



MEMORANDUM

TO: Marijuana Control Board DATE: June 18, 2024
FROM: Kristina Serezhenkov, Regulations RE: Plant Height
Specialist

The board approved the draft regulations for initial Law review at the January 2024 meeting. Upon the Department of Law's approval, the draft was sent out for official public comment with the comment period closing 6.10.2024. Comments were received and are attached.

Options for the board:

- Move to adopt and send to Law for final review
- Move to amend and adopt and then send to Law for final review. (If amended, may require additional public comment period-agency attorney to advise.)
- Move to send back to staff for more work
- Table the regulations project
- Close the regulations project

From: [Ryan Tunseth](#)
To: [CED AMCO REGS \(CED sponsored\)](#)
Cc: [Aaron Stiassny](#); [Nick Miller](#); [Brandon Emmett](#); [chelsea foster](#); [Jana Weltzin](#); [Lacy Wilcox](#); [mike](#); [Trevor Haynes](#); [Kim Kole \(via Google Docs\)](#); [Bailey Stuart](#); [Wilson, Joan M \(CED\)](#)
Subject: AMIA COMMENT - Plant Height / Tagging
Date: Monday, June 10, 2024 11:15:49 AM
Attachments: [AMIA 6.10.24 Regulation Change Plant Height Requirements Public Comment.pdf](#)

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Please find the attached comment from the Alaska Marijuana Industry Association related to plant height and tagging.

Thank you,

AMIA Board of Directors

Date: 06/10/2024

To: Alaska Marijuana Control Board (MCB)
amco.regs@alaska.gov

From: Alaska Marijuana Industry Association (AMIA)
president@alaskamia.org



RE: Public Comment on Proposed Regulation Changes in Title 3, Chapter 306, Section 435(a) of the Alaska Administrative Code

The Alaska Marijuana Industry Association (AMIA) supports the amended requirements concerning when a plant is assigned a tracking number for the marijuana inventory tracking system under Title 3, Chapter 306.435(a) of the Alaska Administrative Code. These changes will reduce the burden of costly and wasteful METRC tags on cultivators who cull most plants before they reach 18 inches in height. This amendment aligns with the industry's desire to minimize waste and unnecessary expenses while remaining compliant with regulations and the board's objectives.

While we support the current proposed changes, we request the board also consider the following additional adjustments:

1. **Section 435(a)(2):**

Add a requirement that cultivators must assign a tracking number to any plant that is flowering, regardless of its height. It is possible to have flowering plants under 18 inches, and both the board and AMCO likely prefer such plants to be tagged. Currently, METRC does not accommodate this, but it is essential to ensure proper tracking.

2. **Section 435(a)(3):**

Remove the limitation stating, "a batch may not consist of more than 50 clones or cuttings." This batch maximum, added years ago, does not seem to aid enforcement duties or cultivators' organization. For example, taking 120 cuttings for a single crop requires creating three separate batches in METRC, even if they are the same cultivar and crop (e.g., Kush Crop 70a, Kush Crop 70b, Kush Crop 70c). Removing this limit would streamline the process and improve efficiency.

We believe these changes would enhance the regulations. However, if the current regulation passes as written, it will address the primary concern regarding the plant height requirement.

The AMIA appreciates the Marijuana Control Board's efforts to expand regulations in a way that supports commerce and ensures public health and safety. We value the opportunity to provide industry feedback and believe our shared goal is to develop regulations that best support commerce in Alaska.

Respectfully,

A handwritten signature in blue ink that reads "Ryan Tunseth".

AMIA Board of Directors
Ryan Tunseth, President

From: [Heather T](#)
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: In support of regulation change - plant heights
Date: Tuesday, May 7, 2024 9:59:11 PM

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Hello,

I support the proposed change of regulation to increase the plant height to 18 inches, as well as the updated language within the regulation as proposed.

