



**Marijuana Control Board
Meeting Minutes
August 31, 2015
Third Judicial District
3601 C Street, Ste 880
Anchorage, Alaska 99503**

***Meeting minutes are twenty 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
Virginia Rusch, Contracted Regulations Drafter

Call to Order

[9:19:39 AM](#)

Peter Mlynarik **motions to approve agenda**

[9:20:20 AM](#)

Mark Springer **seconds motion**

No objection, motion carries

ARTICLE 3

Mark Springer **motions to accept 3 AAC 306.005**

[9:21:18 AM](#)

Mark Springer **clarifies that motion is for 3 AAC 306.300 as amended**

Peter Mlynarik **seconds motion**

Board review and discussion of public comments on this section

Board votes, and motion carries unanimously

[9:42:25 AM](#)

Mark Springer motions to amend 3 AAC 306.300(a) to add the words, [9:34:47 AM](#)
“Except as permitted by AS 17.38.020...” at the beginning
Brandon Emmett seconds motion
Motion carries unanimously

Mark Springer motions to accept 3 AAC 306.305 as amended [9:42:49 AM](#)
Brandon Emmett seconds the motion
Board review and discussion of public comments on this section
Board votes, and motion carries unanimously [10:46:29 AM](#)

Brandon Emmett motions to amend 3 AAC 306.305(a)(1) to read, [9:55:04 AM](#)
““deliver” means “hand to a person who purchases the product on the
licensed premises or transfer or transport to a consumer off the licensed
premises””
Virginia Rusch informs the board that definitions will be moved to Article 9
No second
Motion fails

Mark Springer motions to amend 3 AAC 306.305(a)(1) to read, [9:57:58 AM](#)
““deliver” means “hand to a person who purchases the product on the licensed
premises only; “deliver” does not mean transfer or transport by the licensee to
a consumer off the licensed premises””
Brandon Emmett seconds the motion
Motion fails (1-4, Brandon Emmett votes Yes)

Mark Springer motions to strike “a day” from 3 AAC 306.305(b)(1) [10:05:10 AM](#)
Brandon Emmett seconds the motion
Motion carries unanimously

Mark Springer motions to amend 3 AAC 306.305(b)(3) to read, [10:28:54 AM](#)
“store marijuana and marijuana products on the licensed premises in a
manner consistent with the requirements of 3 AAC 306.720 and 3 AAC 306.725”
Brandon Emmett seconds the motion
Motion carries unanimously

Loren Jones recuses himself from discussion and voting of subsection [10:47:03 AM](#)
3 AAC 306.310(c)(2)

BREAK [10:47:13 AM](#)

Mark Springer motions to accept 3 AAC 306.310 as amended [11:08:42 AM](#)
Brandon Emmett seconds the motion
Board review and discussion of public comments on this section
Board votes, and motion carries unanimously [12:37:38 PM](#)

Mark Springer motions to amend 3 AAC 306.310(c)(1) to read, “conduct any business on the marijuana retail store’s licensed premises between the hours of 12 midnight and 8:00a.m. each day” [11:35:51 AM](#)
Brandon Emmett seconds the motion
Motion fails (1-4, Mark Springer votes Yes)

Brandon Emmett motions to strike 3 AAC 306.310(c)(1) [11:44:27 AM](#)
Mark Springer seconds the motion
Motion fails (1-4, Bruce Schulte votes Yes)

Mark Springer motions to amend 3 AAC 306.310(c)(1) to read, “conduct any business on, or allow any consumer to access, the marijuana retail store’s licensed premises between the hours of 5:00 a.m. and 8:00 a.m. each day” [11:52:04 AM](#)
Brandon Emmett seconds the motion
Motion carries (3-2, Peter Mlynarik and Loren Jones vote No)

Brandon Emmett motions to strike 3 AAC 306.310(c)(3)(B) [12:21:22 PM](#)
Mark Springer seconds the motion
Motion carries (3-2, Peter Mlynarik and Loren Jones vote No)

