NOTICE OF PROPOSED REGULATIONS
REGARDING MARIJUANA AND CULTIVATION FACILITIES, PRODUCT MANUFACTURING FACILITIES, TESTING FACILITIES, ENFORCEMENT AND GENERAL PROVISIONS
MARIJUANA CONTROL BOARD

The Marijuana Control Board proposes to adopt regulations to implement the marijuana law which was voted on as Ballot Measure 2 in November, 2014. These proposed regulations relate to cultivation facilities, product manufacturing facilities, testing facilities, enforcement provisions and general provisions including definitions.

The Marijuana Control Board proposes to adopt regulations in Title 3 of the Alaska Administrative Code, dealing with cultivation facilities, product manufacturing facilities, testing facilities, enforcement provisions and general provisions and definitions, including the following:

(1) Article 4 – Marijuana Cultivation Facilities regulations are proposed as follows:

The regulations consist of a series of provisions establishing when a marijuana cultivation facility license is required, types of marijuana cultivation facility licenses including standard marijuana cultivation facilities, limited marijuana cultivation facilities, and marijuana cultivation broker facilities, setting forth privileges and prohibited acts for each type of marijuana cultivation facility, rules regarding applications for marijuana cultivation facility licenses, health and safety requirements for marijuana cultivation facilities, requirements for marijuana handlers permits related to marijuana cultivation facilities, restricted access areas in marijuana cultivation facilities, standards for cultivation and preparation of marijuana in cultivation facilities, required laboratory testing for marijuana cultivation facilities, rules regarding promotional samples for marijuana cultivation facilities, rules regarding the packing of marijuana products, rules regarding the labeling of marijuana products and rules regarding the marijuana tax to be paid by marijuana cultivation facilities.

(2) Article 5- Marijuana Product Manufacturing Facilities regulations are proposed as follows:

The regulations consist of a series of provisions establishing when a marijuana product manufacturing facility license is required, marijuana product manufacturing facility privileges, acts prohibited at a marijuana product manufacturing facility, rules for a marijuana extraction manufacturing facility license, application for a marijuana product manufacturing facility license, health and safety standards for a marijuana product manufacturing facility, restricted access area and storage at a marijuana product manufacturing facility, when a marijuana handler permit and food safety worker training is required, rules regarding a marijuana inventory tracking system, rules regarding approval of concentrates and marijuana products, rules regarding production of marijuana concentrate, required laboratory testing for a marijuana product manufacturing facility, rules regarding potency limits per serving and transaction, rules regarding packaging of marijuana products, and rules regarding labeling of marijuana products.

(3) Article 6- Marijuana Testing Facility regulations are proposed as follows:

The regulations consist of a series of provisions establishing when a marijuana testing facility license is required, marijuana testing facility privileges, acts prohibited at a marijuana testing facility, application for a marijuana testing facility license, approval of a marijuana testing facility, rules regarding a proficiency testing program for a marijuana testing facility, rules regarding a scientific director, testing methodologies, a standard operating procedure manual, laboratory testing of marijuana and marijuana products, and a chain of custody, rules regarding a marijuana inventory tracking system, rules regarding failed material and retests, rules regarding supplemental marijuana quality testing, rules regarding reporting and verification and rules regarding records retention by a marijuana testing facility.

(4) Article 8- Enforcement and Civil Penalties regulations are proposed as follows:

The regulations consist of a series of provisions establishing rules regarding inspection and investigation, notice of violations, suspension and revocation of licenses, suspension and revocation based on an act of an employee, procedure for action on license suspension or revocation, summary suspension to protect public health, safety and welfare, seizure of marijuana or marijuana product, rules regarding hearings, rules regarding civil fines, rules regarding rights of appeal, and rules regarding surrender or destruction of licenses.

(5) Article 9- General Provisions regulations are proposed as follows:

The regulations consist of a series of provisions establishing general provisions including prohibition of marijuana clubs, rules regarding public records, rules regarding refusal to sell marijuana, and definitions for the following terms: assist, deliver, flowering, immature, personal cultivation, possess, transport or transfer, adulterated food or drink product, agent, batch or harvest batch, bud and flower, clones or cuttings, compensation, contaminant, controlling interest, edible and edible marijuana product, extraction or marijuana extraction, homogenous, licensed, licensee, licensed premises, lot or production lot, marijuana, marijuana concentrate, marijuana cultivation facility, marijuana plant, marijuana product, marijuana product manufacturing facility, person, process or processing, retail marijuana store, and square feet under cultivation.

You may comment on the proposed regulations, including the potential costs to private persons of complying with the proposed regulations, by submitting written comments to John Calder, Marijuana Control Board at 550 W. 7th Ave, Suite 1600, Anchorage, AK 99501. Additionally, the Marijuana Control Board will accept comments by electronic mail at john.calder@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the "comment" link. Please indicate the article and section number to which each comment refers, if applicable. Please indicate in the subject line that you are commenting on Draft Set #3. The comments must be received no later than 4:30 p.m. on September 10, 2015.

You may submit written questions relevant to the proposed regulations to John Calder by email and physical address. Please do not submit questions through the Alaska Online Public Notice System. The questions must be received at least 10 days before the end of the public comment period, by August 31 at 4:30 p.m. The Marijuana Control Board will aggregate its response to substantially similar questions and make the questions and response available on the Marijuana Control Board website. The Marijuana Control Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact John Calder at (907) 269-0350 no later than August 31, 2015 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulations are available through the electronic link to the complete text on the Alaska Online Public Notice System, on the Alcoholic Beverage Control Board website at https://www.commerce.alaska.gov/web/abc/ and by contacting John Calder at 550 W. 7th Ste 1600, Anchorage, AK 99501.

After the public comment period ends, the Marijuana Control Board will either adopt the proposed regulations or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected**.

Statutory Authority: AS 17.38.090

Statutes Being Implemented, Interpreted, or Made Specific: AS 17.38.090

Fiscal Information: The proposed regulations are not expected to require an increased appropriation.

DATE: August 11, 2015

Cynthia A. Franklin, Director
Marijuana Control Board