

Byron Mallott  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520  
WWW.LTGOV.ALASKA.GOV



530 West 7<sup>th</sup> Ave, Suite 1700  
Anchorage, Alaska 99501  
907.269.7460  
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Linda Mattson  
Department of Commerce, Community and Economic Development

**FROM:** April Simpson, Office of the Lieutenant Governor   
465.4081

**DATE:** October 9, 2018

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

Marijuana Control Board regulations re: marijuana testing, inventory tracking, and sample preparation (3 AAC 306.345(b)(2); 3 AAC 306.455; 3 AAC 306.475(d)(2); 3 AAC 306.645; 3 AAC 306.670(b))

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Attorney General File:	2018200632
Regulation Filed:	10/9/2018
Effective Date:	11/8/2018
Print:	228, January 2019

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

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF THE MARIJUANA CONTROL BOARD

The attached six pages of regulations, dealing with marijuana testing, inventory tracking, and sample preparation, is certified to be a correct copy of the regulation changes that the Marijuana Control Board adopted at its August 15, 2018, 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.

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: 9/11/18

Erika M. McConnell  
Erika McConnell, Director

Claire Richardson for FILING CERTIFICATION  
I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on  
October 9, 2018 at 12:34p.m., I filed the attached regulations according to  
the provisions of AS 44.62.040 - 44.62.120.

Claire Richardson  
Lieutenant Governor

Effective: November 8, 2018.

Register: 228, January 2019.

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, BYRON MALLOTT, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employee to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:**

**Claire Richardson, Special Assistant**

**IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on January 7<sup>th</sup> 2015.**



  
.....

**BYRON MALLOTT  
LIEUTENANT GOVERNOR**

3 AAC 306.345 (b)(2) is repealed and readopted to read:

(2) states the estimated amount of total THC in the labeled product; and

(Eff. 2/21/2016, Register 217; am 11/8/2018, Register 228)

**Authority:** AS 17.38.010 AS 17.38.150 AS 17.38.200  
*if bold the color* AS 17.38.070 AS 17.38.190 AS 17.38.900  
 AS 17.38.121

3 AAC 306.455 is amended to read:

**3 AAC 306.455. Required laboratory testing.** (a) A marijuana cultivation facility shall provide **samples** [A SAMPLE] of each harvest batch of marijuana produced at the facility to a marijuana testing facility and may not sell or transport any marijuana until all laboratory testing required under 3 AAC 306.645 has been completed.

(b) To comply with (a) of this section, a marijuana cultivation facility shall

(1) collect a **representative** [RANDOM], homogenous sample for testing [BY SEGREGATING HARVESTED MARIJUANA INTO BATCHES OF INDIVIDUAL STRAINS OF BUD AND FLOWER, THEN SELECTING A RANDOM SAMPLE] from each **harvest** batch **that has been uniformly dried and cured**, in an amount <sup>out the</sup> **as set forth in following table** [REQUIRED BY THE MARIJUANA TESTING FACILITY] <sup>;</sup>

Harvest Batch Size (pounds)	Quantity of samples <i>(one gram 1g each)</i>
1	4
2	4
3	5
4	6
5	8
6	10
7	11

*10 Publisher: The table is new material - please treat as if it were displayed boldface and underlined, like other new material in amended text. ///*

8	13
9	14
10	16

} in continuation of table  
on previous page //

(2) designate an individual responsible for collecting each sample; that individual shall

(A) prepare a signed statement showing that each sample is  
representative of the harvest [HAS BEEN RANDOMLY SELECTED FOR  
TESTING];

(B) provide the signed statement to the marijuana testing facility; and

(C) maintain a copy as a business record under 3 AAC 306.755; and

(3) transport the samples [SAMPLE] to the marijuana testing facility's licensed premises in compliance with 3 AAC 306.750.