-Heather Thomas

Anchorage Resident



Jana D. Weltzin
Licensed in Alaska & Arizona
901 Photo Ave, Second Floor
Anchorage, Alaska 99503
Phone 907-231-3750
JDW, LLC
jana@jdwcounsel.com

June 10, 2024

Honorable Members of the Marijuana Control Board:

I am writing in strong support of the proposed amendments to 3 AAC 306.435(a), which increases plant tagging requirements from eight inches to eighteen inches per plant, and in opposition to 3 AAC 306.435(a)(3), which limits the number of clones/cuttings per batch. The plant height tagging adjustment represents a significant improvement in the regulatory framework and will have several positive implications for the industry. While 3 AAC 306.435(a)(3) would be detrimental to the industry by restricting the overall number of clones allowed and restricting the volume of product produced.

Improved Tracking and Compliance: Increasing the plant height from eight to eighteen inches for tagging requirements ensures a more robust tracking system for marijuana plants. This enhancement will contribute to better inventory control, making monitoring the growth and movement of plants within the cultivation facility easier. By requiring tags at a later growth stage, the regulation aligns better with practical cultivation practices and reduces the risk of premature tagging errors. The 18-inch threshold aligns more with the natural growth of marijuana plants.

Strengthened Regulatory Oversight: By refining the tagging requirement, the amended regulation strengthens regulatory oversight of marijuana cultivation. This change ensures that each plant is accurately tracked, reducing the potential for discrepancies or loss within the system. Improved oversight will enhance the integrity and transparency of the supply chain, benefiting both regulators and industry participants.

Positive Impact on Industry Operations: Adjusting the tagging requirement is a testament to the regulatory framework's adaptability to the industry's operational realities. It acknowledges the practical challenges cultivators face and provides a more feasible framework for compliance. This change will significantly reduce administrative burden and allow cultivators to focus more on producing high-quality products without the stress and cost of tagging each plant over eight inches.

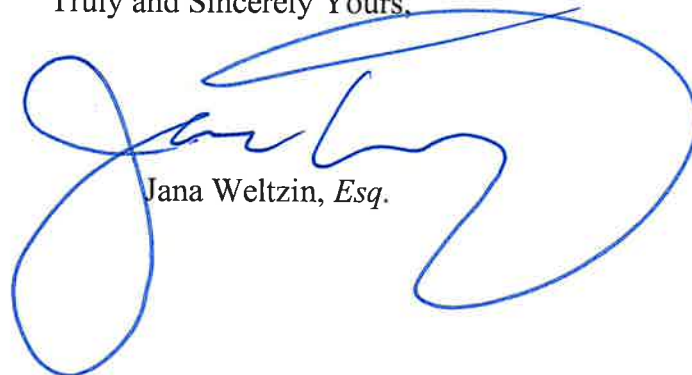


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Opposition to 50 Clone/Cutting Limit: This limit, I believe, but would defer to actual cultivator's input, is not in the industry's best interests. It restricts licensees' ability to expand their business, hindering the ability of cultivation facilities to maximize their production capacity. Also, 100% of clones do not live long enough to make it to the vegetative stage, which further limits Cultivation facility licensees. The ability to grow more clones increases the odds of enough clones making it to the vegetative stage, which drastically increases the chances of the plant surviving long enough to be harvested. Larger batches enable lowering the cost per clone and increasing competitive market positioning per batch. Furthermore, a 50-clone limit imposes unnecessary logistical burdens, complicating compliance reporting and creating unnecessary extra work for all involved. A more flexible needed is advisable to foster a robust and economically viable cannabis industry.

I fully support the proposed amendments to 3 AAC 306.435(a), significantly increasing the tagging requirement from 8 to 18 inches. This change will enhance the regulatory environment, support licensees within the industry, and ensure a more effective and practical compliance system. I oppose 3 AAC 306.435(a)(3), which unfairly targets marijuana cultivators' ability to scale and bring better products to the industry. We appreciate the opportunity to provide our comments and commend the MCB for its responsive approach to regulation.

