



ADVISORY NOTICE RE: PROHIBITION OF SALE OF CERTAIN INDUSTRIAL HEMP PRODUCTS INTENDED FOR HUMAN OR ANIMAL CONSUMPTION

This advisory notice is to remind you that it is unlawful to sell to a consumer in Alaska an industrial hemp product that is intended for human or animal consumption that contains delta-9-THC or is otherwise not endorsed by the Division of Agriculture.

This notice applies to any ingestible product like a gummy, tincture, capsule, or beverage, and any dermally applied topical product. It also applies to pet products. It does not matter if the product is endorsed. Products containing delta-9-THC may not be sold to a consumer in Alaska.

Under 11 AAC 40.520(b)(3), “[t]he 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 contains any delta-9-THC.”

Under 11 AAC 40.900(13), “‘consumption’ means any method of ingestion of or application to the body, including eating, drinking, inhaling, absorbing, or injecting[.]”

Under 11 AAC 40.400(a), “[b]efore being offered with or without compensation to a consumer, any industrial hemp product processed beyond its raw form and intended for human or animal consumption must be endorsed by the division.”

Under 11 AAC 40.400(d) “[t]he division may not endorse a product that contains delta-9-THC or a non-naturally occurring cannabinoid, including a cannabinoid made from an ingredient extracted from industrial hemp and modified beyond its original form.”

Broad-spectrum and isolate based products with the delta-9-THC removed (as indicated on final product certificate of analysis, COA) may still be offered for sale in the state but must carry an endorsement with the division before being offered for sale. Non-endorsed hemp products must be removed from store shelves immediately and all sales must cease.

To enforce its regulations, the Division of Agriculture may, among other things:

- issue notices of violations and civil fines, or issue stop orders to any person who violates the 11 AAC 40.010 – 11 AAC 40.910;
- control, seize, quarantine, embargo, or direct the destruction of an industrial hemp product not in compliance with 11 AAC 40.010 – 11 AAC 40.910;
- suspend, revoke, or deny registrations, endorsements, or permits;
- cooperate and communicate with the Marijuana Control Board, the Department of Public Safety, or any other peace officers, and, as permitted under AS 03.05.090, refer violations of this chapter to a peace officer for criminal prosecution.