(c) A marijuana cultivation facility shall segregate the entire batch from which the testing samples were [SAMPLE WAS] selected until the marijuana testing facility reports the results from its tests. During this period of segregation, the marijuana cultivation facility that provided the samples [SAMPLE] shall maintain the batch in a secure, cool, and dry location to prevent the marijuana from becoming contaminated or losing its efficacy. The marijuana cultivation facility that provided the samples [SAMPLE] may not sell or transport any marijuana from the segregated batch until the marijuana testing facility has completed its testing and provided those results, in writing, to the marijuana cultivation facility that provided the samples [SAMPLE]. The marijuana cultivation facility shall maintain the testing results as part of its business books and records. (Eff. 2/21/2016, Register 217; am 11 / 8 / 2018, Register 228)

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200

check the  
colon //

AS 17.38.070

AS 17.38.190

AS 17.38.900

AS 17.38.121

3 AAC 306.475(d)(2) is amended to read:

(2) the inventory tracking [HARVEST BATCH] number assigned to the marijuana in the package;

(Eff. 2/21/2016, Register 217; am 11/8/2018, Register 228)

*add the colon*  
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 306.645(a) is amended to read:

(a) A marijuana testing facility shall use the general body of required laboratory tests as set out in this section for marijuana plant material, an extract or concentrate of marijuana, and [AN EDIBLE] a marijuana product. Required tests may include potency analysis, moisture content, foreign matter inspection, microbial screening, pesticide, other chemical residue, and metals screening, and residual solvents levels. A marijuana testing facility shall establish a schedule of fees [AND SAMPLE SIZE] required for each test it offers, and shall perform tests using methods in compliance with guidelines prescribed by the board.

(Eff. 2/21/2016, Register 217; am 11/8/2018, Register 228)

~~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 306.645(b)(1)(B)(i) is repealed and readopted to read:

(i) for a potency test on marijuana and marijuana concentrate, the marijuana testing facility shall list for each required cannabinoid a single percentage concentration, based on dry weight, that represents an average of all samples within the test batch; additionally, total THC and total CBD shall be reported. ~~Eff. 2/21/2016,~~

~~Register 217; 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 306.645(b)(2) is amended to read:

(2) microbial testing for the listed substances on the listed marijuana and  
marijuana products is required as follows:

Substance	Acceptable Limits Per Gram	Product to be Tested
--Shiga-toxin producing <i>Escherichia coli</i> (STEC)- bacteria	Less than 1 colony forming unit (CFU/g)	<u>Marijuana</u> [FLOWER]; retail marijuana products; water-and food-based concentrates
<i>Salmonella</i> species-bacteria	Less than 1 colony forming unit (CFU/g)	
<i>Aspergillus fumigatus</i> , <i>Aspergillus flavus</i> , <i>Aspergillus niger</i> -fungus	Less than 1 colony forming unit (CFU/g)	

(Eff. 2/21/2016, Register 217; am 11/8/2018, Register 228)

**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

am 7/5/2017, Register 223;

3 AAC 306.670(b) is amended to read:

(b) A marijuana testing facility shall establish procedures to ensure that reported results are accurate, precise, and scientifically valid. To ensure reported results are valid, a marijuana



testing facility shall **report results in compliance with guidelines prescribed by the board**  
**and** shall include in a final report

- (1) the name and location of the marijuana testing facility;
- (2) the unique sample identifier assigned by the marijuana testing facility;
- (3) the marijuana establishment or other person that submitted the testing sample;
- (4) the sample identifier provided by the marijuana establishment or other person that submitted the testing sample;
- (5) the date the marijuana testing facility received the sample;
- (6) the chain of custody identifier;
- (7) the date of the report;
- (8) the type of marijuana or marijuana product tested;
- (9) the test results;
- (10) the units of measure; and
- (11) any other information or qualifiers needed for interpretation of the test method and the results being reported, including any identified and documented discrepancy.

(Eff. 2/21/2016, Register 217; am 11/8/2018, Register 228).

Authority:	AS 17.38.010	AS 17.38.150	AS 17.38.200
(Add the column))	AS 17.38.070	AS 17.38.190	AS 17.38.900
	AS 17.38.121		

# MEMORANDUM

## State of Alaska Department of Law


To: The Honorable Byron Mallott  
Lieutenant Governor

Date: October 9, 2018

File No.: 2018200632

Thru:

Tel. No.: 465-3600

From: Steven C. Weaver   
Senior Assistant Attorney General  
and Assistant Regulations Attorney  
Legislation and Regulations Section

Re: Marijuana Control Board regulations  
re: marijuana testing, inventory  
tracking, and sample preparation  
(3 AAC 306.345(b)(2); 3 AAC  
306.455; 3 AAC 306.475(d)(2);  
3 AAC 306.645; 3 AAC 306.670(b))

The Department of Law has reviewed the attached regulations of the Marijuana Control Board against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. I have reviewed this project under a specific delegation dated October 8, 2018 from the Regulations Attorney. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Marijuana Control Board after the close of the public comment period. The regulations update provisions regarding marijuana testing, inventory tracking, and sample preparation.

