

11 AAC is amended by adding a new chapter to read:

Chapter 40. Industrial Hemp (11 AAC 40.010 -11 AAC 40.910)

Articles

Article 1 – Purpose; Registration; Application; Procedures for Approval; Denials; Modification;
Fees

Article 2 – Grower Registration

Article 3 – Processor Registration

Article 4 – Industrial Hemp Product Endorsement and Labeling

Article 5 - Retailer Registration

Article 6 – Sampling; Testing; Quarantines; Destruction

Article 7 -- Provisions Governing All Registrations

Article 8 – Enforcement; Appeals

Article 9 – General Provisions

**Article 1: Purpose; Registration; Application; Procedures for Approval, Denials,
Modification; Fees**

11 AAC 40.010. Purpose. (a) Industrial hemp, including a product derived from industrial hemp, is an agricultural crop subject to regulation by the division.

(b) The purposes of this chapter are to:

(1) promote the research of and study methods for the growth, cultivation, and marketing of industrial hemp; and

(2) regulate the production of industrial hemp and industrial hemp products consistent with public health and safety.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.030 AS 03.05.050 AS 03.05.076
AS 03.05.077 AS 03.05.100

11 AAC 40.020. Registration required. (a) A person may not produce industrial hemp in the state unless the person has obtained an industrial hemp registration from the division to participate in the Alaska Industrial Hemp Pilot Program. The division will issue the following classes of industrial hemp registrations for participation in the program under this chapter:

- (1) an industrial hemp grower registration;
- (2) an industrial hemp processor registration; and
- (3) an industrial hemp retailer registration.

(b) A person may hold a single registration or any combination of classes of registrations.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077 AS 03.05.078

11 AAC 40.030. Registration restrictions. A registration may be held by an individual at least 18 years of age or a business entity that is in good standing.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.030 AS 03.05.076 AS 03.05.077
AS 03.05.090 AS 25.20.010

11 AAC 40.040. Original registration term, renewals, and submission dates. (a) Except as set forth at 11 AAC 40.060, an industrial hemp registration is valid from the date it is issued until January 1 of the following year.

(b) An industrial hemp registration may be renewed for unlimited, additional one-year terms.

(Eff. ___/___/___, Register ____)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

11 AAC 40.050. Applications for new registration. (a) An applicant for registration in the Alaska Industrial Hemp Pilot Program must file an application on a form the division prescribes.

(b) An application for a new industrial hemp registration must include:

(1) the full legal name of the applicant. If the applicant is a business entity, the application must contain:

(A) the name of the corporation, partnership, association, or limited liability company;

(B) the names of its officers, members, and partners, as applicable;

(C) proof the business entity is authorized by and in good standing with the state; and

(D) documentation validating the authority of the signatory to bind the entity.

(2) the business name the applicant will use for its industrial hemp operations, along with any applicable business licenses issued under AS 43.70;

(3) the physical address of the applicant;

(4) the mailing address and an electronic mailing address of the applicant; and

(5) the address, global position system coordinates, and a map of the area to be used to produce industrial hemp.

(c) An application for registration in the Alaska Industrial Hemp Pilot Program must be signed by:

(1) the applicant, if the applicant is an individual; or

(2) an authorized representative of a business entity, if the applicant is a business entity.

(d) Each signatory to an application for an industrial hemp registration must declare under penalty of unsworn falsification that:

(1) the application is true, correct, and complete;

(2) the signatory has authority to bind the applicant; and

(3) the applicant has read and is familiar with AS 03.05.010, AS 03.05.076 – AS 03.05.100, and this chapter.

(e) The completed application and fees may be filed electronically, mailed, or delivered to the division.

(f) All fees, including non-refundable application fees, registration fees, and, if applicable, industrial hemp product endorsement fees set out at 11 AAC 40.100 must be paid at the time of submittal of an application.

(g) If an applicant applies for more than one class of registration, a separate application and all required fees must be submitted for each class of registration.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

11 AAC 40.060. Application for renewal of registration. (a) An application for renewal of an industrial hemp registration must be filed on a form the division prescribes, with the information and documents described in this section. A renewal application for a registration must be postmarked or received by the division no later than December 15th of the calendar year prior to the registration term.

(b) An industrial hemp renewal application must:

(1) identify the class of registration to be renewed;

(2) provide detail of any change of information set out in paragraph (b) of 11 AAC 40.050 on the original application; and

(3) report for each registration held by the applicant any notice of violation that has been issued under this chapter.

(4) until the Division makes a decision on a timely filed renewal application, the prior year registration remains valid after January 1.

(c) Each signatory to a renewal application for an industrial hemp registration must declare under penalty of unsworn falsification that

(1) the renewal application is true, correct, and complete;

(2) the signatory has authority to bind the applicant; and

(3) the applicant has read and is familiar with AS 03.05.010, AS 03.05.076 – AS 03.05.100, and this chapter.

(c) All fees, including non-refundable application fees, registration fees, and, if applicable, industrial hemp product endorsement fees set out at 11 AAC 40.100 must be paid at the time of submittal of a renewal application.

(d) If an applicant applies for renewal of more than one class of registration, a separate application and all required fees must be submitted for each class of registration.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

11 AAC 40.070. Procedure for action on applications and endorsements. (a) The division will make a determination as to the completeness of the application, or renewal application, and

will notify each applicant that the application is complete, or of any additional information or submittals necessary to complete the application.

(b) An applicant must submit any additional information requested by the division within 30 days of receipt of the request.

(c) Upon receipt of all requested additional information, the division will notify each applicant the application is complete.

(d) The division will grant or deny an application for registration or endorsement subject to Article 4 of this chapter not later than 60 business days after sending an applicant notice that the application is complete.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

11 AAC 40.080. Denial of registration application and renewal application. (a) The division will deny an application for a new registration if the division finds the signatory is not authorized to sign the application or is ineligible to participate in the program under 11 AAC 40.030.

(b) The division may deny an application for a renewal registration if the division finds:

- (1) that an applicant is not responsive to a request for additional information.
- (2) a renewal application for a registration is not postmarked or received by the division no later than December 15th of the calendar year prior to the registration term as required under 11 AAC 40.060(a);
- (3) a registration has been suspended or revoked under 11 AAC 40.830; or
- (4) any other condition of discipline under 11 AAC 40.800 that prohibits renewal of the application.

(c) If the division denies an application, the division will furnish a written statement to the applicant, explaining the reasons for the denial.

(d) The aggrieved applicant may appeal the denial in compliance with 11 AAC 40.830.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077 AS 03.05.079
AS 03.05.090

11 AAC 40.090. Modification of registration. (a) To request a modification to a registration, a registrant must submit a modification request on a form prescribed by the division and the required fee set out at 11 AAC 40.100.

(b) In the event of a registrant's death, incapacity, or dissolution, the registration may be modified to transfer the registration. The transferee must provide information required under 11 AAC 40.050(b)(1) – (4) and make the declarations required under 11 AAC 40.050(d). Modification requests under this chapter shall be filed with the division no later than 30 calendar days after the death, incapacity, or dissolution of the original registrant.

(c) If the request is to change the site of operations, the registrant shall provide the information for the replacement sites specified at 11 AAC 40.050(b)(5). Site modifications for new locations shall comply with all land use restrictions established in 11 AAC 40.240.

(d) Any registrant may submit multiple registration modification requests, but separate fees shall be required for each requested modification.

(e) Each registrant shall comply with the all terms of the original registration, until the division approves the modification request in writing.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

11 AAC 40.100. Fee schedule. The following fees are established for registration and participation in the Alaska Industrial Hemp Program;

- (1) non-refundable application fee for a registration: \$100.00;
- (2) non-refundable application fee for a renewal registration: \$50.00;
- (3) annual registration fee for a grower: \$200.00;
- (4) annual registration fee for a processor that creates a product not intended for human or animal consumption: \$250.00;
- (5) annual registration fee for a processor that creates a product intended for human or animal consumption: \$750.00;
- (6) annual registration fee for a retailer: \$300.00;
- (7) endorsement fee for each industrial hemp product subject to Article 4 of this chapter: \$100.00;
- (8) transportation permit issued under 11 AAC 40.710: \$50.00;
- (9) modification of product endorsement: \$100.00;
- (10) modification of registration: \$50.00;
- (11) collection fee under 11 AAC 40.260 for the division or the division's representative to collect samples from harvest of industrial hemp: \$200.00; and
- (12) testing of seeds of wild, landrace, or unknown origin under 11 AAC 40.220: \$1,200.00.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

11 AAC 40.110. Fee review. The division will annually review all fees set out at 11 AAC 40.100 in accordance with AS 03.05.076(d).

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(Eff. ___/___/___, Register ____)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

Article 2: Grower Registration

11 AAC 40.200. Grower registration required. A person may not grow industrial hemp unless the person has obtained a grower registration from the division in compliance with this chapter or is operating under a registration subject to this Article.

