

02/03/15
MARIJUANA
BALLOT MEASURE
IMPLEMENTATION
&
ADMINISTRATION
(CONTINUED)

<TARGET><BILL></BILL><SUBJECT>02-03-15 MARIJUANA BALLOT
MEASURE IMPLEMENTATION and ADMINISTRATION
(CONTINUED)</SUBJECT><COMM>SSTA29</COMM></TARGET>

Anticipated Participant List

2/3/2015 – Senate State Affairs

There is a letter from Commissioner Hartig regarding the Department of Environmental Conservation's potential role in the regulation of marijuana. Copies are on member's desks, and available online and to the public here today.

Additionally, a response from Joey Crum of Northern Industrial Training was forwarded to members, as well as made available to the public.

DHSS Presence:

Dr. Jay Butler, Chief Medical Officer / Director, Division of Public Health

DEC Presence:

Elaine Busse Floyd, Director of the Division of Environmental Health (*telephonic*, with staff)

Jeff Rogers, DEC

Alida Bus, new *Permanent Legislative Liaison*, DEC.

DCCED Presence:

Cynthia Franklin, ABC Executive Director (*telephonic*)

DPS Presence:

Major Dennis Casanovas, Alaska State Troopers (**telephonic** – listening in)



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Environmental
Conservation**

OFFICE OF THE COMMISSIONER

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February 2, 2015

The Honorable Bill Stoltze
State Senate
Alaska State Senate, Room 125
Juneau, Alaska 99801

Dear Senator Stoltze:

Thank you for your invitation to work collaboratively with the Legislature on implementation of Ballot Measure 2 regarding the regulation of marijuana and its derivatives. The Department of Environmental Conservation (DEC or Department) is committed to using its authorities and resources as needed to implement any legislation passed by the Legislature and signed into law. We are also committed to working with the Legislature to identify areas that should be regulated by other state agencies or where gaps in DEC's authorities could be addressed. There are unknowns associated with the state's implementation of the ballot measure that could be clarified through legislation.

It is easiest to start the discussion of what DEC might do with a list of the Department's areas of current regulatory jurisdiction.

The Department already has authority to:

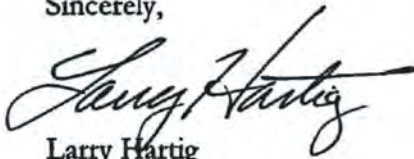
- issue permits for food service and food processing facilities;
- develop and implement standards for the sanitary handling, labeling, and packaging of food;
- inspect facilities;
- perform and/or require laboratory analysis of food for food safety;
- take actions necessary to enforce requirements, including recalls, quarantines, and embargoes;
- certify commercial (private) laboratories;
- regulate solid waste disposal;
- regulate pesticide application and applicators; and
- permit wastewater disposal and enforce permits.

For each of these areas of regulatory jurisdiction, DEC enforces a combination of federal laws, rules, regulations; state laws; and other commonly accepted scientific standards. The substantial challenge to regulating marijuana is the near total lack of regulatory guidance as marijuana remains illegal under federal law and in most states. Alaska law, taking into account the exact language of Ballot Measure 2, is contradictory and lacks the necessary specificity to adequately direct the Department's efforts. With this new industry, there are few if any commonly accepted scientific standards. For

example, the Department currently certifies private laboratories. It does so by applying approved scientific methods/standards to the processes conducted by these private laboratories. No such scientific standard exists for marijuana, so the Department has no standard to enforce through certification. These circumstances put the Department in uncharted territory. The Department has been working with other departments to assess what gaps exist and how they might be addressed collectively. At this point we have been assuming DEC's role will largely fall within the confines of our existing authorities listed above, but we may need legislation to address some of the substantive differences between regulating marijuana products and other products.

I look forward to working with you on this challenge in the best interests of the Alaskan people.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Hartig". The signature is written in a cursive, flowing style with a large initial "L".

Larry Hartig
Commissioner

Daniel George

From: Joey Crum <joey@nitalaska.com>
Sent: Thursday, January 29, 2015 4:19 PM
To: Sen. Bill Stoltze
Subject: DOT Drug Testing Information
Attachments: DOT Drug compliance policy.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Good evening Senator Stoltze,

Thank you for the opportunity to provide public testimony about the Trucking Industry and Workforce Development issues regarding the legalization of marijuana. I was asked today about the DOT drug test and what levels it actually tests for.

Attached is a breakdown about the Drug Panel and what levels are being tested. I hope this helps, and if you would like more information I would be happy to provide it.

Thank you for your time.

Joey Crum JD, ASP

President & CEO

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APPENDIX F

DRUG PANEL

The following table lists the drugs tested for. Initial and confirmation cutoff concentrations are expressed in nanograms per milliliter (ng/mL).

Initial Test Analyte	Initial Test Cutoff Concentration	Confirmatory Test Analyte	Confirmatory Test Cutoff Concentration
Marijuana metabolites	50 ng/mL	THCA ¹	15 ng/mL
Cocaine metabolites	150 ng/mL	Benzoyllecgonine	100 ng/mL
Opiate metabolites			
Codeine/Morphine ²	2000 ng/mL	Codeine	2000 ng/mL
		Morphine	2000 ng/mL
6-Acetylmorphine	10 ng/mL	6-Acetylmorphine	10 ng/mL
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL
Amphetamines ³			
AMP/MAMP ⁴	500 ng/mL	Amphetamine	250 ng/mL
		Methamphetamine ⁵	250 ng/mL
MDMA ⁶	500 ng/mL	MDMA	250 ng/mL
		MDA ⁷	250 ng/mL
		MDEA ⁸	250 ng/mL
¹ Delta-9-tetrahydrocannabinol-9-carboxylic acid (THCA)			
² Morphine is the target analyte for codeine/morphine testing			
³ Either a single initial test kit or multiple initial test kits may be used provided the single test kit detects each target analyte independently at the specific cutoff			
⁴ Methamphetamine is the target analyte for amphetamine/methamphetamine testing			
⁵ To be reported positive for methamphetamine, a specimen must also contain amphetamine at a concentration equal to or greater than 100 ng/mL			
⁶ Methylenedioxymethamphetamine (MDMA)			
⁷ Methylenedioxyamphetamine (MDA)			
⁸ Methylenedioxyethylamphetamine (MDEA)			

On an initial drug test, a result below the cutoff concentration is a negative. If the result is at or above the cutoff concentration the lab must conduct a confirmation test.

On a confirmation drug test, a result below the cutoff concentration is a negative. If the result is at or above the cutoff concentration it is a "lab report" confirmed positive requiring an MRO review.

All specimens will undergo a validity test to determine if the specimen is consistent with normal human urine. The purpose of validity testing is to determine whether adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.