

Greetings to whom it may concern,

Below are a few points that need to be addressed, but I am unsure of where they would fit into the regulations.

I'd like to list Gary, Aaron, myself and Barret Goodall for the input of these suggestions.

- Security plan
  - Should be up to the business and not submitted to Amco for review
- One approved list for Manufacturer products
  - If one company wants to make a BTO hash oil, then all should be able to make said product. Its inefficient to approve hundreds of the same products throughout the state when everyone is making the same thing.
- Approve the item of kief as an item in cultivation
  - Kief is a byproduct of the cultivation process, we should be able to transfer that product separately, not label it as trim
- If a licensee changes something on their operating plan but doesn't affect the operation, it should be a simple notification, not going to the board for approval
  - Adding a door inside of the facility or changing a wall within the building. If permits are pulled and it doesn't change the outside footprint of the licensed premises, Amco should allow it without more cost and time associated.
- Rubber stamp renewals for all licensees that haven't changed anything about the business

The Green wording are suggestions for amendment

The Red wording are for deletion

### 3 AAC 306.435. Marijuana inventory tracking system

(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 propagated through transfer to another licensed marijuana establishment, including when marijuana or marijuana product is relocated to the new licensed premises in the case of a transfer of a marijuana establishment license to another location approved by the board, or destruction. The marijuana cultivation facility shall assign a package tag to (assign a package tag to a clone batch, then assign a new package tag for each finished ten pound batch of cannabis) tracking number to each plant over eight inches tall and each package of marijuana to be transferred to another facility. A package of marijuana may not exceed 10 pounds. The marijuana cultivation facility shall also assign a plant batch name or number to each batch of clones or cuttings. A batch may not consist of more than 50 clones or cuttings.

### 3 AAC 306.470. Packaging of marijuana

(a) A marijuana cultivation facility shall package its marijuana bud and flower for sale (1) to a retail marijuana store, either

(A) in a package not exceeding one ounce for resale to consumers without additional handling by the retail marijuana store except to add the retail marijuana store's own

(I) identifying name or logo; and

(ii) license number; or

(B) in a wholesale package not exceeding 10 pounds for repackaging by

the retail marijuana store; or

(2) to a marijuana product manufacturing facility in a wholesale package

(A) not exceeding 10 pounds; and

(B) consisting of a single strain or a mixture of strains as identified on the

label.

(b) When a marijuana cultivation facility packages marijuana for a retail marijuana store to sell to a consumer without repackaging, the packaging may not have any printed images, including

cartoon characters, that specifically target persons under 21 years of age. In addition, the packaging must protect the product from contamination and may not impart any toxic or damaging substance to the marijuana.

(c) Each package prepared in compliance with this section must be identified by a tracking label generated for tracking by the marijuana cultivation facility's marijuana inventory tracking system.

(d) A marijuana cultivation facility shall prepare marijuana for transport or transfer to another marijuana establishment by

(1) placing marijuana packaged in compliance with (a) - (c) of this section within a sealed, tamper-evident shipping container;

---

UPDATED: 3/11/23 NOT AN OFFICIAL COPY 54

and

(2) affixing a label in compliance with 3 AAC 306.475 to the shipping container;

(3) generating a transport manifest from the marijuana cultivation facility's

marijuana inventory tracking system; the transport manifest must remain with the marijuana at

all times while being transported, and a copy must be given to the licensed marijuana

establishment that receives the shipment. (Eff. 2/21/2016, Register 217; am 3/13/2020, Register

233)

**Editor's note:** As of Register 233 (April 2020), the regulations attorney made a technical revision under AS 44.62.125(b)(6), to 3 AAC 306.470(a)

### 3 AAC 306.475. Labeling of marijuana

(a) When a marijuana cultivation facility packages marijuana for a retail marijuana store to sell to a consumer without re-packaging, the marijuana cultivation facility shall affix a label to each package of marijuana or marijuana product that contains each of the following statements:

(1) "Marijuana has intoxicating effects and may be habit forming and addictive.";

(2) "Marijuana impairs concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence.";

children.";

(3) "There are health risks associated with consumption of marijuana."; (4) "For use only by adults twenty-one and older. Keep out of the reach of

(5) "Marijuana should not be used by women who are pregnant or breast

feeding.".

(b) With each harvest batch of marijuana sold, a marijuana cultivation facility shall

disclose in writing

(1) each soil amendment, fertilizer, and other crop production aid applied to the

growing medium or marijuana plant included in the batch, including any pesticide, herbicide, or fungicide that was used; and

(2) the name of the licensed marijuana testing facility that performed any required laboratory test and the results of each required laboratory test.