(Eff. ___/___/___, Register ____)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

11 AAC 40.205. Grower registration, privileges, and prohibited acts. (a) A registered grower is authorized to do the following, in compliance with this chapter:

- (1) grow industrial hemp;
- (2) store industrial hemp, hemp seed and propagules;
- (3) receive compensation for raw industrial hemp from a registered processor or other registered grower; if the hemp has been sampled and tested by the division to prove the raw hemp contains less than 0.3 percent delta-9-THC;
- (4) receive compensation for raw industrial hemp from persons who are not required to be registered by this chapter, including consumers in the state, if the hemp will not be further processed and the lot of industrial hemp from which it is sourced has been sampled and tested by the division to prove the raw hemp contains less than 0.3 percent delta-9-THC;
- (5) provide samples of industrial hemp to the division or testing facility authorized by the division;
- (6) conduct in-house testing;

(7) store industrial hemp at the locations identified in the application for registration;

and

(8) transport industrial hemp in compliance with 11 AAC 40.710.

(b) A registered grower may not:

(1) purposefully grow any cannabis that is not hemp unless the grower also holds a marijuana cultivation facility license issued under 3 AAC 306;

(2) grow industrial hemp in a structure used primarily for a residential purpose;

(3) store or handle leaf or floral materials from industrial hemp in any structure that is primarily used for residential purpose;

(4) process industrial hemp without a processor registration;

(5) receive compensation for processed industrial hemp or industrial hemp products without an industrial hemp retailer registration.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077 AS 03.05.079
AS 03.05.090

11 AAC 40.210. Authorized seed and propagules. (a) The division will publish and update on an annual basis a list of approved, and prohibited varieties of industrial hemp seed or propagules.

(b) In addition to seeds and propagules received as an approved variety, a registered grower may:

(1) grow approved varieties of industrial hemp seeds or propagules received from registered growers in the Alaska Industrial Hemp Pilot Program, without written approval from the division.

(2) grow approved varieties of industrial hemp seeds or propagules received from out-of-state sources, after the division approves the source in writing. In order to approve the out of state sources, the division will

(i) determine the source is authorized by a program operating in accordance with section 7606 of the Agricultural Improvement Act of 2014.

(ii) determine the out of country source is in compliance with the country of origins industrial hemp programs and meets or exceeds Federal and State seed or plant propagule laws and regulations.

(3) acquire, but may not grow wild, landrace, or seeds of unknown origin until the division has grown and sampled the seeds in accordance with 11 AAC 40.220 and the division concludes the seed is not a prohibited variety.

(c) A registered grower shall not acquire or grow industrial hemp seeds or propagules that are on the division's prohibited varieties list.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

11 AAC 40.215. Compliance with plant health and quarantine regulations

(a) Industrial hemp seed approved varieties from sources under this section that are offered for sale or acquisition in quantities of one pound or more must comply with the provisions of 11 AAC 34.

(b) Industrial hemp seed approved varieties from sources under this section that are offered for sale or acquisition in quantities less than one pound are exempt from the provisions of 11 AAC 34, but are sold or acquired at the purchaser's risk.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.027 AS 03.05.030 AS 03.05.040
AS 03.05.050 AS 03.05.076 AS 03.05.077

11 AAC 40.220. Wild, landrace or seeds of unknown origin. (a) A registrant shall not grow or replicate industrial hemp seeds or propagules of wild, landrace or unknown origin without first obtaining written permission from the division and complying with this section.

(b) Before receiving written permission, industrial hemp seeds or propagules subject to this section must first be grown and tested by the division at the registrant's expense at the fee identified at 11 AAC 40.110(b). A registrant must coordinate with the division for the division's receipt of the seeds or propagules and arrange for replication and testing of mature plants grown from those seeds or propagules.

(c) Following replication and testing of mature plants from industrial hemp seeds or propagules subject to this section, the division will notify the registrant whether the matured plants have passed required testing described in Article 6 of this chapter and will approve or deny in writing the registrant's further use of the seeds or propagules, based on the results of testing.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.027 AS 03.05.030 AS 03.05.040
AS 03.05.050 AS 03.05.076 AS 03.05.077

11 AAC 40.225. Industrial hemp propagules. (a) A registered grower importing industrial hemp propagules from outside the state and in compliance with 11 AAC 40.210 must ship the propagules to the division for inspection at the registered grower's expense.

(b) The division will test the imported industrial hemp propagules for compliance with 11 AAC Chapter 34. Any propagule received by the division that fails to comply with all applicable regulations will be destroyed by the division with notice to the registrant.

(c) The division will arrange for pick up or shipment of the industrial hemp propagules that passed division inspection to the registered grower at the registrant's expense. (Eff.

___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.027 AS 03.05.030 AS 03.05.040
AS 03.05.050 AS 03.05.076 AS 03.05.077

11 AAC 40.230. Documentation of seed and propagule source and distribution. (a) A registered grower must document all sources of industrial hemp seeds and propagules and the registrant's distribution of those seeds and propagules.

(b) The documentation must contain:

(1) the name of the person or entity from whom the seeds or propagules were acquired;

(2) proof that the person or entity identified in paragraph 1 of this subsection is either:

(A) a registered grower with the Alaska Industrial Hemp Pilot program;

(B) a source registered or licensed with a different industrial hemp pilot program operating in accordance with section 7606 of the Agricultural Improvement Act of 2014 (7 U.S.C. § 5940); or

(C) an out of country source approved by the division;

(3) the date of acquisition;

(4) if applicable, identification of any trademark, patent, or other proof of intellectual property for the seeds or propagules;

(5) identification of whether the mature plants grown from that seed or propagule have a floral material delta-9-THC content of not more than 0.3 percent; and

(6) identification of all registered growers or other persons to whom the registrant distributed the seeds or propagules.

(b) A registered grower shall keep and maintain records required by this section for a period of three years from the date of acquisition or distribution of the seed or propagule.

(c) A registered grower must provide documents required by this section to the division upon request.

(Eff. ___/___/___, Register ___).

Authority: AS 03.05.010 AS 03.05.027 AS 03.04.030 AS 03.05.040
AS 03.05.050 AS 03.05.076 AS 03.05.077

11 AAC 40.235. Grow areas. A registered grower may not grow industrial hemp outside the authorized grow area identified by GPS coordinates and identified on the approved application. The registrant must destroy any industrial hemp that grows outside the authorized grow area.

(Eff. ___/___/___, Register ___).

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

11 AAC 40.240. Land use restrictions. (a) The isolation distances between two or more varieties of the plant Cannabis for the purpose of keeping all seed pure is 3,230 feet (1,000 meters).

(b) In addition to an isolation distance, planted hemp shall also be separated from other planted forms of cannabis by a barrier that plainly distinguishes hemp from another form of cannabis.

(c) Hemp shall not be grown in a grow area smaller than one quarter acre and no fewer than 200 plants shall be planted in a grow area, unless approved in writing by the division.

(d) Hemp shall not be grown on property owned by or leased from a person who is ineligible to participate in the Alaska Industrial Hemp Pilot Program under 11 AAC 40.030 or whose registration is suspended or revoked.

(Eff. ___/___/___, Register ____).

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

11 AAC 40.245. Signage. If a grow area is one acre or less, the registered grower shall post readable signage no smaller than a total area of two feet at the grow area and visible to the public that includes the following information:

- (1) the title, “Alaska Industrial Hemp Pilot Program”;
- (2) the registration holder’s registration number; and
- (3) contact information for the Industrial Hemp Pilot Program in the division.

(Eff. ___/___/___, Register ____)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

11 AAC 40.250. Planting reports. (a) A registered grower must submit to the division, by mail or electronic mail, a planting report on a form prescribed by the division, no later than 20 days after seeding, direct sowing, or replanting of hemp seeds and propagules.

(b) If the planting is outdoors, the planting report shall contain:

- (1) the name of variety, strain or cultivar of seed or propagule planted;

- (2) the field location by cross streets and GPS coordinates;
- (3) a statement of intended use of crop harvested for each planting;
- (4) the date of planting;
- (5) the total amount of seed or propagules planted; and
- (6) the total number of acres or square feet planted.

(c) If the planting is indoors, the planting report shall contain:

- (1) the name of variety, strain, or cultivar of seed or propagule planted;
- (2) the indoor production location by street address and by GPS coordinates;
- (3) a statement of intended use of crop harvested for each planting; and
- (4) the date of planting; and
- (5) the total amount of seed or propagules planted.

(d) If no planting has occurred before July 31st of a registered year, a registered grower shall rescind their registration or submit a planting report that designates the dates the registered grower intends to plant industrial hemp during the registered year.

(e) The registrant shall maintain a planting report for a period of three years from the date or dates of planting.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

11 AAC 40.255. Pesticides. (a) Pesticides may only be applied to industrial hemp by an Alaska Department of Environmental Conservation certified applicator. The applicator must comply with 18 AAC Chapter 90 and the products approved label directions.

(b) The registered grower shall comply with the longest pre-planting interval listed on the pesticide product label, prior to planting any hemp.

