



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

**Department of Commerce,  
Community, and Economic  
Development**

MARIJUANA CONTROL BOARD  
C/O ALCOHOL & MARIJUANA CONTROL OFFICE  
550 West 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
Main: 907.269.0350

March 15, 2023

*Transmitted via email*

John Boyle  
Commissioner  
Department of Natural Resources  
550 W. Seventh Avenue, Suite 1400  
Anchorage, Alaska 99501

Bryan J. Scoresby  
Director  
Division of Agriculture  
Department of Natural Resources  
1801 S. Margaret Drive, Suite 12  
Palmer, Alaska 99645

Re: Requests regarding the State Industrial Hemp Plan

Dear Commissioner Boyle and Director Scoresby:

The Marijuana Control Board has become aware of a concerning trend in products being produced and / or imported under the auspices of the Alaska Hemp Program.

Specifically, products containing hemp-derived THC are being marketed and sold through a variety of retail outlets without being tracked or taxed, and without any age restrictions for purchase. In most cases these products are being sold without proper final form potency or contaminate testing that is required of Marijuana Retailers licensed under AMCO's authority. The result is that high-potency products are available to any Alaskan - including minors - with little or no controls or accountability.

We feel that this represents a significant Public Health concern and are asking the Governor's office to intercede and to ask Division of Agriculture to issue Emergency Regulations to include, at a minimum, the following regulation changes:

- (1) Amend 11 AAC 40.910(30) to read that "Industrial Hemp Product" or "Hemp product" means a product that contains a base cannabis sativa l. plant matter or concentrate which itself contains no more than 0.3 percent delta 9-THC without any consideration of any other ingredient that is not cannabis sativa l plant matter or cannabis sativa l. plant concentrate.
- (2) Revise 11 AAC 40.910(15) to clarify that delta-9 THC content of not more than 0.3 percent means delta 9 THC concentration or not more than 3,000 parts per million on a dry weight basis of the cannabis L. sativa plant or concentrate material; the calculation of dry weight does not include non-cannabis ingredients.
- (3) Limit the potency of any package of hemp edibles to 3 milligrams of THC (of any form) in the entire package of the product as determined through final product testing. Current Hemp Regulations allow for as much as 50mg of THC which is equal to products licensed by AMCO - but with none of the attendant controls and with no age-restriction.
- (4) Require child-safe packaging similar to that required by AMCO-licensed manufacturers.
- (5) Enter into a Memorandum of Understanding between Division of Agriculture and AMCO allowing AMCO to use their investigative resources to enforce the above provisions.

Should you have any questions or concerns, we welcome the opportunity to discuss these with you as soon as possible. From the perspective of the Board, these are priorities.

THE MARIJUANA CONTROL BOARD

By: */s. Nicholas Miller/*  
Nicholas Miller

Its: Chair

cc: The Honorable Michael Dunleavy, Governor