Truly and Sincerely Yours,



Jana Weltzin, Esq.

From: [Jana Weltzin](#)
To: [CED AMCO REGS \(CED sponsored\)](#)
Cc: [Brenda Butler](#); [Randi Baker](#)
Subject: JDW Pub Comment - overlapping premises & plant tags
Date: Monday, June 10, 2024 2:45:14 PM
Attachments: [jdw overlapping premises pub comment.pdf](#)
[jdw plant tags and height.pdf](#)

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Hi AMCO Team - pls see attached pub comments, thx!

Jana D. Weltzin, Esq.

JDW, LLC

Principal Owner

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From: [Barret Goodale](#)
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Public Comment: Proposed Changes to Plant Height Requirements
Date: Wednesday, May 29, 2024 10:31:47 AM

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Dear Members of the Board,

I believe the proposed regulation change would address the main concern of cultivators regarding tagging plant height requirements. I am in favor of moving this regulation change forward, but would like to bring up two other points within this regulation that I believe would be improvements to this regulation.

I propose adding to section (2) that cultivators must assign a tracking number to a plant that is flowering.

It is possible to have a plant that is flowering under 18" and I believe the board and AMCO would not like the idea of plants in flower that are not tagged (at least not at this juncture). Also, Metrc is not yet set up for this to happen. While unlikely, it could be possible to have a plant finish flowering under 18". If a cultivator attempted to do this it would not be a good look for the industry. Therefore, I believe it would be wise to avoid this possible loophole before it is created, by adding a regulation that plants must be tagged when flowering.

I would also request consideration of removing "a batch may not consist of more than 50 clones or cuttings." from section (3).

This batch maximum was added to the regulations years ago. I don't believe it aids in enforcement's duties, or a cultivator's organization, If I take 120 cutting of a single cultivar for a single crop I have to make three batches in Metrc. (ie. kush crop 70 a, kush crop 70 b, and kush crop 70 c.) This leads to more plantings in Metrc that are managed separately which increases the potential for mistakes to occur. Removing this excessive regulation would increase a cultivation's organization while not affecting public health and safety or enforcement's workload.

Again, These are both changes that I believe would make for better regulations. However, if the regulation change passed as currently written I believe it would address the largest desire that cultivators have in regards to the current plant height requirement.

Thank you for your consideration.

Sincerely,

C. Barret Goodale
GOOD Cultivation Manager
907-699-9478

Follow GOOD on [Instagram](#), [Twitter](#), and [Facebook](#)

Alaska Marijuana Industry Association member

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

3 AAC 306.435(a) is amended to read:

(a) A marijuana cultivation facility shall

(1) use a marijuana inventory tracking system in compliance with 3 AAC 306.730 to ensure all marijuana propagated, grown, or cultivated on the marijuana cultivation facility's premises is identified and tracked from the time the marijuana is propagated through transfer to another licensed marijuana establishment, including when marijuana or marijuana product is

(A) relocated to **a** [THE] new licensed premises in the case of a transfer of a marijuana establishment license to another location approved by the board; [,] or

(B) destroyed; [DESTRUCTION. THE MARIJUANA CULTIVATION FACILITY SHALL]

(2) assign a tracking number to each

(A) plant over **18** [EIGHT] inches tall; and

(B) package of marijuana to be transferred to another facility; **a** [. A]

package of marijuana may not exceed 10 pounds; [. THE MARIJUANA

CULTIVATION FACILITY SHALL ALSO]

(3) assign a plant batch name or number to each batch of clones or cuttings; **a** [.

A] batch may not consist of more than 50 clones or cuttings.

(Eff. 2/21/2016, Register 217; am 03/13/2020, Register 233; am 1/22/2023, Register 245; am

_____/_____/_____, Register _____)

Authority: AS 17.38.010 AS 17.38.150 AS 17.38.200
AS 17.38.070 AS 17.38.190 AS 17.38.900
AS 17.28.121