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(Eff. ___/___/___, Register ____)

Authority: AS 03.05.010 AS 03.05.077 AS 46.03.010 AS 46.03.020
AS 46.03.320 AS 46.03.330 AS 46.03.730

11 AAC 40.260. Testing. A registered grower may not harvest industrial hemp until the division has:

- (1) collected and tested a sample or samples from the harvest lot in compliance with 11 AAC 40.285 or 11 AAC 40.295(b) and Article 6 of this chapter; and provided a written statement that the crop is eligible to be moved to market; or
- (2) provided written permission to harvest the lot prior to sampling or testing. The harvest lot must be stored on the registered premises of the grower and may not be transferred to another person until the division completes post-harvest testing and provides a written statement that the crop is eligible to be moved to market.

(Eff. ___/___/___, Register ____)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077 03.05.079
AS 03.05.090

11 AAC 40.265. Initial pre-harvest report. A registered grower shall inform the division by mail or electronic mail of a projected harvest date for an industrial hemp at least thirty calendar days prior to the projected harvest.

(Eff. ___/___/___, Register ____)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

11 AAC 40.270. Division response. The division shall collect and test samples from the harvest lot before the projected harvest date or shall inform the registered grower in writing that the division is unable to collect the samples for testing prior to the projected harvest date.

(Eff. ___/___/___, Register ____)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

11 AAC 40.275. Pre-harvest testing. (a) The division will schedule with the registered grower a time for the division or an authorized representative of the division to conduct pre-harvest sample collections.

(b) The registrant or the registrant's agent shall be present at the grow site during sample collection by the division or may waive in writing the right to be present. The registrant will provide to the division complete access to all hemp, whether growing or stored, and all structures and locations listed on the registrant's application.

(c) The division or representatives of the division shall sample grow areas identified in a registrant's pre-harvest report and may sample other portions of the grow areas randomly, based upon the availability of division personnel.

(d) The division or representatives of the division collecting or transporting the samples from a harvest lot or random sampling area shall have the legal right to possess and retain the sample and to transport it to a laboratory for analysis.

(e) The registrant shall be responsible for the costs of sampling and testing as identified in the testing schedule set out at 11 AAC 40.100. Any sample taken by the division is property of the division.

Eff. ___/___/___, Register ____)

Authority: AS 03.05.010 AS 03.05.040 AS 03.05.076 AS 03.05.077

11 AAC 40.280. Post-harvest testing. (a) If the registered grower is informed in writing that the registrant may harvest industrial hemp from a harvest lot prior to division sampling and testing, the registrant may proceed with the harvest.

(b) The division will schedule with the registrant a time for the division or an authorized representative of the division to conduct post-harvest sample collections.

(c) The registrant or the registrant's agent shall be present during sample collection by the division or may waive in writing the right to be present. The registrant will provide to the division complete access to all industrial hemp, whether growing or stored, and all structures and locations listed on the registrant's application.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

11 AAC 40.285. Sampling and harvesting of industrial hemp within delta-9-THC

limitations. (a) If pre-harvest testing confirms delta-9-THC levels in the harvest lot of not more than 0.3 percent, the registered grower may harvest the tested lot or lots from which the sample was derived and further store or transport the industrial hemp for compensation or processing in compliance with 11 AAC 40.710.

(1) A registered grower shall harvest the tested lot within 15 days of the division's sample collection date.

(2) If conditions do not allow the registrant to harvest within 15 days of the sample collection, the division may order additional testing of the lot or provide written authorization to harvest the crop by a specific date, without further testing.

(b) If post-harvest sampling and testing confirms delta-9-THC levels in the harvest lot of not more than 0.3, the registrant is authorized to receive compensation for the raw industrial hemp from the harvest lot in compliance with 11 AAC 40.205 of this chapter.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

AS 03.05.079

11 AAC 40.290. Sample results in excess of delta-9-THC limitations. (a) If a pre- or post-harvest sample tests greater than 0.3 percent delta-9-THC, the tested lot must be destroyed, unless reconditioning is permitted under paragraph (b) of this section.

(b) If a sample tests greater than 0.3 percent delta-9-THC but not greater than 1.0 percent delta-9-THC, the division will issue a notice of violation. The registered grower may elect to recondition the failing lot with another lot within testing levels in an attempt reduce the delta-9-THC of the reconditioned lots to not more than 0.3 percent. The registrant is responsible for sampling and testing costs of the reconditioned lots. If the reconditioned lots still exceed the 0.3 delta-9-THC or if the registrant chooses not to recondition the lot, the registrant shall destroy the hemp in compliance with 11 AAC 40.565.

(c) If a pre- or post-harvest sample tests in excess of 1.0 percent delta-9-THC levels, the division will issue a notice of violation, order the destruction of the harvest lot in compliance with 11 AAC 40.565, and notify the Department of Public Safety and the Marijuana Control Board of the notice of violation.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077 AS 03.05.079

AS 03/05.090

11 AAC 40.295. Post-harvest reports. (a) A registered grower must submit to the division, by mail or electronic mail, a post-harvest report on a form prescribed by the division, no later than 60 days after receiving sampling results from the division.

(b) The report must include the following information:

- (1) identification of the lot and grow area harvested by cross streets and GPS coordinates;
- (2) the quantity of the industrial hemp harvested or destroyed;
- (3) the testing results for the sample of the harvest lot;
- (4) the disposition of the harvest lot; and
- (5) documentation of all persons who provided compensation for the harvested lot, were offered the harvested lot free of charge, or of the registered processor or processors to whom the harvested lot was provided.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

Article 3: Processor Registration

11 AAC 40.300. Processor registration required. A person may not process industrial hemp from its raw form into any other form or an industrial hemp product, unless the person has obtained a processor registration from the division in compliance with this chapter or is operating under a registration subject to this Article.

(Eff. ___/___/___, Register ___).

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

11 AAC 40.305. Processor registration; privileges and prohibited acts. (a) A registered processor is authorized to do the following, in compliance with this chapter:

- (1) purchase and store raw industrial hemp for processing at the locations identified in the processor registration;
- (2) process industrial hemp;

(3) receive compensation for raw industrial hemp as permitted for registered growers under 11 AAC 40.205(a)(4);

(4) provide samples of processed industrial hemp or industrial hemp products to the division for sampling and testing;

(5) conduct in-house testing for the processor's own use;

(6) store processed hemp or hemp products at the locations identified in the processor registration;

(7) transport industrial hemp or industrial hemp products in compliance with 11 AAC 40.710; and

(8) receive compensation for processed industrial hemp or industrial hemp products from a retailer registered under Article 5 of this chapter.

(b) A registered processor must:

(1) comply with all applicable health and safety standards;

(2) use registered scales in compliance with AS 45.75.080;

(3) permit inspection by the division or division's representatives in compliance with AS 03.05.076(e) or AS 03.05.040;

(4) permit inspection by local safety officials, including local fire departments, building inspectors or regulatory code enforcement officers as required by other law; and

(5) upon request of the division and within three business days of notice of the request, provide a copy of the registration and inspection reports of the registered scales to the division.

(c) A registered processor may not:

(1) receive compensation for processed industrial hemp or industrial hemp products from consumers without an industrial hemp retailer registration;

(2) process or store industrial hemp in a structure that is primarily used for residential purposes;

(3) purchase for processing any industrial hemp or industrial hemp product from a person who is not registered by the division; or who is not registered or licensed by other states or qualifying entities that have implemented an industrial hemp pilot program in accordance with section 7606 of the Agricultural Improvement Act of 2014 (7 U.S.C. § 5940).

(Eff. ___/___/___, Register ____).

Authority: AS 03.05.010 AS 03.05.040 AS 03.05.050 AS 03.05.076
AS 03.05.077

11 AAC 40.310. Processor registration application. In addition to the information set forth at 11 AAC 40.050, an applicant for a processor registration must submit the following:

- (1) a physical description of the processing facility;
- (2) a depiction on the map required under 11 AAC 40.050(b)(5) of where industrial hemp will be stored or processed;
- (3) if available at the time of application, a list of sources of raw industrial hemp;
- (4) a detailed description of the product and the process to be used for each product or product line including the quality control and assurance measures to be used
- (5) for applicants who intend to extract cannabinoids and terpenoids from hemp, a description of the proposed extraction processes and of safety measures provided to protect employees, agents, and the public from the dangers associated with the extraction process: and

(6) a statement of the intended end use or of the disposal of the hemp plant or plant parts not used for processing.

(Eff. ___/___/___, Register ____)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

11 AAC 40.315. Extraction methods. (a) A registered processor may only create hemp-based extracts utilizing the following methods:

(1) non-hydrocarbon extractions, including:

- (A) cold or hot potable water filtration;
- (B) isopropyl alcohol or isopropanol;
- (C) ethyl alcohol or ethanol;
- (D) carbon dioxide;
- (E) dry ice; or
- (F) dry shifting or sieve;

(2) hydrocarbon extractions, including:

- (A) n-butane;
- (B) isobutene;
- (C) propane; or
- (D) heptane.

(b) A registered processor shall only use solvents in the extraction process that are food grade or at minimum 99 percent or greater in purity. Solvent based extractions must be completed in a commercial, professional grade, closed loop system capable of recovering the solvent used for extraction.