The June 24, 2018 public notice and the September 11, 2018 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We urge caution regarding the operation in practice of two amendments. In 3 AAC 306.345(a), the last sentence is amended to state that a marijuana testing facility "shall perform tests using methods in compliance with guidelines prescribed by the board." Similarly, an amendment to 3 AAC 306.670(b) requires a marijuana testing facility to "report results in compliance with guidelines prescribed by the board." If the Marijuana Control Board prescribes guidelines, without public notice or opportunity for public comment under AS 44.62 (Administrative Procedure Act), using the guidelines in an enforcement action could make them vulnerable to challenge.

Our understanding is that the Marijuana Control Board is relying on guidelines because the regulated industry is young, and because test methods are subject to rapid change as their effectiveness undergoes evaluation. Accordingly, guidelines let the board practically keep up with swift developments in the field; and reflect that a firm consensus has yet to develop regarding test methods and the accuracy, precision, and scientific validity of test results.

Hon. Byron Mallott, Lieutenant Governor  
Our file: 2018200632

October 9, 2018  
Page 2

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SCW

cc w/enc: Erika McConnell, Director  
Marijuana Control Board  
Department of Commerce, Community, and Economic Development

Linda Mattson, Regulations Contact  
Department of Commerce, Community, and Economic Development

Jedediah Smith  
Alcohol and Marijuana Control Office  
Department of Commerce, Community, and Economic Development

Harriet Dinegar Milks, Assistant Attorney General  
Commercial, Fair Business, and Child Support Section

# MEMORANDUM

## State of Alaska Department of Law

**TO:** Hon. Byron Mallott  
Lieutenant Governor

**DATE:** October 8, 2018

**FILE NO.:** 2018200632

**TELEPHONE NO.:** (907) 465-3600

**FROM:** Susan R. Pollard *SRP*  
Chief Assistant Attorney General  
and Regulations Attorney  
Legislation/Regulations Section

**SUBJECT:** Specific delegation of authority  
regarding regulations review on  
Marijuana Control Board  
regulations re: marijuana testing,  
inventory tracking, and sample  
preparation (3 AAC  
306.345(b)(2); 3 AAC 306.455;  
3 AAC 306.475(d)(2); 3 AAC  
306.645; 3 AAC 306.670(b))

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SCW

cc w/enc: April Simpson  
Office of the Lieutenant Governor  
  
Steven C. Weaver  
Sr. Assistant Attorney General and  
Assistant Regulations Attorney  
Legislation/Regulations Section

NOTICE OF PROPOSED CHANGES TO MARIJUANA TESTING, INVENTORY  
TRACKING, SAMPLE PREPARATION, IN THE REGULATIONS OF THE MARIJUANA  
CONTROL BOARD

The State of Alaska Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with sampling, testing, reporting and harvesting of marijuana, including the following:

3 AAC 306.345(b)(2) is repealed and readopted to state the estimated amount of total THC in the labeled product.

3 AAC 306.435 is amended to change the requirements for harvest batches.

3 AAC 306.445 is repealed and readopted to require harvested marijuana be segregated into batches.

3 AAC 306.455 is amended to require representative samples from a harvest batch and sets amounts to be collected and submitted to testing facilities.

3 AAC 306.475(d)(2) is amended to change marijuana tracking.

3 AAC 306.645(a) is amended to require testing methods in compliance with guidelines prescribed by the board.

3 AAC 306.645(b)(1)(B)(i) is repealed and readopted to require total THC and CBD be reported.

3 AAC 306.645(b)(2) is amended to change marijuana products that require testing.

3 AAC 306.670(b) is amended to require testing facilities report results in compliance with guidelines prescribed by the board.

3 AAC 306.990(b)(3) is amended to define harvest batch and requires batches to be segregated into specific grades not to exceed 10 pounds.

3 AAC 306.990(b) is amended to add new definitions of primary trim, secondary trim, total THC, and total CBD.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Alcohol and Marijuana Control Office at 550 West 7<sup>th</sup> Avenue, Suite 1600, Anchorage, AK 99501. Additionally, the Marijuana Control Board will accept comments by electronic mail at [amco.regs@alaska.gov](mailto:amco.regs@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. The comments must be received not later than 4:30 pm on Wednesday, August 8, 2018.

