



**Marijuana Control Board
Meeting Minutes
September 14, 2015
Second Judicial District
306 Shore Avenue, Katimavik Meeting Room
Kotzebue, Alaska 99752**

*Meeting minutes are 21 minutes fast

Board Members Present:

Bruce Schulte, Chair, Industry Member
Mark Springer, Vice Chair, Rural Member
Peter Mlynarik, Public Safety Member
Brandon Emmett, Industry Member
Loren Jones, Public Health Member

Staff Members Present:

Cynthia Franklin, Director
Sarah Oates, Records & Licensing Supervisor
John Calder, Administrative Officer

Legal Counsel Present:

Harriet Milks, Assistant Attorney General

Call to Order

[9:48:35 AM](#)

Agenda Revision

[9:53:30 AM](#)

Bruce Schulte **proposes that approval of meeting minutes be moved to agenda for meeting on Wednesday, September 16, 2015.**

No objection.

Mark Springer **motions to approve the agenda as modified**

[9:54:01 AM](#)

Peter Mlynarik **seconds the motion**

Motion carries unanimously

Director's Report

[9:54:24 AM](#)

Public Comment Review & Discussion of Article 4

[10:09:20 AM](#)

Peter Mlynarik **motions to accept Article 4**

[10:09:43 AM](#)

Mark Springer **seconds the motion**

Motion remained open; vote made at September 16, 2015 meeting

Board considers and discusses public comments for 3 AAC 306.400

[10:10:33 AM](#)

Brandon Emmett **motions to strike “to a person operating a marijuana cultivation facility with 500 or more square feet under cultivation” from 3 AAC 306.400(a)(1)**

[10:36:08 AM](#)

Mark Springer **seconds the motion**

Motion carries unanimously

Mark Springer **motions to amend 3 AAC 306.400(a)(2) to read, “a limited marijuana cultivation facility license to a person operating a marijuana cultivation facility with fewer than 500 square feet under cultivation”**

[10:42:31 AM](#)

Brandon Emmett **seconds the motion**

Motion fails (2-3, Brandon Emmett and Bruce Schulte vote Yes)

Brandon Emmett **motions to amend 3 AAC 306.400(a)(3) to insert, “standard or” before “limited marijuana cultivation facility” in both places within the subsection.**

[10:50:07 AM](#)

Mark Springer **seconds the motion**

Motion fails (2-3, Brandon Emmett and Bruce Schulte vote Yes)

BREAK

[11:13:48 AM](#)

Mark Springer **motions to accept 3 AAC 306.400 as amended**

[11:32:50 AM](#)

Brandon Emmett **seconds the motion**

Motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.405 as amended**

[11:36:41 AM](#)

Peter Mlynarik **seconds the motion**

Board considers and discusses public comments for this section

Board votes, and motion carries unanimously

[2:02:03 PM](#)

Peter Mlynarik **motions to add 3 AAC 306.405(a)(7) that reads, “provide marijuana samples to a licensed retail marijuana store or marijuana product manufacturing facility for the purpose of negotiating a sale.”**

[11:46:14 AM](#)

Mark Springer **seconds the motion**

Motion carries unanimously

Peter Mlynarik motions to amend 3 AAC 306.405(b)(1) to change “and” to “or” [11:49:33 AM](#)
Brandon Emmett seconds the motion
Motion carries unanimously

Peter Mlynarik motions to insert “when co-located” after “secure door” in 3 AAC 306.405(b)(1) [11:58:35 AM](#)
Loren Jones seconds the motion
Motion carries unanimously

Mark Springer motions to modify 3 AAC 306.405(c)(2) to read, “allow any person not a licensee, employee, or agent, to consume marijuana or a marijuana product on the licensed premises or within 20 feet of the exterior of any building or outdoor cultivation facility on the licensed premises, except that authorized consumption shall take place in a designated, non-public area of the licensed facility” [12:02:02 PM](#)
Brandon Emmett seconds the motion
Motion carries (3-2, Loren Jones and Peter Mlynarik vote No)

LUNCH BREAK [12:21:01 PM](#)

Peter Mlynarik requests to have Virginia Rusch change 3 AAC 306.405(c)(3) to say “odor” instead of “smell” [1:24:04 PM](#)
No objection