Brandon Emmett motions to amend 3 AAC 306.310(c)(3)(C) to read, “alcoholic beverages, free or for compensation” [12:28:02 PM](#)
Mark Springer seconds the motion
Motion fails (2-3, Brandon Emmett and Bruce Schulte vote Yes)

LUNCH BREAK [12:38:08 PM](#)

Mark Springer motions to accept 3 AAC 306.315 [1:57:56 PM](#)
Brandon Emmett seconds the motion
Board review and discussion of public comments on this section
Board votes, and motion carries unanimously

Mark Springer motions to accept 3 AAC 306.320 as amended [2:10:47 PM](#)
Peter Mlynarik seconds the motion
Board review and discussion of public comments on this section
Board votes, and motion carries unanimously [2:30:58 PM](#)

Mark Springer motions to add a new subsection at the beginning of 3 AAC 306.320 that reads, “No person under the age of 21 may enter a retail marijuana store” [2:13:58 PM](#)
Brandon Emmett seconds the motion
Motion carries unanimously

Mark Springer **motions to change title of 3 AAC 306.320 to, "Access restricted at marijuana retail stores"** [2:27:29 PM](#)
Brandon Emmett **seconds the motion**
Motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.325** [2:31:10 PM](#)
Peter Mlynarik **seconds the motion**
Board review and discussion of public comments on this section
Board votes, and motion carries unanimously [2:53:16 PM](#)

Brandon Emmett **motions to amend 3 AAC 306.325(1) to read, "each licensee, employee, or agent who participates in the sale of marijuana obtains a marijuana handler permit as provided in 3 AAC 306.715 before being licensed or employed at a marijuana retail store"** [2:37:56 PM](#)
Mark Springer **seconds the motion**
Motion fails (2-3, Brandon Emmett and Bruce Schulte vote Yes)

Cynthia Franklin **excuses herself from the meeting due to conflicting scheduling** [2:50:03 PM](#)

Mark Springer **motions to accept 3 AAC 306.330** [2:53:34 PM](#)
Brandon Emmett **seconds the motion**
Board review and discussion of public comments on this section
Motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.335** [2:59:03 PM](#)
Brandon Emmett **seconds the motion**
Board review and discussion of public comments on this section
Board tables discussion and vote until Cynthia Franklin is available for questions

Mark Springer **motions to accept 3 AAC 306.340** [3:02:41 PM](#)
Peter Mlynarik **seconds the motion**
No public comments on this section for board to review
Board votes, and motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.345** [3:06:37 PM](#)
Brandon Emmett **seconds the motion**
Board review and discussion of public comments on this section
Board votes, and motion carries unanimously [3:20:07 PM](#)

Mark Springer **motions to strike, "give, distribute, or deliver", from 3 AAC 306.345** [3:07:31 PM](#)
Brandon Emmett **seconds the motion**
Mark Springer **withdraws his motion**

Loren Jones **recuses himself from discussion and voting of section 3 AAC 306.350** [3:20:18 PM](#)

BREAK [3:20:49 PM](#)

Mark Springer **motions to accept 3 AAC 306.350** [3:32:19 PM](#)

Peter Mlynarik **seconds the motion**

Board review and discussion of public comments on this section

Board tables discussion and vote until Cynthia Franklin is available for questions [4:11:26 PM](#)

Mark Springer **motions to amend 3 AAC 306.350(e)(b) to read, "Marijuana can impair concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence"** [3:38:17 PM](#)

Brandon Emmett **seconds the motion**

Motion carries unanimously

Brandon Emmett **motions to amend 3 AAC 306.350(a) to read, "A marijuana retail store may have no more than three signs identifying the store by the marijuana retail store's business name that are visible to the general public from the public right of way. The signs may be placed in the store's window or attached to the outside of the licensed premises. The size of each sign may not exceed 4,800 square inches."** [3:41:37 PM](#)

Mark Springer **seconds the motion**

Board votes, and motion carries (3-1, Peter Mlynarik votes No) [3:58:47 PM](#)

