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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Micaela Fowler  
Department of Commerce, Community & Economic Development

**FROM:** Scott Meriwether, Office of the Lieutenant Governor  
465.4081

A handwritten signature in blue ink, appearing to be "Scott Meriwether".

**DATE:** April 25, 2018

**RE:** Filed Permanent Regulations: Marijuana Control Board

Marijuana Control Board: Regulations re: quality control samples and reporting theft and similar activities on licensed premises (3 AAC 306.460(d); 3 AAC 306.557; 3 AAC 306.715(e))

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Attorney General File:	JU2017200542
Regulation Filed:	4/25/2018
Effective Date:	5/25/2018
Print:	226, July 2018

cc with enclosures: Linda Miller, Department of Law  
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF THE MARIJUANA CONTROL BOARD

The attached three pages of regulations, dealing quality control of marijuana and reporting of a crime on the licensed premises, are certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its November 29, 2017 meeting, under the authority of AS 17.38.121 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Marijuana Control Board paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 2/13/18



Erika McConnell, Director

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on

April 25, 2018 at 9 A.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Lieutenant Governor

Effective: May 25, 2018.

Register: 226, July 2018

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

(d) A licensed marijuana cultivation facility may provide a sample of marijuana to an employee of the facility, who ~~that~~ is in possession of a valid marijuana handler card for the purpose of quality control only if if

(1) samples provided to employees for quality control do ~~does~~ not exceed a cumulative total of one ounce per 30-day period;

(2) each sample is registered and tracked using the marijuana inventory tracking system in accordance with 3 AAC 306.730;

(3) consumption of marijuana does not occur on the licensed premises;

provided under this subsection or given  
(4) no sample is ~~resold~~ given to another licensee or consumer;

(5) each employee who receives a marijuana sample for the purpose of quality control completes a quality control form approved ~~prescribed~~ by the board for each sample; and

(6) the licensee maintains copies of completed forms required under (5) of this subsection in accordance with 3 AAC 306.755 ; and

samples  
(7) are ~~marijuana~~ that leaves the licensed premises ~~must be~~ packaged in opaque, resealable, child-resistant packaging and clearly marked or labeled "For Quality Control" and the packaging is ~~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. (Eff. 5/25/2018)

Register 226)

**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 is amended by adding a new section to read:

3 AAC 306.557, Quality Control sampling, <sup>(((lowercase)))</sup> (a) A <sup>(((add the period)))</sup> licensed marijuana product manufacturing facility may provide a sample of marijuana concentrate or other marijuana product to an employee of the facility, <sup>who</sup> ~~that~~ is in possession of a valid marijuana handler card for the purpose of quality control only if:

<sup>(((lowercase)))</sup> (1) Samples provided to employees for quality control do not exceed a cumulative total set out in 3 AAC 306.355 in a 30-day period;

(2) each sample is registered and tracked using the marijuana inventory tracking system in accordance with 3 AAC 306.730;

<sup>provided under this section</sup> (3) consumption of marijuana does not occur on the licensed premises;

<sup>or given</sup> (4) no sample is ~~resold~~ to another licensee or consumer;

(5) each employee who receives a marijuana sample for the purpose of quality control completes a quality control form <sup>approved</sup> ~~prescribed~~ by the board for each sample; ~~and~~

(6) the marijuana cultivation facility licensee maintains copies of completed forms required under (5) of this subsection in accordance with 3 AAC 306.755 <sup>and</sup>;

<sup>samples</sup> (7) ~~marijuana~~ that leaves <sup>are</sup> the licensed premises ~~must be~~ packaged in opaque, resealable, child-resistant packaging and clearly marked or labeled "For Quality Control" and the packaging <sup>is</sup> ~~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. (Eff. 5/25/2018)

Register 226)

<b>Authority:</b>	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 306.715 is amended by adding a new subsection to read:

(e) A marijuana establishment <sup>shall</sup> will notify the <sup>Department of Commerce, Community, and Economic Development,</sup> Alcohol and Marijuana Control Office as soon <sup>any</sup> <sup>not</sup> as reasonably practical and in ~~no~~ case more than 24 hours after any unauthorized access to the premises or the establishment's knowledge of evidence or circumstances that reasonably indicate theft, diversion or unexplained disappearance of marijuana, marijuana products, or money from the licensed premises. (Eff 2/21/2016, Register 217; am 5/25/2018, Register 226)

**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