

**PROPOSED AMENDMENT, THIS IS AN ENTIRELY NEW SECTION TO BE ADDED TO THE REGULATIONS, COMMENTS BELOW:**

This section is being added in conjunction with other amendments to limit the size of un-mature plants at the time of initial inspection. There is proposed language in another amendment to change the definition of mature plant to be over 18” in height

**3 AAC 306.405(a) is amended by adding a new subsection to read:**

(8) begin initial operations at the time of preliminary inspection with up to 12 mature, non-flowering plants, designated and used as mother plants; any number of immature plants; and any number of seeds. (Eff. 2/21/2016, Register 217; am \_\_/\_\_/\_\_\_\_)

**PROPOSED AMENDMENT, THIS IS AN ENTIRELY NEW SECTION TO BE ADDED TO THE REGULATIONS, COMMENTS BELOW:**

Below is the language that is proposed to be added to the regulations. This amendment will limit new strains into the market.

**3 AAC 306.405(b) is amended by adding a new subsection to read:**

(6) introduce marijuana or marijuana product, including plants and seeds, onto the licensed premises from any outside source after the initial preliminary inspection, except as acquired from another licensed cultivation facility and accounted for in the marijuana cultivation facility's marijuana inventory tracking system as required under 3 AAC 306.730. (Eff. 2/21/2016, Register 217; am \_\_/\_\_/\_\_\_\_)

Below is the language out of 17.38, the highlighted portion shows that adding new seeds/strains into cultivations was contemplated and specifically allowed under 17.38.

**Sec. 17.38.070. Lawful operation of marijuana-related facilities.**

(b) Notwithstanding any other provision of law, the following acts, when performed by a marijuana cultivation facility with a current, valid registration, or a person 21 years of age or older who is acting in his or her capacity as an owner, employee or agent of a marijuana cultivation facility, are lawful and shall not be an offense under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law:

- (1) Cultivating, manufacturing, harvesting, processing, packaging, transporting, displaying, storing, or possessing marijuana;
- (2) Delivering or transferring marijuana to a marijuana testing facility;
- (3) Receiving marijuana from a marijuana testing facility;
- (4) Delivering, distributing, or selling marijuana to a marijuana cultivation facility, a marijuana product manufacturing facility, or a retail marijuana store;
- (5) Receiving or purchasing marijuana from a marijuana cultivation facility; and**
- (6) Receiving marijuana seeds or immature marijuana plants from a person 21 years of age or older.**

This new language banning the introduction of seeds and immature plants into cultivations is in contradiction with 17.38 and will limit businesses in the future. As new strains are bred and released there will be no mechanism to bring them to the Alaska market.

**PROPOSED AMENDMENT, ADDED LANGUAGE IN BOLD, NO COMMENTS**

**3 AAC 306.435 is amended to read:**

(a) A marijuana cultivation facility shall use a marijuana inventory tracking system in compliance with 3 AAC 306.730 to ensure all marijuana propagated, grown or cultivated on the marijuana cultivation facility's premises is identified and tracked from the time the marijuana is

This section is being added to require cultivations to test all usable part on the marijuana plant. I believe the change is related to cultivations selling pre rolls to retailers and using the test results from the flo propagated through transfer to another licensed marijuana establishment or destruction. The marijuana cultivation facility shall assign a tracking number to each plant over eight inches tall.

When harvested, bud and flowers, **kief**, clones or cuttings, or leaves and trim may be combined in harvest batches of distinct strains, not exceeding five pounds. Each harvest batch must be given an inventory tracking number. Clones or cuttings must be limited to 50 or fewer plants and identified by a batch tracking number. (Eff. 2/21/2016, Register 217; am \_\_/\_\_/\_\_) wer.

**PROPOSED AMANDMENT, ADDED LANGUAGE IN BOLD, NO COMMENTS**

**3 AAC 306.455 (b) (1) is amended to read:**

(1) collect a random, homogenous sample for testing by segregating harvest marijuana into batches of individual strains of bud, flower, **leaf, trim, and kief**, then selecting a random sample from each batch in an amount required by the marijuana testing facility. (Eff. 2/21/2016, Register 217; am \_\_/\_\_/\_\_)

**PROPOSED AMENDMENT, THIS IS AN ENTIRLEY NEW SECTION TO BE ADDED TO THE REGUALTIONS, COMMENTS BELOW:**

**3 AAC 306.470 (a) is amended to add a new subsection and renumber subsequent sections:**

(a) a marijuana cultivation facility that repackages for sale leaf, trim, or any other usable part of the marijuana plant that is not flower or bud must have the product independently tested for THC potency in accordance with 3 AAC 306.345. (Eff. 2/21/2016, Register 217; am \_\_/\_\_/\_\_)

This language could be easily amended to add the following language to ensure that any product sold to a retail store for consumer purchase to be tested yet allow trim and other parts to be sent to a manufacturer in 5lb bulk packages without additional testing.

(a) a marijuana cultivation facility that repackages for sale leaf, trim, or any other usable part of the marijuana plant that is not flower or bud **to a retailer** must have the product independently tested for THC potency in accordance with 3 AAC 306.345. (Eff. 2/21/2016, Register 217; am \_\_/\_\_/\_\_\_\_)

**PROPOSED AMENDMENT, THIS IS AN ENTIRLEY NEW SECTION TO BE ADDED TO THE REGUALTIONS, COMMENTS BELOW:**

**3 AAC 306.645 (b)(1) is amended by adding a new subparagraph:**

(D) Marijuana leaf, trim, kief and other parts of the marijuana plant must be tested for potency separately from marijuana flower. (Eff. 2/21/2016, Register 217; am

Same comment as other testing requirement, should add retailer into the language as below:

(D) Marijuana leaf, trim, kief and other parts of the marijuana plant must be tested for potency separately from marijuana flower when **sold to a retail store**. (Eff. 2/21/2016, Register 217; am

**PROPOSED AMENDMENT, THIS IS AN ENTIRLEY NEW SECTION TO BE ADDED TO THE REGUALTIONS, NO COMMENTS**

**3 AAC 306.670 is amended to add a new subsection to read:**

(d) A marijuana testing facility shall notify the director in writing not later than 24 hours after a significant equipment malfunction or failure that prevents the completion of required marijuana or marijuana product testing. The licensee shall notify the director of any action the licensee intends to take to provide for re-testing or destruction of the marijuana or marijuana product. (Eff. 2/21/2016, Register 217; am \_\_/\_\_/\_\_\_\_)

**PROPOSED AMENDMENT, ADDED LANGUAGE IN BOLD, COMMENTS BELOW:**

These sections are being amended to change the definition of an immature plant to include plants 18’ of less in height. The definition of a mature plant was a “flowering” plant.

**3 AAC 306.990(a) is amended to read:**

(5) "immature" means a marijuana plant **18 inches or less in height**, with no visible crystals, buds, or flowers, and in which the exposure to light is scheduled with the intent to prevent formation of crystals, buds, or flowers; (Eff. 2/21/2016, Register 217; am \_\_/\_\_/\_\_\_\_)

3 AAC 306.990(a) is amended by adding a new subsection (11)

(11) “mature” means a marijuana plant over 18 inches in height. (Eff. 2/21/2016,