(c) Each individual batch of processed hemp must meet or exceed the testing requirements set out in Article 6 of this chapter prior to the processed industrial hemp or industrial hemp product being offered with or without compensation to a person or transported from the processing sites.

(Eff. ___/___/___, Register ____).

Authority: AS 03.05.010 AS 03.05.040 AS 03.05.050 AS 03.05.076
AS 03.05.077

11 AAC 40.320. Testing. (a) For any processed hemp product intended for human or animal consumption, each batch of product shall be tested in accordance with Article 6 of this chapter, for:

- (1) cannabinoid concentration and profile;
- (2) residual solvents;
- (3) microbials;
- (4) pesticides; and
- (5) heavy metal concentrations

(b) The testing under paragraph (a) of this section must be completed by the division or by a testing facility authorized by the division at the expense of the registered processor and prior to packaging, transporting, or making the hemp product available for compensation.

(c) The division or authorized representatives of the division may also conduct random sampling and testing of industrial hemp products or sampling of suspected materials unannounced, at any time during the normal business hours of the registered processor. Any sample taken by the division is the property of the division. At the time of inspection, the division or the division's authorized representative shall have complete and unrestricted access to

all industrial hemp, industrial hemp materials, and industrial hemp products and all land, buildings and structures listed on the application or registration used to process or store hemp or hemp products.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.030 AS 03.05.040 AS 03.05.050
AS 03.05.076 AS 03.05.077 AS 03.05.079

11 AAC 40.325. Test results. (a) The division will convey test results to the registered processor within 30 days of sample collection.

(b) For products with test results greater than 0.3 percent delta-9-THC but not greater than 1.0 percent delta-9-THC, the division will issue a notice of violation. The registered processor may elect to recondition the failing batch with another batch within testing levels or re-extract the failing batch in an attempt reduce the delta-9-THC of the reconditioned batches to not more than 0.3 percent. The registered processor is responsible for sampling and testing costs of the reconditioned or re-extracted batch. If the reconditioned or re-extracted batch still exceed the 0.3 delta-9-THC or if the registrant chooses not to recondition the batch, the registrant shall destroy the batch in compliance with 11 AAC 40.565.

(c) If the sample taken from a batch is greater than 1.0 percent delta-9-THC, the division will issue a notice of violation, order the destruction of destruction of the batch and products derived from the batch, and notify the Department of Public Safety and the Marijuana Control Board of the notice of violation.

(d) The division shall notify the registrant of any solvents, heavy metals, microbials, or pesticides found during testing.

(Eff. ___/___/___, Register ___).

Authority: AS 03.05.010 AS 03.05.040 AS 03.05.050 AS 03.05.076
AS 03.05.077 AS 03.05.079 AS 03.05.090

11 AAC 40.330. Records. (a) A registered processor shall keep records of all industrial hemp obtained for the purpose of processing for each registered year, including:

- (1) the date the industrial hemp was received;
- (2) the quantity received;
- (3) an identifying harvest lot number;
- (4) the name, phone number, mailing address, and electronic mail address of the seller or supplier of the hemp; and
- (5) the cross streets and GPS coordinates of the grow site for the supplied hemp.

(b) A registered processor shall keep all records for each batch of processed industrial hemp, including:

- (1) the date of processing;
- (2) the lot number coordinated with each batch of processed hemp;
- (3) the total amount processed;
- (4) the type and method of processing; and
- (5) any tests or test results conducted on the hemp in original or processed form,

identified by lot and batch number of the tested hemp.

(c) All reports and records identified in this section must be maintained for a minimum of three years and shall be made available for review by the division or authorized representatives of the division within three business days of the division's request.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

11 AAC 40.335. Production reports. (a) A registered processor shall submit a completed production report for each registration term on or before March 1st of the following registration year.

(b) The report shall contain:

- (1) the quantity of the industrial hemp processed;
- (2) identification of the lot and batch numbers processed;
- (3) the disposition of all raw and processed industrial hemp; and
- (4) documentation of all persons who purchased raw industrial hemp or

processed industrial hemp or industrial hemp products, either with or without compensation, from the registrant.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

Article 4: Hemp Product Endorsement and Labeling

11 AAC 40.400. Endorsement. (a) Prior to being transported in the state or offered with or without compensation to a consumer, any hemp product processed beyond its raw form must be endorsed by the division

(b) Hemp products not intended for human or animal consumption are not subject to this Article.

(c) Endorsements for each hemp product or product line are valid when;

- i) The process registrant holds a valid registration;
- ii) the product process has been approved; and then renewed annually;
- iii) each product batch meets the approved product process standards;
- iv) each product batch passes all testing requirements;

iv) each product has an approved label affixed thereon.

(d) An endorsement will be provided by written statement for a product or product line.

(Eff. ___/___/___, Register ____)

Authority: AS 03.05.010 AS 03.05.030 AS 03.05.076 AS 03.05.077
AS 03.05.090 AS 03.05.100

11 AAC 40.405. Application for endorsement. (a) An application for endorsement of a hemp product intended for human or animal consumption shall be on a form prescribed by the division and shall include:

- (1) a color copy of the product’s proposed label;
- (2) a copy of the laboratory test results of each product or batch of product;
- (3) a copy of the processor’s registration under this chapter or a copy of the processor’s registration or license from other states or qualifying entities that have implemented an industrial hemp pilot program in accordance with section 7606 of the Agricultural Improvement Act of 2014 (7 U.S.C. § 5940);
- (4) a copy of the terpene analysis if required under 11 AAC 40.630(c); and
- (5) submission of the endorsement fee set out at 11 AAC 40.100.

(b) A request for modification of the endorsement shall be required for any change to the labeling requirements of 11 AAC 40.420.

(Eff. ___/___/___, Register ____).

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

11 AAC 40.410. Testing standards. Processed industrial hemp products intended for human or animal consumption shall meet or exceed the requirements of Article 6 of this chapter.

(Eff. ___/___/___, Register ____).

Authority: AS 03.05.010 AS 03.05.050 AS 03.05.076 AS 03.05.077

11 AAC 40.415. Hemp product sizing. No processed industrial hemp product intended for human or animal consumption shall contain more than 50 milligrams of delta-9 THC per individual product.

(Eff. ___/___/___, Register ____).

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077 AS 03.05.079
AS 03.05.100

11 AAC 40.420. Labeling. (a) Processed industrial hemp products intended for human or animal consumption shall be labeled with the following:

- (1) the product name;
- (2) a batch and lot number for the product;
- (3) an expiration date;
- (4) the total quantity of the product by weight or volume;
- (5) the serving size or recommended dose;
- (6) a list of all ingredients;
- (7) a statement that the product has not been approved by the Food and Drug

Administration or the Alaska Department of Environmental Conservation.

- (8) the industrial hemp pilot program from which the hemp originated;
- (9) the industrial hemp pilot program that authorized the processing or testing of

the industrial hemp in the product; and

- (10) if the product conducts any delta-9-THC, the statement “warning: contains

THC”.

(b) Processed industrial hemp products intended for human or animal consumption shall not contain health or medical claims on the label or packaging.

(c) Processed industrial hemp products shall not reuse the unique batch number associated with an endorsement.

(Eff. ___/___/___, Register ____).

Authority: AS 03.05.010 AS 03.05.030 AS 03.05.076 AS 03.05.077
AS 03.05.079 AS 03.05.100

Article 5: Retailer Registration

11 AAC 40.500. Retailer registration required. A person may not receive compensation for processed industrial hemp or processed industrial hemp products from a consumer in the state, unless the person has obtained a retailer registration from the division in compliance with this chapter or is operating under a registration subject to this Article.

(Eff. ___/___/___, Register ____).

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

11 AAC 40.505. Retailer registration; privileges and prohibited acts. (a) A registered retailer is authorized to do the following, in compliance with this chapter:

- (1) import processed industrial hemp or industrial hemp products;
- (2) receive compensation for processed industrial hemp or industrial hemp products;
- (3) store processed industrial hemp or industrial hemp products for the purposes of receiving compensation at the retail locations identified in the registration;
- (4) conduct in-house testing for the registrant's own use; and
- (5) transport processed industrial hemp or industrial hemp products in compliance with this chapter.

(b) A registered retailer shall:

(1) ensure industrial hemp products intended for human or animal consumption and offered for compensation are appropriately labeled in compliance with applicable law;

(2) display in an area visible in or outside the retailer location or locations, the official Alaska Industrial Hemp Pilot Program placard provided by the division.

(3) within three business days of a request, provide to the division a list of the processors for any processed industrial hemp or industrial hemp product offered for compensation;

(4) comply with all other applicable health and safety standards; and

(5) permit inspection of the retail locations identified in the application for registration and of the processed industrial hemp or industrial hemp product as permitted permit inspection by the division or division's representatives in compliance with AS 03.05.076(e) or AS 03.05.040.

(c) A registered retailer may submit an endorsement application for an industrial hemp product intended for human or animal consumption, in the absence of a processor having done so, but shall identify the processor who did not receive an endorsement for the product in compliance with this chapter.

(d) Unless a registered retailer is also a registered grower, the registrant shall not transfer or receive compensation for live industrial hemp plants, viable industrial hemp plants, or viable seed leaf or floral material.

