of delta-9 and delta-8

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

Draft approved by Board.

3 AAC 306.990(b)(48) is amended to read:

(48) “total THC” means the sum of **Delta 9** THC, **Delta 8** THC, and

(0.877)*(THCA);[.]

(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 03/13/2020, Register 233; 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 17.38.150	AS 17.38.900
	AS 17.38.070	AS 17.38.190	AS 18.35.301
	AS 17.38.121	AS 17.38.200	

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

Draft with Law's proposed edits including definitions of delta-9 and delta-8.

3 AAC 306.560 is amended to read:

3 AAC 306.560. Potency limits per serving and transaction for edible marijuana products. A marijuana product manufacturing facility may not prepare a marijuana product with potency levels exceeding the following, as tested in compliance with 3 AAC 306.645:

(1) for a single serving of a marijuana product, not more than 10 milligrams of active tetrahydrocannabinol (THC) or **delta-9-THC** [DELTA 9];

(2) in a single packaged unit of a marijuana product to be eaten or swallowed, not more than 10 servings or 100 milligrams of active THC or **delta-9-THC** [DELTA 9]; the THC content must be homogenous, or evenly distributed throughout the marijuana-infused product. (Eff. 2/21/2016, Register 217; am 9/1/2021, Register 239; 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)(48) is amended to read:

(48) "total THC" means the sum of **delta-9-THC, delta-8-THC,** [THC] and $(0.877) * (THCA)$; [.]

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

(54) "delta-8-THC" means delta-8-tetrahydrocannabinol concentration

(A) determined by a post-decarboxylation chemical analysis; and

(B) found in only trace-to-very-small quantities in a cannabis plant, and
virtually all of which is found in a marijuana product that is isomerized from hemp-
derived CBD;

(55) "delta-9-THC" means delta-9-tetrahydrocannabinol concentration determined

by a post-decarboxylation chemical analysis. (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 ____; am
____/____/_____, Register ____; 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	