Mark Springer motions to add to the end of 3 AAC 306.405(c)(4), “except that in the course of normal preparation of cultivated marijuana, the separation of plant components shall not be considered concentrate extraction. Separated components may only be sold in raw form to a licensed marijuana product manufacturing facility.” [1:43:05 PM](#)
Brandon Emmett seconds the motion
Motion fails (2-3, Brandon Emmett and Bruce Schulte vote Yes) [2:00:45 PM](#)

Mark Springer motions to add “described in 3 AAC 306.550” after “using any process” in 3 AAC 306.405(c)(4) [2:01:02 PM](#)
Peter Mlynarik seconds the motion
Motion carries unanimously

Peter Mlynarik motions to accept 3 AAC 306.410 [2:02:19 PM](#)
Mark Springer seconds the motion
Board considers and discusses public comments for this section

Mark Springer motions to table discussion until Wednesday, September 16 [3:15:53 PM](#)
Peter Mlynarik seconds the motion
Motion carries unanimously

Board agrees to have the definition of “square feet under cultivation” for purposes of 3 AAC 306.410(a)(1) refer to the floor or growing space versus the canopy size. [2:36:26 PM](#)

BREAK [2:48:06 PM](#)

Board resumes discussion of 3 AAC 306.410 [3:06:59 PM](#)

Mark Springer **motions to accept 3 AAC 306.415** [3:16:49 PM](#)

Peter Mlynarik **seconds the motion**

Board considers and discusses public comments for this section

Board votes, and motion carries unanimously [3:45:26 PM](#)

Loren Jones **requests that language in 3 AAC 306.415(a)(2) be revised to mirror that in 3 AAC 306.405(a)(2).** [3:31:15 PM](#)

No objection

Loren Jones **requests that subsections 3 AAC 306.415(c)(4) and (5) be duplicated under 3 AAC 306.405(c).** [3:42:37 PM](#)

No objection

Mark Springer **motions to accept 3 AAC 306.420 as amended** [3:45:40 PM](#)

Loren Jones **seconds the motion**

Board considers and discusses public comments for this section

Board votes, motion carries (3-2, Loren Jones and Peter Mlynarik vote No) [4:27:12 PM](#)

Brandon Emmett **motions to move subsections 3 AAC 306.420(c)(2)(A) and (B) to underneath 3 AAC 306.420(c)(1) and strike the remainder of 3 AAC 306.420(c)(2)** [4:05:55 PM](#)

Mark Springer **seconds the motion**

Motion carries (3-2, Loren Jones and Peter Mlynarik vote No)

Peter Mlynarik **motions to accept 3 AAC 306.425** [4:28:15 PM](#)

Mark Springer **seconds the motion**

Board considers and discusses public comments for this section

Motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.430** [4:43:56 PM](#)

Loren Jones **seconds the motion**

Brandon Emmett and Bruce Schulte recuse themselves from discussion and voting of this section.

Board considers and discusses public comments for this section

Motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.435 as amended**

[4:48:12 PM](#)

Peter Mlynarik **seconds the motion**

Board considers and discusses public comments for this section

Board votes, and motion carries unanimously

[5:21:51 PM](#)

Brandon Emmett **motions to amend 3 AAC 306.435(b) to add the language, “Where not prohibited by local government, outdoor production may take place in non-rigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight obscure wall or fence at least six feet high”**

[4:56:41 PM](#)

Mark Springer **seconds the motion**

Motion carries unanimously

Brandon Emmett **motions to add to the end of 3 AAC 306.435(c)(2),**

[5:13:29 PM](#)

“except as allowed by a local government conditional use permit process”

Mark Springer **seconds the motion**

Motion carries unanimously

Mark Springer **motions to adjourn**

[5:22:15 PM](#)

No objection

Marijuana Control Board
Meeting Minutes
September 16, 2015
Third Judicial District
550 W 7th Avenue, First Floor Conference Room
Anchorage, Alaska 99501

*Meeting minutes are 21 minutes fast

Board Members Present:

Bruce Schulte, Chair, Industry Member
Mark Springer, Vice Chair, Rural Member
Peter Mlynarik, Public Safety Member
Brandon Emmett, Industry Member
Loren Jones, Public Health Member