Eff. ___/___/___, Register ____).

Authority: AS 03.05.010 AS 03.05.040 AS 03.05.050 AS 03.05.076
AS 03.05.077

11 AAC 40.510. Retailer registration application. In addition to the information set forth at 11 AAC 40.050, an applicant for a retailer registration shall submit the following:

- (1) a description of the type of store or operations of the retailer;
- (2) a location or list of locations of the retailer where industrial hemp will be offered for retail sales; and

(3) a list of industrial hemp products intended to be sold by the retailer. (Eff. ___/___/___, Register ____).

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

11 AAC 40.515. Incorporation of a processed hemp product into a non-hemp product

intended for human or animal consumption. (a) A registered retailer who adds, mixes, or incorporates a processed industrial hemp product intended for human or animal consumption into non hemp products shall use only processed hemp products endorsed under Article 4 of this chapter.

(b) A product containing a non-hemp product and a processed industrial hemp product which is intended for human or animal consumption shall not be considered adulterated, if the processed industrial hemp product holds a current endorsement under Article 4 of this chapter.

(c) A registered retailer who adds, mixes, or incorporates a processed industrial hemp product intended for human or animal consumption into a non-hemp product shall use scales or other instruments that are in compliance with AS 45.75.080 to determine the appropriate serving size of the hemp product and shall maintain current registration and inspection reports for the scales or other instruments as required under AS 45.75.080 and 17 AAC 90.920 – 17 AAC 90.935.

(d) within three business days of the division’s request, copies of registration and inspection reports required under paragraph (c) of this section shall be provided to the division.

(Eff. ___/___/___, Register ____)

Authority: AS 03.05.010 AS 03.05.030 AS 03.05.050 AS 03.05.076
AS 03.05.077

11 AAC 40.520. Inspection and testing. (a) The division or an authorized representative of the division shall be granted access to all industrial hemp products available at any retail location during normal business hours in order to inspect, test, and sample any hemp products available for sale.

(b) The division or authorized representative of the division may issue a notice of violation and a stop order for any processed hemp product intended for human or animal consumption from a registered retailer if the hemp product:

(1) does not hold a current endorsement from the division issued in compliance with Article 4 of this chapter;

(2) is not packaged as required by 11 AAC 40.415 or labeled as required by 11 AAC 40.120;

(3) contains greater than 0.3 percent delta-9 THC; or

(4) has failed the permissible level of contaminants as provided in 11 AAC 40.640.

(Eff. ___/___/___, Register ____)

Authority: AS 03.05.010 AS 03.05.030 AS 03.05.040 AS 03.05.050
AS 03.05.076 AS 03.05.077 AS 03.05.079 AS 03.05.090

11 AAC 40.525. Records. (a) A registered retailer shall keep records of processed industrial hemp or processed industrial hemp products obtained for the purpose of retail for each registered year, including:

(1) the date the processed industrial hemp or processed industrial hemp products was received;

(2) the quantity received;

(3) identifying lot and batch numbers for processed industrial hemp or processed industrial hemp products; and

(4) identification of the supplier of processed industrial hemp or processed industrial hemp products.

(b) All reports and records identified in this section shall be maintained for a minimum of three years and shall be made available for review by the division or the division's representative within three business days of the division's request.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

11 AAC 40.530. Retailer reports. (a) A registered retailer shall submit a retailer report on a form prescribed by the division no later than March 1 of the year following registration year.

(b) The report must include the following information:

(1) identification of the processed industrial hemp or industrial hemp products offered for compensation during the registration term;

(2) the quantity of processed industrial hemp or industrial hemp products for which the registrant received compensation;

(3) the percentage of processed industrial hemp or processed industrial hemp products offered for retail that is intended for human or animal consumption; and

(4) documentation of consumer complaints.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

Article 6: Sampling, Testing, Quarantines, and Destruction

11 AAC 40.600. Compliance with this article. (a) A registered hemp grower may not receive or offer for compensation any raw industrial hemp until the requirements of 11 AAC 40.270 - 11 AAC 40.295 have been completed and the division has issued a written statement that the crop is eligible to be moved to market.

(b) A registered industrial hemp processor may not receive or offer for compensation any processed industrial hemp until each batch of processed hemp product has satisfied the requirements of this article.

(c) A registered hemp retailer may not receive or offer for compensation any industrial hemp product unless the product has satisfied the requirements of this article.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077 AS 03.05.078

11 AAC 40.605. Laboratory testing of hemp and hemp products. (a) The division or a testing facility authorized by the division shall test industrial hemp and industrial hemp products to verify compliance with this chapter, perform investigations, compile data for the Industrial Hemp Pilot Program, and address public health and safety concerns.

(b) The division may require industrial hemp or industrial hemp products to undergo a second independent third-party review to verify that the industrial hemp or industrial hemp products do not pose a threat to public health and safety when the division, in consultation with the Alaska Department of Environmental Conservation, has reason to believe and finds, upon investigating, one of the following:

(1) the industrial hemp or industrial hemp product being distributed contains one or more contaminants at levels known to cause harm; or

(2) the industrial hemp or industrial hemp product contains one or more contaminants that could be toxic as consumed or applied in accordance with the intended use as stated on the product label.

(c) The division may quarantine industrial hemp or industrial hemp products as set forth at 11 AAC 40.660.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077 AS 03.05.078

11 AAC 40.610. Sampling required. (a) Any industrial hemp and industrial hemp product, prior to being offered for compensation or offered without charge shall have samples drawn from the entire harvest lot or processing batch, as applicable, and submitted to the division or an authorized testing facility as one test sample.

(b) To comply with (a) of this section, a registrant shall permit samples submitted for testing to be collected by the division or a representative of the division.

(c) A registrant shall not:

(1) attempt to influence the samples selected by the division or an authorized representative of the division;

(2) adulterate, alter, or attempt to adulterate or alter any samples taken from the production batch for the purpose of circumventing contaminant testing limits or potency testing requirements.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077 AS 03.05.078

11 AAC 40.615. Sample size for processed hemp. The division or the division's representative shall collect a minimum number of representative homogenous samples per test batch for testing in the following amounts.

(1) for processing batches weighing up to one pound, a minimum of eight separate 0.25-gram samples must be combined into a two gram sample and submitted as one test batch;

(2) for processing batches weighing more than one pound and less than two pounds, a minimum of 12 separate 0.25 gram samples must be combined into one 3 gram sample and submitted as one test batch:

(3) for processing batches weighing two pounds or more but less than three pounds, a minimum of 15 separate 0.25 gram samples must be combined into one 3.75 gram sample and submitted as one test batch;

(4) for processing batches weighing three pounds or more but less than four pounds, a minimum of 18 separate 0.25 gram samples must be combined into one 4.5 gram sample and submitted as one test batch;

(5) for processing batches weighing four pounds or more but less than 10 pounds, a minimum of 23 separate 0.25 gram samples must be combined into one 5.75 gram sample and submitted as one test batch; or

(6) for processing batches weighing 10 pounds or more, a minimum of 29 separate 0.25 gram samples must be combined into one 7.25 gram sample and submitted as one test batch.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077 AS 03.05.078

11 AAC 40.620. Samples for test batches of processed hemp or hemp products. (a) A sample of processed hemp or hemp products must be packaged as if submitted for sale prior to sending to the division or an authorized testing facility. Each such package of processed hemp or hemp product shall constitute one sample.

(b) The number of samples per processing batch required for testing is as follows:

(1) for processing batches of up to 100 samples, a minimum of two separate samples must be submitted as one test batch;

(2) for processing batches of up to 500 samples, a minimum of four separate samples must be submitted as one test batch;

(3) for processing batches of up to 1,000 samples, a minimum of six separate samples must be submitted as one test batch;

(4) for processing batches of up to 5,000 samples, a minimum of eight separate samples must be submitted as one test batch;

(5) for processing batches of up to 10,000 samples, a minimum of 10 samples must be submitted as one test batch; or

(6) for processing batches of more than 10,000 samples, a minimum of 12 samples must be submitted as one test batch.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077 AS 03.05.078

11 AAC 40.625. Test batch, standards for authorized testing facilities. (a) The division will establish a minimum weight or volume of processed industrial hemp or industrial hemp products and direct the designated testing facilities to apply those standards for every type of test conducted.

(b) The division will also establish a standard number of samples required to be included in each test batch of processed hemp or hemp products for every type of test conducted in compliance with 11 AAC 40.630 – 11 AAC 40.640.

(c) An authorized testing facility shall not accept a test batch that is smaller than the standard minimum amount, unless the test batch was collected by the division, an authorized representative of the division, or a registrant pursuant to division direction.

(Eff. ___/___/___, Register ____)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077 AS 03.05.078

11 AAC 40.630. Cannabinoid and Terpene Potency. (a) All industrial hemp grown, processed, or made available for retail sales shall be tested by the division or an authorized testing facility for delta-9 THC, and must test at or below 0.3 percent.

(b) All processed industrial hemp products intended for human or animal consumption shall also require a cannabinoid potency test that must at least determine the concentration of tetrahydrocannabinol, cannabidiol, cannabichomene, cannabigerol, cannabichromene, cannabidivarin, including acid forms.

