



## MEMORANDUM

TO: Marijuana Control Board                      DATE: September 4, 2024  
FROM: Kristina Serezhenkov, Regulations      RE: Total THC Definition  
Specialist

This project was opened at the June 2024 Board meeting. The attached regulations draft is for board discussion. It proposes to amend:

**3 AAC 306.900(b)(48).** The calculation for the definition of total THC is amended.

Options for the board:

- Move to approve and send to Law for initial review and (with Law's approval) subsequent public comment
- Move to amend and then send to Law for initial review and (with Law's approval) subsequent public comment
- Move to send back to staff for more work
- Table the regulations project
- Close the regulations project

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

**Draft also includes definitions of THC and THCA for ease of reference.**

3 AAC 306.990(b)(48) is amended to read:

(38) *“THC” means tetrahydrocannabinol, the main psychoactive substance found in marijuana;*

(39) *“THCA” means THC Acid;*

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(48) “total THC” means the sum of **Delta 9 THC, Delta 8 THC,** and (0.877)\*(THCA);[.]

(Eff. 2/24/2015, Register 213; am 2/21/2016, Register 217; am 10/11/2017, Register 224; am 8/11/2018, Register 227; am 10/20/2018, Register 228; am 4/11/2019, Register 230; am 5/9/2019, Register 230; am 03/13/2020, Register 233; am 12/10/2020, Register 236; am 8/7/2021, Register 239; am 7/23/2023, Register 247; am \_\_\_/\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

<b>Authority:</b>	AS 17.38.010	AS 17.38.150	AS 17.38.900
	AS 17.38.070	AS 17.38.190	AS 18.35.301
	AS 17.38.121	AS 17.38.200	

**NOTES:** The Board mandated only a redefinition of ‘total THC’ and opted to move the discussion about potency limits and potency regs to the September meeting. ‘Total THC’ and potency will both potentially be addressed but only ‘Total THC’ moves forward at this time. When ‘Total THC’ is amended ‘potency’ may need review as well. The below amendments include possible changes to ‘Total THC’.

3 AAC 306.560 is amended to read:

**3 AAC 306.560. Potency limits per serving and transaction for edible marijuana products.** A marijuana product manufacturing facility may not prepare a marijuana product with potency levels exceeding the following, as tested in compliance with 3 AAC 306.645:

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(1) for a single serving of a marijuana product, not more than 10 milligrams of

**total THC** [ACTIVE TETRAHYDROCANNABINOL (THC) OR **DELTA 9**];

(2) in a single packaged unit of a marijuana product to be eaten or swallowed, not more than 10 servings or 100 milligrams of **total THC** [ACTIVE THC OR **DELTA 9**]; the THC content must be homogenous, or evenly distributed throughout the marijuana-infused product.

(Eff. 2/21/2016, Register 217; am 9/1/2021, Register 239; 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 17.38.121

**Commented [KRS1]:** Vetted amendment at 306.560 with Cannabis Testing Group and they wished for this amendment-one member from testing labs noted the large difference between 'active THC, or Delta 9' and 'Total THC' .-

3 AAC 306.645 is amended to read: **possible amendments at (b)(1)(B)(iii) and at (b)(1)(C)(i)**

(b) The tests required for each marijuana type or marijuana product, are as follows:

(1) potency testing is required on marijuana bud and flower, marijuana

concentrate, and a marijuana product, as follows:

(A) the required cannabinoid potency test must at least determine the concentration of THC, THCA, CBD, CBDA, and CBN cannabinoids; a marijuana testing facility may test and report results for any additional cannabinoid if the test is conducted in compliance with a validated method;

(B) a marijuana testing facility shall report potency test results as follows:

(i) for a potency test on marijuana and marijuana concentrate, the marijuana testing facility shall list for each required cannabinoid a single percentage concentration, based on dry weight, that represents an average of all samples within the test batch; additionally, total THC and total CBD shall be

**Commented [KRS2]:** 3 AAC 306.645. Laboratory testing of marijuana and marijuana products

reported;

(ii) for a potency test on a marijuana product, whether conducted on each individual production lot or using process validation, the marijuana testing facility shall list for each cannabinoid the total number of milligrams contained within a single retail marijuana product unit for sale;

(iii) testing whether the THC content is homogenous, the marijuana testing facility shall report the **total** THC content of each single serving in a multi-unit package; the reported content must be within 20 percent of the manufacturer's target; for example, in a 100 milligrams total THC package with 10 servings, each serving must contain between eight and 12 milligrams of THC;

**Commented [KRS3]:** Along the lines of amendment to 306.560 change this to 'total THC'?

(C) the marijuana testing facility shall determine an edible marijuana product to have failed potency testing if

(i) an individually packaged edible retail marijuana product with 10 servings that is contained within a test lot is determined to have more than 120 milligrams of **total** THC within it; or

**Commented [KRS4]:** Along the lines of amendment to 306.560 change this to 'total THC'?

(ii) the THC content of an edible marijuana product is not homogenous;

(2) microbial testing for the listed substances on the listed marijuana and marijuana products is required as follows:

(Eff. 2/21/2016, Register 217; am 7/5/2017, Register 223; am 11/8/2018, Register 228; am 9/1/2021, Register 239; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

<b>Authority:</b>	AS 17.38.010	AS 17.38.150	AS 17.38.200
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AS 17.38.121