Staff Members Present:

Cynthia Franklin, Director
Sarah Oates, Records & Licensing Supervisor
John Calder, Administrative Officer

Legal Counsel Present:

Harriet Milks, Assistant Attorney General

Call to Order

[9:25:15 AM](#)

Bruce Schulte **suggests deferring review of the previous meeting minutes until September 24, 2015 meeting.**

[9:26:22 AM](#)

No objection

Mark Springer **motions to adopt the agenda for the September 16, 2015 meeting**

[9:26:43 AM](#)

Peter Mlynarik **seconds the motion**

No objection

Mark Springer **motions to add "Board Member Comments" to the end of the agenda**

[9:26:47 AM](#)

Peter Mlynarik **seconds the motion**

No objection

Peter Mlynarik **motions to add "Public Comment Review & Discussion of Article 4" to the agenda**

[9:27:13 AM](#)

Mark Springer **seconds the motion**

No objection

Mark Springer **motions to accept 3 AAC 306.440 as amended** [9:27:54 AM](#)

Peter Mlynarik **seconds the motion**

Board considers and discusses public comments for this section

Board votes, and motion carries unanimously [9:59:38 AM](#)

Mark Springer **motions to strike from the first line of 3 AAC 306.440(a)** [9:47:07 AM](#)

“from the time the marijuana is propagated from seed, clones or cuttings,”

Brandon Emmett **seconds the motion**

Motion carries (3-2, Loren Jones and Peter Mlynarik vote No)

Mark Springer **motions to add “from the time the marijuana is propagated”** [9:57:55 AM](#)

back into 3 AAC 306.440(a) after “tracked”.

Brandon Emmett **seconds the motion**

Motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.445** [9:59:56 AM](#)

Peter Mlynarik **seconds the motion**

Board considers and discusses public comments for this section

Motion carries unanimously

Peter Mlynarik **motions to accept 3 AAC 306.450** [10:03:59 AM](#)

Mark Springer **seconds the motion**

Board discusses this section, no public comments received

Motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.455** [10:05:16 AM](#)

Peter Mlynarik **seconds the motion**

Board considers and discusses public comments for this section

Motion carries unanimously

Mark Springer **moves to accept 3 AAC 306.460 as amended** [10:07:58 AM](#)

Peter Mlynarik **seconds the motion**

Board considers and discusses public comments for this section

Board votes, and motion carries unanimously [11:31:32 AM](#)

Brandon Emmett **motions to add “retail marijuana store” after “marijuana** [10:22:53 AM](#)

“product manufacturing facility” in 3 AAC 306.460(b)

Mark Springer **seconds the motion**

Motion carries unanimously

Mark Springer **motions to strike “Promotional” from the title of this section** [10:26:26 AM](#)

Brandon Emmett **seconds the motion**

Motion carries unanimously

Mark Springer motions to strike “free” from 3 AAC 306.460(a) and (b), [10:28:53 AM](#)
and strike “free of charge” from 3 AAC 306.460(b)(2)
Peter Mlynarik seconds the motion
Motion fails unanimously

Brandon Emmett motions to amend 3 AAC 306.460(b)(1) to add “one ounce” [10:39:35 AM](#)
and strike “two grams”, and amend 3 AAC 306.460(b)(2) to add “one ounce”
and strike “four grams”
Mark Springer seconds the motion
Brandon Emmett amends his amendment to add “or retail marijuana store”
after “marijuana product manufacturing facility” to 3 AAC 306.460(b)(2)
Mark Springer does not object
Motion carries (3-2, Loren Jones and Peter Mlynarik vote No)

BREAK [10:55:43 AM](#)

Loren Jones motions to amend 3 AAC 306.460 to strike the last line of [11:18:32 AM](#)
3 AAC 306.460(a) along with subsections 3 AAC 306.460(a)(1) and (2), and
to add subsection 3 AAC 306.460(c) to read, “A retail marijuana store that
receives a marijuana sample may not sell the marijuana sample to a
customer; and shall either
 (1) return the marijuana sample to the cultivation facility that provided
 the sample; or
 (2) destroy the marijuana sample after use and document the destruction
 in its marijuana inventory control system.”
Mark Springer seconds the motion
Motion carries unanimously

Peter Mlynarik requests that Virginia Rusch write language that clarifies [11:29:32 AM](#)
that any free sample that’s given to a retail marijuana store or marijuana
product manufacturing facility may not be sold to a customer.