UPDATED: 3/11/23 NOT AN OFFICIAL COPY 55

(c) A marijuana cultivation facility may not label marijuana as organic.

(d) To each package of marijuana sold to another marijuana establishment, a marijuana cultivation facility shall affix a label setting out.

(1) the name and license number of the marijuana cultivation facility where the marijuana was grown;

(2) the inventory tracking number assigned to the marijuana in the package; (3) the net weight of the marijuana in the package,

(A) not including weight of the shipping container; and

(B) using a standard of measure compatible with the marijuana cultivation facility's marijuana inventory tracking system; and

(4) a complete list of all pesticides, fungicides, and herbicides used in cultivation of the marijuana.

(e) If a marijuana cultivation facility transports wholesale marijuana to another marijuana establishment for sale at retail or for use in manufacturing a marijuana product, a label must be affixed to the shipping container showing that a licensed marijuana testing facility has tested each harvest batch in the shipment as provided in 3 AAC 306.645. The label must report the test results, including

(1) a cannabinoid potency profile expressed as a range of percentages that extends from the lowest percentage to highest percentage of concentration for each cannabinoid listed from every test conducted on that strain of marijuana from the same marijuana cultivation facility within the last three months;

(2) a statement listing the results of microbial testing required under 3 AAC 306.645(b)(2);

(3) a statement listing the results of residual solvent testing required under 3 AAC 306.645(b)(3), if applicable; and

(4) a statement listing any contaminants for which the product was tested in addition to contaminants for which 3 AAC 306.645(b) requires testing; any additional tested contaminants include

(A) molds, mildew, and filth;

(B) herbicides, pesticides, and fungicides; and (C) harmful chemicals.

UPDATED: 3/11/23 NOT AN OFFICIAL COPY 56

(f) If a marijuana cultivation facility ships wholesale marijuana from a harvest batch that has not been tested for each contaminant listed in (e)(4) of this section, the label for that batch must include a statement identifying each contaminant listed in (e)(4) of this section for which that harvest batch has not been tested. (Eff. 2/21/2016, Register 217; am 11/8/2018, Register 228)

### 3 AAC 306.740. Waste disposal

(a) A marijuana establishment shall store, manage, and dispose of any solid or liquid waste, including wastewater generated during marijuana cultivation production, processing, testing, or retail sales, in compliance with applicable federal, state, and local statutes, ordinances, regulations, and other law.

(b) Marijuana waste must be rendered unusable for any purpose for which it was grown or produced before it leaves a marijuana establishment. Marijuana waste includes

(1) marijuana plant waste, including stalks, leaves, and stems that have not been processed with solvent;

(2) solid marijuana sample plant waste in the possession of a marijuana testing facility;

(3) marijuana or a marijuana product that has been found by the licensee unfit for sale or consumption;

(4) expired marijuana products; and

(5) other waste as determined by the board. (c) A marijuana establishment shall

(1) is repealed 10/16/2022;

(2) record the waste in the marijuana inventory tracking system required under 3 AAC 306.730; and

(3) keep a record through the marijuana inventory tracking system of the final destination of marijuana waste made unusable.

(d) Marijuana plant waste must be made unusable by grinding the marijuana plant waste and mixing it with at least an equal amount of other compostable or non-compostable materials. A marijuana establishment may use another method to make marijuana waste unusable if the board approves the method in advance. Material that may be mixed with the marijuana waste includes

(1) compostable materials including food waste, yard waste, vegetable based grease or oils, or other wastes approved by the board when the mixed material can be used as

---

compost feedstock or in another organic waste method such as an anaerobic digester with approval of any applicable local government entity; or

(2) non-compostable materials including paper waste, cardboard waste, plastic waste, oil, or other wastes approved by the board when the mixed material may be delivered to a permitted solid waste facility, incinerator, or other facility with approval of any applicable local government entity.

(e) If marijuana or a marijuana product is found by, or surrendered to, a law enforcement officer including a peace officer or an airport security officer, the officer may dispose of the marijuana or marijuana product as provided in this section or by any method that is allowed under any applicable local ordinance. (Eff. 2/21/2016, Register 217; am 10/20/2018, Register 228; am 10/16/2022, Register 244)

### **3 AAC 306.750. Transportation**

(a) Marijuana or a marijuana product may only be transported to a licensed marijuana establishment by a licensee or an agent or employee of a licensee.

(b) A marijuana establishment from which a shipment of marijuana or marijuana product originates is responsible for preparing, packaging, and securing the marijuana or marijuana product during shipment, for recording the transfer in the marijuana inventory tracking system, and for preparing the transport manifest. An individual transporting marijuana in compliance with this section shall have a marijuana handler permit required under 3 AAC 306.700.