You may submit written questions relevant to the proposed action to the Marijuana Control Board by email at [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov) or at 550 West 7<sup>th</sup> Avenue, Suite 1600, Anchorage, AK 99501. The questions must be received at least 10 days before the end of the public comment period. The Marijuana Control Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and AMCO Website.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact the Alcohol and Marijuana Control Office at [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov) or call (907) 269-0350 not later than July 30, 2018, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting the Alcohol and Marijuana Control Office at (907) 269-0350 or [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov).

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

**Statutory 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

**Statutes being implemented, interpreted, or made specific:** AS 17.38.070; AS 17.38.200; AS 17.38.210; AS 17.38.900.

**Fiscal information:** The proposed regulation changes are not expected to require an increased appropriation.

Date: June 21, 2018



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Erika McConnell, Director  
Alaska Alcohol and Marijuana Control Office

ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(d))

1. Adopting agency: Marijuana Control Board
2. General subject of regulation: Testing requirements
3. Citation of regulation (may be grouped): 3 AAC 306.345; 3 AAC 306.435; 3 AAC 306.445; 3 AAC 306.455; 3 AAC 306.475; 3 AAC 306.645; 3 AAC 306.670; 3 AAC 306.990
4. Department of Law file number, if any: JU2018200632

5. Reason for the proposed action:

- ☐ Compliance with federal law or action (identify): \_\_\_\_\_
- ☐ Compliance with new or changed state statute
- ☐ Compliance with federal or state court decision (identify): \_\_\_\_\_
- ☒ Development of program standards
- ☐ Other (identify): \_\_\_\_\_

6. Appropriation/Allocation: \_\_\_\_\_

7. Estimated annual cost to comply with the proposed action to:

A private person: \$0

Another state agency: \$0

A municipality: \$0

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY <u>19</u>	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ <u>0</u>	\$ <u>0</u>
1003 General fund match	\$ <u>0</u>	\$ <u>0</u>
1004 General fund	\$ <u>0</u>	\$ <u>0</u>
1005 General fund/ program	\$ <u>0</u>	\$ <u>0</u>
Other (identify)	\$ <u>0</u>	\$ <u>0</u>



9. The name of the contact person for the regulation:

Name: Jedediah Smith

Title: Local Government Specialist

Address: 550 West 7<sup>th</sup> Ave, Suite 1600 Anchorage, AK 99501

Telephone: (907) 269-0350

E-mail address: amco.regs@alaska.gov

10. The origin of the proposed action:

☐ Staff of state agency

☐ Federal government

☐ General public

☐ Petition for regulation change

☒ Other (identify): Marijuana Control Board

11. Date: 6/21/2018

Prepared by: 

Name (printed): Jedediah Smith

Title (printed): Local Government Specialist

Telephone: (907) 269-0350

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION  
AND FURNISHING OF ADDITIONAL INFORMATION

I, Erika McConnell, Director of the Marijuana Control Board, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 3 AAC 306.345(b)(2); 3 AAC 306.455; 3 AAC 306.475(d)(2); 3 AAC 306.645(a); 3 AAC 306.645(b)(1)(B)(i); 3 AAC 306.645(b)(2); AND 3 AAC 306.670(b), has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulation, to the Legislative Affairs Agency, the chair of the Labor and Commerce Committee of the Alaska Senate and House of Representatives, and the legislative council.

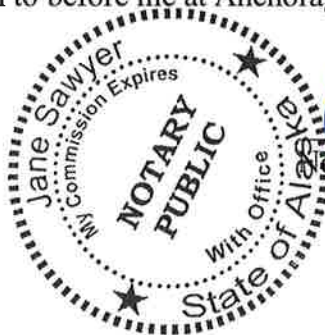
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 9/11/18

Erika McConnell

Erika McConnell, Director

Subscribed and sworn to before me at Anchorage, Alaska, on 9/11/18.



Jane Sawyer

Notary Public in and for the State of Alaska

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Erika McConnell, Director of the Marijuana Control Board, being duly sworn, state the following:

In compliance with AS 44.62.215, the Marijuana Control Board has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Marijuana Control Board regulations regarding marijuana testing, inventory tracking and sample preparation.