Mark Springer motions to accept 3 AAC 306.465 [11:31:51 AM](#)
Peter Mlynarik seconds the motion
Board considers and discusses public comments for this section
Board votes, and motion carries unanimously [11:53:02 AM](#)

Brandon Emmett motions to strike “from time to time” and insert “no more [11:36:33 AM](#)
than once per quarter” in 3 AAC 306.465(a)
Mark Springer seconds the motion
Motion fails (1-4, Brandon Emmett votes Yes)

Mark Springer motions to accept 3 AAC 306.470 as amended [11:53:21 AM](#)
Peter Mlynarik seconds the motion

Board considers and discusses public comments for this section
Board votes, and motion carries unanimously [12:29:28 PM](#)
Brandon Emmett **motions to strike 3 AAC 306.470(b)(3)** [12:16:53 PM](#)
Mark Springer **seconds the motion**
Motion fails (2-3, Brandon Emmett and Bruce Schulte vote Yes)

Loren Jones **motions to strike “marijuana product in liquid form may also be sealed using a metal crown product;” from 3 AAC 306.470(b)(2), as it doesn’t apply to cultivators** [12:27:10 PM](#)
Mark Springer **seconds the motion**
Motion carries unanimously

Mark Springer **requests that Virginia Rusch remove 3 AAC 306.470(b)(4) as it also doesn’t apply to cultivators.** [12:28:44 PM](#)
No objection

LUNCH BREAK [12:30:12 PM](#)

Mark Springer **motions to accept 3 AAC 306.475** [1:32:23 PM](#)
Peter Mlynarik **seconds the motion**
Board considers and discusses public comments for this section
Board votes, and motion carries unanimously [2:04:03 PM](#)

Brandon Emmett **motions to amend 3 AAC 306.475(b) to add to the end, “A marijuana product may be labeled in a manner indicating to the consumer that natural ingredients were used in producing the marijuana product.”** [1:39:36 PM](#)
Mark Springer **seconds the motion**
Sarah Oates **confirms with Brandon Emmett that language of the amendment should read, “Marijuana may be labeled in a manner indicating to the consumer that natural ingredients were used in cultivating the marijuana.” since cultivators would not be producing marijuana products.**
Motion fails (2-3, Brandon Emmett and Bruce Schulte vote Yes)

Mark Springer **motions to accept 3 AAC 306.480** [2:04:16 PM](#)
Peter Mlynarik **seconds the motion**
Board considers and discusses public comments for this section
Motion carries unanimously

Board revisits the following tabled motion from September 14, 2015: [2:14:12 PM](#)
Peter Mlynarik motions to accept 3 AAC 306.410
Mark Springer seconds the motion
Board review and discussion of public comments on this section
Board votes, and motion to accept 3 AAC 306.410 as amended carries unanimously [2:34:30 PM](#)

Peter Mlynarik **motions to amend 3 AAC 306.410(b) to read,** [2:14:42 PM](#)

“(3) sell directly to a consumer;

(4) sell to any marijuana establishment except through a marijuana cultivation broker facility, and...”

Mark Springer **seconds the motion**

Motion carries (4-1, Loren Jones votes No)

Peter Mlynarik **motions to return 3 AAC 306.405(c)(2) to the following** [2:36:43 PM](#)

original language, “allow any person, including a licensee, employee, or agent, to consume marijuana or a marijuana product on the licensed premises or within 20 feet of the exterior of any building or outdoor cultivation facility on the licensed premises;”

Loren Jones **seconds the motion**

Motion carries (4-1, Brandon Emmett votes No)

Board revisits the following open motion from September 14, 2015: [2:44:01 PM](#)

Peter Mlynarik motions to accept Article 4

Mark Springer seconds the motion

Motion to accept Article 4 as amended carries unanimously

BREAK [2:44:25 PM](#)