(c) When marijuana or a marijuana product is transported, the marijuana establishment that originates the transport shall use the marijuana inventory tracking system to record the type, amount and weight of marijuana or marijuana product being transported, **the name of the transporter, the time of departure and expected delivery, and the make, model, and license plate**

---

UPDATED: 3/11/23 NOT AN OFFICIAL COPY 95

**number of the transporting vehicle.** A complete printed transport manifest on a form prescribed by the board must be kept with the marijuana or marijuana product at all times.

(d) During transport, the marijuana or marijuana product must be in a sealed package or container **and in a locked, safe, and secure storage compartment** in the vehicle transporting the marijuana or marijuana product. The sealed package may not be opened during transport. **A vehicle transporting marijuana or a marijuana product must travel directly from the shipping marijuana establishment to the receiving marijuana establishment, and may not make unnecessary stops in between except to deliver or pick up marijuana or a marijuana product at another licensed marijuana establishment.**

(e) When a marijuana establishment receives marijuana or a marijuana product transported in compliance with this section, the recipient of the shipment shall use the marijuana inventory tracking system to report the type, amount, and weight of marijuana or marijuana product received. The recipient shall refuse to accept any shipment of marijuana or marijuana product that is not accompanied by the transport manifest.

(f) A marijuana establishment shall keep records of all marijuana or marijuana products shipped from or received at that marijuana establishment as required under 3 AAC 306.755.

(g) A marijuana establishment may transport marijuana or a marijuana product to and from a trade show or similar industry event in accordance with 3 AAC 306.760 and this section.

(h) Expired 8/14/2020

(a) A marijuana establishment shall keep records of all marijuana or marijuana products relocated to the new licensed premises in the case of transfer of a marijuana establishment license to another location approved by the board. (Eff. 2/21/2016, Register 217; am 10/11/2017, Register 224; am 8/11/2018, Register 227; elm am 4/17/2020 – 8/14/2020, Register 234; em am 5/7/2020 – 8/14/2020, Register, 234; **am 1/22/2023, Register 245**)



### **3 AAC 306.770. Signs, merchandise, advertisements, and promotions**

(a) Business cards and merchandise, including t-shirts, hats, and stickers, that are distributed by a licensed marijuana establishment and contain only the business name and logo, license name, and location and contact information, are not advertising or promotions.

(b) A licensed marijuana establishment may have not more than three signs that are visible to the general public from the public right-of-way. Two of the three signs may only be

UPDATED: 3/11/23 NOT AN OFFICIAL COPY 98

placed in the marijuana facility's window or attached to the outside of the licensed premises. The size of each sign may not exceed 4,800 square inches. A sign meeting these requirements is not advertising or promotions.

(c) An advertisement for a licensed marijuana establishment and for marijuana or a marijuana product must include the business name and license number.

(d) An advertisement for a licensed marijuana establishment is exempt from providing the warning statement in (g) of this section if

(1) the advertisement contains only the business name, logo, business type, contact information, location, and hours of operation; and

(2) the advertisement does not contain any written information about marijuana or a marijuana product or any photographic or illustrative depictions of marijuana or a marijuana product, other than depictions contained within the established business name font and logo.

(e) A logo or an advertisement for a licensed marijuana establishment and for marijuana or a marijuana product may not contain a statement or illustration that

(1) is false or misleading;

(2) promotes excessive consumption;

(3) represents that the use of marijuana has curative or therapeutic effects;

(4) depicts a person under 21 years of age consuming marijuana; or

(5) includes any object or character, including a toy, a cartoon character, or any

other depiction that appeals to a person under 21 years of age.

(f) An advertisement for a licensed marijuana establishment and for marijuana or a

marijuana product may not be placed

(1) within 1,000 feet of the perimeter of any child-centered facility, including a

school, a child care facility or other facility providing services to children, a playground or recreation center, a public park, a library, or a game arcade that is open to persons under 21 years of age, except when included in an established publication intended for general readership;

(2) on or in a public transit vehicle or public transit shelter;

(3) on or in a publicly owned or operated property;

(4) within 1,000 feet of a substance abuse or treatment facility; or (5) on a campus for postsecondary education.