Date: 9/11/18

Erika McConnell

Erika McConnell, Director  
Marijuana Control Board

Subscribed and sworn to before me at Anchorage, Alaska, on 9/11/18.  
(date)



Jane Sawyer  
Notary Public in and for the State of Alaska

# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 270221

Order #: 0001423630

Cost: \$413.34

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Joleesa Stepetin  
being first duly sworn on oath  
deposes and says that she is  
a representative of the  
Anchorage Daily News, a  
daily newspaper. That said  
newspaper has been approved  
by the Third Judicial Court,  
Anchorage, Alaska, and it now  
and has been published in the  
English language continually as a  
daily newspaper in Anchorage,  
Alaska, and it is now and during  
all said time was printed in an  
office maintained at the aforesaid  
place of publication of said  
newspaper. That the annexed is  
a copy of an advertisement as it  
was published in regular issues  
(and not in supplemental form)  
of said newspaper on

June 24, 2018

and that such newspaper was  
regularly distributed to its  
subscribers during all of said  
period. That the full amount of  
the fee charged for the foregoing  
publication is not in excess of  
the rate charged private individuals.

Signed

Subscribed and sworn to before

me this 31 day of August

20 18

Britney Thompson

Notary Public in and for  
The State of Alaska.

Third Division

Anchorage, Alaska

MY COMMISSION EXPIRES

2/23/2019  
My Commission Expires Feb 23, 2019

### NOTICE OF PROPOSED CHANGES TO MARIJUANA TESTING, INVENTORY TRACKING, SAMPLE PREPARATION, IN THE REGULATIONS OF THE MARIJUANA CONTROL BOARD

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Statutory 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

Statutes being implemented, interpreted, or made specific: AS 17.38.070; AS 17.38.200; AS 17.38.210; AS 17.38.900.

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: June 21, 2018

Erika McConnell, Director  
Alaska Alcohol and Marijuana Control Office

Published: June 24, 2018



AFFIDAVIT OF MARIJUANA CONTROL BOARD ACTION

I, Erika McConnell, Director of the Marijuana Control Board, being duly sworn, state the following:

The attached motion, dealing with 3 AAC 306.345(b)(2); 3 AAC 306.455; 3 AAC 306.475(d)(2); 3 AAC 306.645(a); 3 AAC 306.645(b)(1)(B)(i); 3 AAC 306.645(b)(2); and 3 AAC 306.670(b), was passed by the Marijuana Control Board during its August 15, 2018, meeting.

Date: 9/11/18

Erika McConnell

Erika McConnell, Director  
Marijuana Control Board

Subscribed and sworn to before me at Anchorage, Alaska, on 9/11/18.  
(date)



Jane Sawyer

Notary Public in and for the State of Alaska



**Marijuana Control Board**  
**Unapproved Excerpt of Meeting Minutes**  
**August 15, 2018**  
**Fourth Judicial District**  
**Noel Wein Public Library Auditorium**  
**1215 Cowles Street**  
**Fairbanks, Alaska**

● **REGULATIONS**

**1. Testing Working Group Recommendations, Set 1**

**4:13pm**

**TAB 18**

Status: Comment period closed August 8, 2018  
Potential Board Actions: Vote to adopt; OR  
Substantially amend and put out for public comment

*Sarah Oates states that the Board put this out for public comment before the Testing Working Group realized that the Department of Revenue was also putting out a regulations project that was adding new definitions regarding the marijuana plant. She adds that in order to prevent additional confusion and confliction, staff is recommending that the Board adopt the majority of this project, and send other sections back to the Testing Working Group for additional work.*

*Loren Jones moves that the Board adopt 3 AAC 306.345(b)(2), 3 AAC 306.455, 3 AAC 306.475(d)(2), 3 AAC 306.645(a), 3 AAC 306.645(b)(1)(B)(i), 3 AAC 306.645(b)(2), and 3 AAC 306.670(b), and any remaining be referred back to the Testing Working Group.*

*Brandon Emmett seconds the motion and clarifies that the motion did not include sections 3 AAC 306.435, 3 AAC 306.445, 3 AAC 306.990(b), or 3 AAC 306.9909b)(3).*

*Sarah Oates clarifies that the motion did contain those four sections, but only in the sense that they would be referred back to the Testing Working Group for additional work, and not adopted.*

*The Board considers public comments received.*

*Motion carries unanimously.*