(c) Terpene analysis shall not be required for any hemp or hemp product unless terpene content is listed on the label, packaging, or an advertisement. In such cases, a terpene analysis must be performed and submitted to the division.

(Eff. ___/___/___, Register ____)

Authority: AS 03.05.010 AS 03.05.030 AS 03.05.076 AS 03.05.077
AS 03.05.078

11 AAC 40.635. Methodology for testing delta-9-THC levels in raw industrial hemp. Raw industrial hemp collected by the division or an authorized representative of the division for

sampling will be tested for a quantitative determination of delta-9-THC by measures using gas chromatography.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077 AS 03.05.078

11 AAC 40.640. Contaminants. (a) Industrial hemp products intended for human or animal consumption shall be tested or screened for the contaminants listed and shall meet or exceed the following permissible levels:

1. Residual solvents

Solvent	Parts Per Million (ppm)	Product to be tested
Acetone	< 500	Extracted concentrates
Benzene	0	
Butanes	< 500	
Chloroform	< 1	
Cyclohexane	< 500	
Heptane	< 500	
Hexane	0	
Isopropanol	< 500	
Methanol	< 500	

Pentanes	< 500	
Propane	< 500	
Toluene	0	
Xylenes (m, p, o-xylenes)	< 217	

(2) Microbials (Bacterial, Fungus)

Substance	Acceptable limits per gram	Product to be tested
Escherichia coli (STEC) – bacteria	Less than 1 colony forming unit (CFU/g)	Hemp or hemp products intended for human consumption; water and food-based concentrates
Salmonella species – bacteria	Less than 1 colony forming unit (CFU/g)	
Aspergillus fumigatus, Aspergillus flavus, Aspergillus niger-fungus	Less than 1 colony forming unit (CFU/g)	

(3) Mycotoxins

Substance	Acceptable limits per gram	Product to be tested
Total Aflatoxin B1, B2, G1, G2	< 20 parts per billion (PPB)	Hemp or hemp products intended for human consumption; water and food-based concentrates
Ochratoxin A	< 20 parts per billion (PPB)	

(4) Pesticides

Substance	Detection Limits (Parts Per Million, PPM)	Product to be tested
Abamectin	< 0.07	Hemp or hemp products intended for human consumption; water and food-based concentrates
Azoxystrobin	< 0.02	
Bifenazate	< 0.02	
Etoxazole	< 0.01	
Imazalil	< 0.04	
Imidacloprid	< 0.02	
Malathion	< 0.05	
Myclobutanil	< 0.04	
Permethrin	< 0.04	
Spinosad	< 0.06	
Spiromesifen	< 0.03	
Tebuconazole	< 0.01	

(5) Metals

Substance	Acceptable Limits Per Gram Based on Intended Use	Product to be tested
Metals (Cadmium, Arsenic, Lead, Mercury)	Inhaled or Audited Product: smoke hemp flowers or vape concentrates	Hemp or hemp products intended for human consumption; water and food-based concentrates

	<p>Lead – Max Limit: < 0.5 ppm</p> <p>Arsenic – Max Limit: < 0.02 ppm</p> <p>Cadmium – Max Limit: ,0.02 ppm</p> <p>Mercury – Max Limit: <0.1 ppm)</p>	
	<p>Topical and/or Transdermal</p> <p>Lead – Max Limit: < 10 ppm</p> <p>Arsenic – Max Limit: < 3 ppm</p> <p>Cadmium – Max Limit < 3 ppm</p> <p>Mercury – Max Limit < 1 ppm</p>	
	<p>Oral Consumption or Audited Product: rectal or vaginal administration</p>	

	<p>Lead- Max Limit: < 1 ppm</p> <p>Arsenic – Max Limit: < 1.5 ppm</p> <p>Cadmium – Max Limit: < 0.5 ppm</p> <p>Mercury – Max Limit: < 1.5 ppm</p>	
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(b) Notwithstanding the permissible levels established in paragraph (a), the division reserves the right, upon good cause and reasonable grounds, to conclude that industrial hemp product meeting these levels still presents a risk to the public health or safety and therefore shall be considered to have failed a contaminant test.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.030 AS 03.05.050 AS 03.05.076
AS 03.05.077 AS 03.05.078

11 AAC 40.645. Exceeding contaminant testing levels. (a) If industrial hemp and industrial hemp products are found to have a contaminant in levels exceeding those established as permissible under 11 AAC 40.640, then it shall be considered to have failed contaminant testing.

(b) If industrial hemp or industrial hemp products have failed a contaminant test, the testing facility must immediately notify the division and the retailer or processor that submitted the test batch for testing.

(Eff. ___/___/___, Register ____)

Authority: AS 03.05.010 AS 03.05.030 AS 03.05.050 AS 03.05.076
AS 03.05.077 AS 03.05.078

11 AAC 40.650. Failed test results for hemp products. (a) Any registrant that is notified by the division or the division’s representative that a test batch failed a contaminant or potency test shall immediately discontinue offering for sale any hemp products associated with the failed test batch.

(b) Any hemp products that have failed contaminant or potency test must be physically separated from all other hemp inventory, shall not be transported, and shall not be further processed or added to a non-hemp product.

(Eff. ___/___/___, Register ____)

Authority: AS 03.05.010 AS 03.05.030 AS 03.05.050 AS 03.05.076
AS 03.05.077 AS 03.05.078

11 AAC 40.655. Retests. (a) A registrant whose product has failed initial testing under 11 AAC 40.630 or 11 AAC 40.640 may submit a written request, on a form provided by the division, for a retest of the industrial hemp product. The division shall authorize a request for a retest, but the registrant requesting the retest shall pay all costs of testing and validation.

(b) If electing to retest, a registrant must either:

(1) submit new test samples complying with this article from the same failing batch to the division or authorized testing facility that performed the original test; or

(2) submit the new test samples complying with this article from the same batch to a different testing facility approved by the division and available to conduct the retest.

(c) If the sample passes the potency or a required contaminant testing under paragraph (b), the division may elect to submit the hemp product for a third testing at the division's expense. If the division does not so select, the lot or batch from which the sample came must have the identifying number modified with the addition of the letter "X" at the end or the previous identifier, then the hemp or hemp products associated with each test batch may be transferred or further processed in compliance with this chapter.

(d) In the event the division has elected to test the product a third time, two passing results means the product passes and the product may continue to be offered for retail, subject the addition of the letter "X" to the identifying number, as described in paragraph (c) of this section. Two failing results means the product fails and must be destroyed in accordance with paragraph (e) of this section.

(e) If the sample fails and is not retested, or retested and fails under paragraphs (c) or (d), the division shall, at its option, direct the registrant to destroy all hemp products affiliated with the failed test and require proof of destruction, or seize and destroy the hemp products as permitted under AS 03.05.010 (5).

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.030 AS 03.05.050 AS 03.05.076
AS 03.05.077 AS 03.05.078

11 AAC 40.660. Quarantine. (a) In addition to other remedies provided under 11 AAC 40.800, the division may also elect to immediately quarantine industrial hemp or industrial hemp products in the following circumstances:

(1) the division or an authorized representative of the division finds after investigation that a registered processor or retailer violated this chapter;

(2) the hemp or hemp product was processed by a person not registered with the Alaska Industrial Hemp Pilot Program or a person not registered or licensed with an industrial hemp pilot program created in accordance with section 7606 of the Agricultural Improvement Act of 2014 (7 U.S.C. § 5940).

(3) the industrial hemp or industrial hemp products present a potential threat to public health or safety; or

(4) the division has received reports of an adverse event related to the use of a industrial hemp or industrial hemp products.

(b) Any industrial hemp or industrial hemp products quarantined may be returned to or release to the registrant if no harm is substantiated and the registrant whose industrial hemp was quarantined is otherwise in compliance with this chapter. The division will destroy quarantined industrial hemp or industrial hemp products if an allegation identified in paragraph (a) of this section is substantiated.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.050 AS 03.05.076 AS 03.05.077

11 AAC 40.665. Waste disposal, including hemp destruction. (a) A registrant shall store, manage, and dispose of any solid or liquid waste, including wastewater generated during industrial hemp or industrial hemp product production, processing, testing, or retail sales, in compliance with applicable federal, state, and local statutes, ordinances, regulations, and other law.

(b) Disposal must be conducted in a manner consistent with federal, state and local laws, regulations, rules and other requirements. This may include, but is not limited to, the disposal of

pesticides or agricultural chemicals used in production, or certain solvents or other chemicals used in the processing of industrial hemp or industrial hemp product concentrates or products.

(c) Industrial hemp or industrial hemp product waste must be made unusable for any purpose for which it was grown or produced and unrecognizable prior to leaving the registered premises. Industrial Hemp or industrial hemp product waste includes:

(1) industrial hemp plant waste, including stalks, leaves, stem, and flowers that have not been processed with solvent;

(2) industrial hemp or industrial hemp products that has been found unfit for sale or consumption;

(3) expired industrial hemp or industrial hemp products; or

(4) Industrial hemp or industrial hemp products that failed testing under this article.