(g) An advertisement for marijuana or any marijuana product must contain each of the UPDATED: 3/11/23 NOT AN OFFICIAL COPY 99

following warnings, that must be plainly visible and at least half the font size of an advertisement on a sign, and no smaller than size nine font when the advertisement is in printed form; warnings in audio advertisements must be intelligible and played at the same speed as the advertisement;

(1) “Marijuana has intoxicating effects and may be habit forming and addictive.”;

(2) “Marijuana impairs concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence.”;

(3) “There are health risks associated with consumption of marijuana.”; (4) “For use only by adults twenty-one and older. Keep out of the reach of

children.”;

(5) “Marijuana should not be used by women who are pregnant or breast feeding.” (h) A licensed marijuana establishment that advertises by means of a web page must

utilize appropriate measures to ensure that individuals visiting the web page are 21 years of age or older.

(i) A licensed marijuana establishment may not engage in advertising by means of marketing directed towards location-based devices, including cellular phones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and the application includes a permanent and easy opt-out feature.

(j) As long as no more than 30 percent of the event’s participants and audience is reasonably expected to be under 21 years of age, a licensed marijuana establishment may sponsor

(1) an industry trade show;

(2) a charitable event;

(3) a sports event or competition;

- (4) a concert; or
- (5) any other even approved in advance by the board.

(k) A licensed marijuana establishment may not encourage the sale of marijuana or a marijuana product

- (1) by using giveaway coupons for marijuana or a marijuana product as promotional materials;
- (2) by conducting games or competitions related to the consumption of marijuana or a marijuana product;

UPDATED: 3/11/23 NOT AN OFFICIAL COPY 100

- (3) by providing promotional materials or activities of a manner or type that would be especially appealing to children; or
- (4) by holding promotional activities outside of the licensed premises. (Eff. 10/17/2018, Register 228)

### **3 AAC 306.430. Restricted access area**

(a) A marijuana cultivation facility shall conduct any operation in a restricted access area in compliance with 3 AAC 306.710 and this section.

(b) A marijuana cultivation facility shall conduct any marijuana growing operation within a fully enclosed secure indoor facility or greenhouse with **rigid** walls, a roof, and doors. Where not prohibited by local government, outdoor production may take place in non-rigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight- obscuring wall or fence at least six feet high.

(c) A marijuana cultivation facility shall ensure that any marijuana at the marijuana cultivation facility

- (1) cannot be observed by the public from outside the marijuana cultivation facility; and

(2) does not emit an odor that is detectable by the public from outside the cultivation facility except as specifically allowed by a local government approval.

(d) A marijuana cultivation facility shall have full video surveillance of the licensed premises as required under 3 AAC 306.720, including any area where marijuana is grown, processed, packaged, or stored, or where marijuana waste is destroyed. (Eff. 2/21/2016, Register

### **3 AAC 306.720. Video surveillance**

(a) A marijuana establishment shall install and maintain a video surveillance and camera recording system as provided in this section. The video system must cover

(1) each restricted access area and each entrance to a restricted access area within the licensed premises;

(2) each entrance to the exterior of the licensed premises; and

(3) each point-of-sale area.

(b) At a marijuana establishment, a required video camera must be placed in a way that

produces a clear view adequate to identify any individual inside the licensed premises, or within 20 feet of each entrance to the licensed premises. Both the interior and the exterior of each entrance to the facility must be recorded by a video camera.

(c) Any area where marijuana is grown, cured, or manufactured, or where marijuana waste is destroyed, must have a camera placement in the room facing the primary entry door, and in adequate fixed positions, at a height that will provide a clear, unobstructed view of the regular activity without a sight blockage from lighting hoods, fixtures, or other equipment, in order to allow for the clear and certain identification of any person and activity in the area at all times.

(d) Surveillance recording equipment and video surveillance records must be housed in a

UPDATED: 3/11/23 NOT AN OFFICIAL COPY 90

---

locked and secure area or in a lock box, cabinet, closet or other secure area that is accessible only to a marijuana establishment licensee or authorized employee, and to law enforcement personnel including a peace officer or an agent of the board. A marijuana establishment may house surveillance recording equipment and video surveillance records in an area approved by the

board under 3 AAC 306.705(d) and 3 AAC 306.710(d) if the area meets the security requirements under this subsection.

(e) A marijuana establishment may use an offsite monitoring service and offsite storage of video surveillance records if security requirements at the offsite facility are at least as strict as onsite security requirements as described in (d) of this section.

(f) Each surveillance recording must be preserved for a minimum of 40 days, in a format that can be easily accessed for viewing. All recorded images must clearly and accurately display the time and date, and must be archived in a format that does not permit alteration of the recorded image, so that the images can readily be authenticated. After 40 days, a marijuana establishment may erase video recordings, unless the licensee knows or should know of any pending criminal, civil, or administrative investigation for which the video recording may contain relevant information. (Eff. 2/21/2016, Register 217; am 12/10/2020, Register 236)