Mark Springer **motions to accept 3 AAC 306.500** [3:06:54 PM](#)

Peter Mlynarik **seconds the motion**

Board considers and discusses public comments for this section

Motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.505** [3:11:39 PM](#)

Peter Mlynarik **seconds the motion**

Board considers and discusses public comments for this section

Motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.510** [3:14:21 PM](#)

Peter Mlynarik **seconds the motion**

Board considers and discusses public comments for this section

Board votes, and motion carries unanimously [3:51:46 PM](#)

Brandon Emmett **motions to strike 3 AAC 306.510(a)(5)** [3:44:14 PM](#)

No second

Mark Springer **motions to accept 3 AAC 306.515** [3:52:01 PM](#)

Peter Mlynarik **seconds the motion**

Board considers and discusses public comments for this section

Motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.520** [3:57:46 PM](#)

Peter Mlynarik **seconds the motion**

Board considers and discusses public comments for this section

Board votes, and motion carries unanimously [4:08:49 PM](#)

Loren Jones **asks that 3 AAC 306.520(1) be cleaned up to be only applicable** [3:59:36 PM](#)

to the full marijuana product manufacturing facility licensees, and not to

the marijuana extraction manufacturing facility licensees.

No objection

Mark Springer **motions to accept 3 AAC 306.525** [4:08:58 PM](#)

Peter Mlynarik **seconds the motion**

Board considers and discusses public comments for this section

Motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.530** [4:10:29 PM](#)

Peter Mlynarik **seconds the motion**

Bruce Schulte and Brandon Emmett **recuse themselves from discussion and**

voting of this section.

Board considers and discusses public comments for this section

Motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.535** [4:12:11 PM](#)

Peter Mlynarik **seconds the motion**

Board considers and discusses public comments for this section

Motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.540** [4:18:52 PM](#)

Peter Mlynarik **seconds the motion**

Board considers and discusses public comments for this section

Motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.545** [4:20:26 PM](#)

Peter Mlynarik **seconds the motion**

Board considers and discusses public comments for this section

Board votes, and motion carries unanimously [5:07:08 PM](#)

Brandon Emmett **motions to strike the last sentence of 3 AAC 306.545(a)** [4:32:44 PM](#)

Mark Springer **seconds the motion**

Motion fails (2-3, Brandon Emmett and Bruce Schulte vote Yes)

Loren Jones **requests that Virginia Rusch add language that would allow** [4:55:37 PM](#)

for production of concentrates exempt from the THC potency limit under

3 AAC 306.545(a) that may be diluted by combination with other

Marijuana Control Board Meeting Minutes September 14 & 16, 2015

ingredients, but shall not be sold in its undiluted form direct to consumer.

No objection

Mark Springer motions to accept 3 AAC 306.550 as amended

[5:07:27 PM](#)

Peter Mlynarik seconds the motion

Board considers and discusses public comments for this section

Board votes, and motion carries unanimously

[5:21:29 PM](#)

Virginia Rusch informs the Board that references in subsections

[5:07:50 PM](#)

3 AAC 306.550(c)(4)(A) – (D) and subsections 3 AAC 306.550(c)(5)(A) – (C)

have been struck.

Peter Mlynarik motions to insert "a safety plan," into 3 AAC 306.550(a) after "good manufacturing practices,"

[5:12:29 PM](#)

Mark Springer seconds the motion

Motion carries unanimously

Brandon Emmett motions to strike 3 AAC 306.550(c)(1)

[5:17:44 PM](#)

Mark Springer seconds the motion

Virginia Rusch suggests to adjust the amendment to change the language of **3 AAC 306.550(c)(1) to read, "every vessel is used in compliance with the manufacturer's stated pressure rating" instead of striking the subsection.**

Brandon Emmett adjusts his amendment to include this suggested language

Mark Springer does not object

Motion carries unanimously


Mark Springer motions to adjourn

[5:24:20 PM](#)

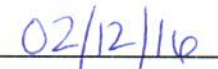
Peter Mlynarik seconds the motion

No objection

Minutes reviewed and approved by:



Cynthia A. Franklin, Director



Date


Sarah D. Oates, Records & Licensing Supervisor



Date