(d) Industrial hemp, industrial hemp product waste, and failed industrial hemp processing batches may be made unusable and unrecognizable through mowing, grinding, or compacting the hemp or hemp product and incorporating the industrial hemp or industrial hemp product with at least an equal amount of other compostable or non-compostable materials listed below, such that the resulting mixture cannot be easily separated and sorted:

(1) food waste;

(2) yard waste;

(3) vegetable-based grease or oils;

(4) paper or cardboard waste;

(5) plastic waste;

(6) oil;

(7) soil, or

(8) other wastes approved by the division or a representative of the division that will render the industrial hemp or industrial hemp products unusable and unrecognizable.

(f) A registrant shall give notice to the division, on a form prescribed by the division, of the disposal of the industrial hemp or industrial hemp products within ten business days of disposal.

(f) If industrial hemp or industrial hemp products are found by or surrendered to a peace officer, the officer may dispose of the industrial hemp or industrial hemp products as outlined in this section or by any method allowed under any applicable local ordinance.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.050 AS 03.05.076 AS 03.05.077

Article 7: Requirements Common to All Registrations

11 AAC 40.700. Notification. (a) The division shall submit a list of registrants and information to the Marijuana Control Board and the Department of Public Safety on at least an annual basis and to any other peace officer upon request.

(b) The division shall submit all notices of violation specific to cannabis or cannabis products in excess of 1 percent of delta-9-THC to the Marijuana Control Board and the Department of Public Safety.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

11 AAC 40.705. Hemp Storage. (a) Under any registration issued under this chapter, a registrant may store industrial hemp or industrial hemp products on the same property and at the same address or GPS coordinates listed on the registrant's application and registration.

(b) Registrants under Article 2 may store industrial hemp seeds, hemp, and hemp parts in raw form or industrial hemp in a processed form, but to sell industrial hemp in a processed form the registered grower must also hold a retailer registration.

(c) Industrial hemp and industrial hemp products shall be stored securely with reasonable physical containment and security measures.

(d) The division may inspect stored industrial hemp or industrial hemp products as set forth at 11 AAC 40.275(b), 11 AAC 40.320(c), or 11 AAC 40.520(a).

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.040 AS 03.05.076 AS 03.05.077

11 AAC 40.710. Transportation. (a) Except as described at paragraph (b) of this section, a registrant shall not transport industrial hemp or industrial hemp products without a transportation permit issued by the division. A transport permit only authorizes industrial hemp to be transported to or from one registrant to another registrant or from one property of a registrant to another property of a registrant.

(b) A transportation permit is not required:

(1) for a registrant under Article 2 to transport industrial hemp on property listed on its registration for storage, drying, or testing in advance of a pre-harvest report;

(2) to transport industrial hemp seed to a registered grower; or

(3) to transport industrial hemp products holding a valid endorsement under Article 5 of this chapter to or from registered retail locations.

(c) A transportation permit shall be issued to a registered grower or registered processor only after sampling has validated that that hemp is no more than 0.3 percent delta-9-THC.

(d) A registrant shall apply to the division for a transportation permit and pay the required fee under 11 AAC 40.100.

(e) The division will process the application for a transportation permit within five business days from receipt of the application. A single transportation permit may be approved by the division for multiple days or methods of transportation, if deemed practicable or necessary by the division.

(f) A transportation permit shall contain:

- (1) the name of the permit holder;
- (2) the address and the GPS coordinates from where the industrial hemp will depart;
- (3) the name of the registrant to whom the industrial hemp will be transported;
- (4) the address and the GPS coordinates at which the industrial hemp will be delivered;
- (5) the amount of industrial hemp being transported;
- (6) a physical description of the vehicle transporting the industrial hemp, including the registration plate number; and
- (7) the name of the person operating the vehicle transporting the industrial hemp.

(g) A registrant shall maintain all transportation permits for three years and make them available to the division for inspection within three business days of the division's request.

(h) The operator of the vehicle transporting industrial hemp shall have a copy of the applicable registration and the transportation permit in the operator's immediate possession at all times while transporting industrial hemp. When transporting industrial hemp, a person shall

present a copy of the registration and permit upon demand to a peace officer, the division, or the division's representative.

(i) A person may display the registration and permit electronically, but doing so does not constitute consent to a search of the electronic device by a peace officer, the division, or a division's representative.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077 AS 03.05.078

Article 8: Enforcement; Appeals

11 AAC 40.800. Enforcement authority. To carry out the provisions of this chapter; the division may:

(1) sample and test industrial hemp, cannabis, industrial hemp products, and cannabis products for the presences of delta-9 THC, prohibited contaminants, or pesticide residue and for proper labeling and distribution;

(2) control, seize, quarantine, embargo, or direct destruction of industrial hemp or industrial hemp products not in compliance with this chapter;

(3) issue stop orders to any person not a licensee under 3 AAC 306 who is found to be growing, processing, or retailing a cannabis product with delta-9-THC over 0.3 percent, regardless of whether the person is a registrant of the industrial hemp pilot program;

(4) during the usual hours of a business, or at any time if the division determines there is an immediate threat to the health or safety of the general public, enter and inspect premises where industrial hemp or industrial hemp products are produced, handled, or transported;

(5) with three days' notice to the registrant, inspect records documenting the sale or transfer of industrial hemp or industrial hemp products;

(6) declare as a public nuisance injurious to the public interest any industrial hemp or industrial hemp product found to violate a regulation under this chapter;

(7) direct the movement, reconditioning, or destruction of any industrial hemp, industrial hemp product, or cannabis or cannabis products with delta-9-THC over 0.3 percent declared to be a public nuisance as permitted by AS 03.05.050 or AS 03.05.076;

(8) issue notices of violations and collection of fines for violations of this chapter, including to persons who are not registered or permitted to participate in the Alaska Industrial Hemp Pilot Program;

(9) as permitted by AS 03.05.090, refer violations of this chapter to a peace officer for criminal prosecution as a Class A misdemeanor;

(10) suspend, revoke, or deny registrations, endorsements, or permits issued under this chapter;

(11) cooperate and communicate with the Marijuana Control Board, the Department of Public Safety, or any other peace officers; and

(12) undertake any other action not listed here, but permitted under Title 3, Chapter 5 of the Alaska Statutes.

(Eff. ___/___/___, Register ___)

Authority:	AS 03.05.010	AS 03.05.040	AS 03.05.050	AS 03.05.076
	AS 03.05.077	AS 03.05.078	03.05.079	AS 03/05.090
	AS 03.05.100			

11 AAC 40.810. Suspension. The division may temporarily suspend a permit or registration issued under this chapter for up to 60 days if registrant or endorsement is alleged to have:

- (1) violated any provision of AS 03.05.010, AS 03.05.076 – AS 03.05.079 or this chapter;
- (2) made any false statement to the division or the division’s representatives;
- (3) failed to comply with any agreement signed by the registrant or permittee at the time the registration or permit was issued;
- (4) failed to comply with any orders of the division to enforce this chapter; or
- (5) failed to pay any fines issued in connection with notices of violation.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

11 AAC 40.820. Revocation. The division may revoke a registration, permit, or endorsement and prohibit participation in the industrial hemp pilot program for a period of five years if the registrant:

- (1) has planted, grown, cultivated, or replicated industrial hemp seeds or propagules from a hemp plant of wild, landrace, or unknown origination without advance written approval from the division;
- (2) has harvested industrial hemp without a harvest report and pre-harvest sample taken by the division, without advance written approval of the division;
- (3) as ordered, failed to destroy a harvest lot the sample of which has tested at greater than 1.0 percent delta-9-THC;
- (4) processes industrial hemp that is greater than 1.0 percent delta-9-THC;

(5) utilizes an extraction process under 11 AAC 40.310 deemed by the division to pose a risk to human or animal health or safety;

(6) fails to submit any report required under this chapter; or

(7) violates this chapter three separate occasions in a one-year period.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

11 AAC 40.830. Appeals. (a) Except as described in paragraph two of this section, appeals of decisions of the division under this chapter shall be in accordance with 11 AAC 02.040 – 11 AAC 02.900.

(b) The automatic stay provisions of 11 AAC 02.060 shall not apply to permit any hemp or hemp products testing in violation of 11 AAC 40.630 or 11 AAC 40.640 to be sold or transferred to another registrant or a consumer. Hemp or hemp products violating such standards shall be subject to quarantine under 11 AAC 40.660, which may only be lifted should the Commissioner reverse on appeal the decision of the division.

(Eff. ___/___/___, Register ___)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.077

Article 9: General Provisions

11 AAC 40.900. Public records. Any documents submitted by applicants or registrants to participate in the Alaska Industrial Hemp Pilot Program are public records subject to inspection and copying, unless an exception is available under AS 40.25.120, AS 40.25.122, or other Alaska common law or Alaska statutory privilege.

(Eff. ___/___/___, Register ___)

Authority: AS 40.25.120 AS 40.25.122

11 AAC 40.910. Definitions. (a) In this chapter,

(1) “adverse event” means any negative medical consequence associated with the use of hemp or hemp products, including any unfavorable or unintended physical symptom or disease, or any hospitalization, emergency room visits, doctor’s visits, or abnormal laboratory findings associated with the use of industrial hemp or industrial hemp products.

(2) “Alaska Industrial Hemp Pilot Program” means the pilot program operated by the division to study the growth, cultivation, or marketing of industrial hemp as permitted under AS 03.05.077.

(3) "applicant" means a person, who submits an application to participate as a registrant in the Alaska Industrial Hemp Pilot Program.

(4) “batch” means:

(a) a quantity of hemp or hemp parts from a harvest lot; or

(b) a quantity of hemp extract from a process lot.

(5) “business day” means a day other than Saturday, Sunday, or a state holiday.

(6) “business entity” means a non-natural person and includes a not-for-profit or for-profit corporation, partnership, limited liability company, or other business association.

(7) “calendar day” means a day, including Saturday, Sunday, or a state holiday.

(8) “cannabinoid” means any of the chemical compounds that are the active constituents of the cannabis plant.

(9) “cannabis” means all parts of the cannabis plant, whether growing or not, including its seeds, resin, compounds, salts, derivatives, and extracts.

(10) "CBD" means cannabidiol.

(11) “commissioner” means the Commissioner of the Alaska Department of Natural Resources.

(12) “compensation” means money, bartered objects or services, or anything else of value, whether given as a payment or voluntarily as a donation, when accepted by a person who gives, distributes, or delivers industrial hemp to another.

(13) “consumer” has the meaning given at AS 45.50.561(4), but excludes registrants or persons who should be registered, but are not, in the Alaska Industrial Hemp Pilot Program.

(14) “consumption” means any method of ingestion of or application to the body, including eating, drinking, inhaling, absorbing, or injecting.

(15) “decarboxylated” means the completion of the chemical reaction that converts THC-acid into delta-9-THC, the intoxicating component of cannabis. The decarboxylated value is also calculated using a conversion formula that sums delta-9-THC and eighty-seven and seven tenths (87.7) percent of THC-acid.

(16) “delta-9-THC” means delta-9-tetrahydrocannabinol concentration (the primary intoxication component of cannabis).

(17) “delta-9-THC content of not more than 0.3 percent” means delta-9-tetrahydrocannabinol concentration or not more than 3,000 parts per million on a dry weight basis.

(18) “department” has the meaning given at 11 AAC 02.900.

(19) “destroy” means to make incapable of being harvested, processed, or offered in retail.

(20) “director” means the director of the division.

(21) “division” means the Alaska Department of Natural Resources, Division of Agriculture.

(22) “extraction” means the act of using a solvent to process raw hemp plant parts by means of hydrocarbon and non-hydrocarbon.

(23) “fibrous waste” means any roots, stalks, stems or flowers from hemp.

(24) “GPS” means global positioning system.

(25) “grow” means to plant, propagate, cultivate, or harvest industrial hemp.

(26) “grower registration” means a document authorizing the person to grow, handle, and store hemp at one or more specified location in the state.

(27) “grow area” means a contiguous area where industrial hemp is grown or is intended to be grown and may include field, greenhouses, or other buildings and that is described from a single GPS coordinate within the grow area.

(28) “harvest” means to remove industrial hemp plants, plant parts, grain, or seeds from a grow area.

(29) “harvest lot” means a quantity of industrial hemp harvested in a distinct timeframe that is grown in one contiguous production area within a grow area, or grown in a portion or portions of one contiguous production area within a grow area. “Harvest lot” does not include a quantity of industrial hemp grown in noncontiguous production areas.

(30) “industrial hemp” has the meaning given at AS 03.05.100, whether the plant is growing or not.

(31) “industrial hemp product” means an item derived from all parts and varieties of the plant sativa L. containing not more than 0.3 percent delta-9-THC.

(32) “industrial hemp seed” means cannabis seed:

(a) that is sold to or intended to be sold to registered growers for planting; or

(b) that remains in unprocessed or partially processed condition that is capable of germination.

(33) “individual” means a human being.

(34) “isolation distance” has the meaning given at AS 03.05.010(a)(7)(D).

(35) “label” means the display of all written, printed, or graphic matter upon the immediate container or statement accompanying and industrial hemp product;

(36) “landrace” means not systematically selected and marketed nor developed by plant breeders.

(37) “marketing” means promoting or selling a product within the state, in another state, or outside of the United States. “Marketing” includes efforts to advertise and gather information about the needs or preferences of potential consumers or suppliers.

(38) “nonviable seed” means a seed that has been crushed, dehulled, or otherwise rendered to have zero percent germination rate.

(39) “peace officer” has the meaning given in AS 01.10.060

(40) “person” has the meaning given at AS 01.10.060

(41) “pesticide” means any substance or mixture of substances intended to:

(a) prevent, destroy, control, repel, attract, or mitigate any pest;

(b) be used as a plant regulator, defoliant, or desiccant; or

(c) be used as a spray adjuvant, once they have been mixed with a U.S.

Environmental Protection Agency registered product.

(42) “plant part” or “parts” means any portion of an industrial hemp plant, including any of the following:

(a) whole or partial unprocessed plants, including stalk, leaf, seed, floral, root materials, oils, resin, or wax;

(b) raw roots;

(c) fresh, unprocessed, dried, or ground leaves or floral material; or

(d) rooted plants, cuttings, propagules, or clones.

(43) “ppm” means parts per million.

(44) “process lot” means any amount of hemp or a hemp concentrate or extract of the same type and processed at the same time using the same extraction methods, standard operating procedures, and batches from the same or a different harvest lot.

(45) “processing” means all means of converting, extracting, refining, altering, manufacturing, or turning industrial hemp into finished industrial hemp or an industrial hemp product ready for market.

(46) “produce industrial hemp” has the meaning given at AS 03.05.076 and includes growing, harvesting, possessing, transporting, processing, selling or buying industrial hemp or an industrial hemp product, but excludes a consumer’s provision of compensation to a registrant for industrial hemp or an industrial hemp product.

(47) “prohibited variety” means a variety or strain of cannabis excluded from the Alaska Industrial Hemp Pilot Program.

(48) “propagule” means a plant or plant part that can be utilized to grow a new plant.

(49) “propagation” means the reproduction of hemp plants by seed, cutting, grafting or in vitro.

(50) “quarantine” means, at the election of the division, either keeping a product segregated, but in place and in the custody of the registrant or removing the hemp or hemp product to a location designated by the division and in the division’s custody.

(51) “registered grower” means a person in the state authorized by the division to cultivate, plant, grow, handle, harvest, condition, store, distribute, or transport industrial hemp, plants, plant parts, grain, or seed in Alaska.

(52) “registered processor” means a person in the state authorized by the division to process, handle, store, or process industrial hemp plants, plant parts, or grain and take part in any aspect of turning raw, harvested industrial hemp into hemp product in Alaska.

(53) “registered retailer” means a person in the state authorized by the division to receive compensation or offer for free hemp or a hemp product after registration, and, if applicable, product endorsement, to a consumer.

(54) “registrant” means a person possessing one or more industrial hemp registrations issued by the division under the authority of this chapter and AS 03.05.077.

(55) “registration” means an instrument permitting an applicant to participate in the Alaska Industrial Hemp Pilot Program subject to its terms and the provisions of this chapter.

(56) “sample” means any an amount of hemp or hemp product selected for testing.

(57) “seed” means an industrial hemp plant’s unit of sexual reproduction intended to be planted for germination.

(58) “solvent” means a substance that is cable of dissolving or dispersing one or more other substances.

(59) “signing authority” means the permissibility for an adult individual or an officer or agent of a legal entity to validly enter a binding agreement.

(60) “test batch” means a group of samples from a group of samples submitting collectively for testing.

(61) “THC” means total composite tetrahydrocannabinol, including delata-9-tetrahydrocannaibnol and tetrahydrocannabinolic acid.

(62) “third-party laboratory” means a laboratory which has no direct interest in the grower or processor of industrial hemp or industrial hemp products that is capable of performing mandated testing utilizing validated methods.

(63) “variety” means a subdivision of a species that is:

(a) uniform, in the sense that the variations in essential and distinctive characteristics are describable;

(b) stable, in the sense that the variety will remain unchanged in its essential and distinctive characteristics and its uniformity if reproduced or reconstituted as required by the different categories of varieties; and

(c) distinct, in the sense that the variety can be differentiated by one or more identifiable morphological, physiological, other characteristics form all other publicly known varieties, or other characteristics form all other publicly known varieties.

(64) “variety of concern” means any variety of hemp in the division’ program that tests above 3,000 ppm or 0.3000 percent delta-9-THC in one or more pre-harvest samples. A hemp variety designated as a “variety of concern’ could be subject to restrictions and additional testing.

(65) “wild” means growing in the natural environment, not domesticated or cultivated.

(Eff. ___/___/___, Register ___)

Authority: AS 01.10.060 AS 03.05.010 AS 03.05.027 AS 03.05.030
AS 03.05.050 AS 03.05.076 AS 03.05.077 AS03.05.100
AS 45.50.561