Mark Springer **motions to amend the amendment to read, "each abutting public right of way"** [3:46:14 PM](#)

Brandon Emmett **seconds the motion**

Mark Springer **withdraws his motion**

Mark Springer **motions to amend 3 AAC 306.350(e)(a) to read, "Marijuana has intoxicating effects and may be habit forming"** [3:59:22 PM](#)

Peter Mlynarik **seconds the motion**

Motion carries unanimously

Mark Springer **motions to add a subsection 3 AAC 306.350(e)(e) to read, "Marijuana should not be used by women who are pregnant or breast feeding"** [4:02:53 PM](#)

Brandon Emmett **seconds the motion**

Motion carries (3-1, Brandon Emmett votes No)

3 AAC 306.355 [4:12:06 PM](#)

Board tables discussion and vote until Cynthia Franklin is available for questions

ARTICLE 7

[4:12:59 PM](#)

Mark Springer **motions to accept 3 AAC 306.700 as amended**

[4:14:22 PM](#)

Brandon Emmett **seconds the motion**

Board review and discussion of public comments on this section

Board votes, and motion carries unanimously

[4:37:21 PM](#)

Mark Springer **motions to amend the first sentence of 3 AAC 306.700(c) to**

[4:29:05 PM](#)

read, "A licensee may not alter the functional floor plan or reduce or expand the area of the licensed premises without the prior written approval of the director."

Brandon Emmett **seconds the motion**

Motion carries unanimously

Brandon Emmett **motions to accept 3 AAC 306.705**

[4:37:05 PM](#)

Mark Springer **seconds the motion**

Board review and discussion of public comments on this section

Board tables discussion and vote until Cynthia Franklin is available for questions

Mark Springer **motions to adjourn**

[4:48:05 PM](#)

Brandon Emmett **seconds the motion**

Motion carries unanimously

**Marijuana Control Board
Meeting Minutes
September 1, 2015
Third Judicial District
3601 C Street, Ste 880
Anchorage, Alaska 99503**

**Meeting minutes are twenty 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 Assistant

Legal Counsel Present:

Harriet Milks, Assistant Attorney General
Virginia Rusch, Contracted Regulations Drafter

Call to Order

[9:22:30 AM](#)

Board revisits the following tabled motion from August 31, 2015:

[9:23:51 AM](#)

Mark Springer motions to accept 3 AAC 306.335

Brandon Emmett seconds the motion

Board review and discussion of public comments on this section

Motion carries unanimously

Board revisits the following tabled motion from August 31, 2015:

[9:33:34 AM](#)

Mark Springer motions to accept 3 AAC 306.350

Peter Mlynarik seconds the motion

Loren Jones recuses himself from discussion and voting on 3 AAC 306.350

Board review and discussion of public comments on this section

Board votes, and motion to accept section as amended carries unanimously

[10:19:12 AM](#)

Mark Springer motions to amend 3 AAC 306.350(c) to read,

[9:44:26 AM](#)

“A marijuana retail store may not place an advertisement for marijuana or a marijuana product, except as provided for under 3 AAC 306.350(a)”

Brandon Emmett seconds the motion

Motion carries unanimously

Peter Mlynarik **motions to add the following subsections to** [9:45:16 AM](#)
3 AAC 306.350(c):

(4) within one thousand feet of the perimeter of any substance abuse treatment or recovery facility; or

(5) on or in college campuses

Mark Springer **seconds the motion**

Motion carries unanimously

Mark Springer **motions to amend 3 AAC 306.350(d) to read,** [10:02:48 AM](#)

“A marijuana retail store may not use giveaway coupons, or distribute branded merchandise at no cost as promotional material, or conduct promotional activities such as games or competitions to encourage sale of marijuana or marijuana products.”

Peter Mlynarik **seconds the motion**

Motion fails (2-2, Peter Mlynarik and Mark Springer vote Yes)

Discussion about removal of 3 AAC 306.350(b)(3) [10:08:21 AM](#)

No motion made

Mark Springer **motions to accept 3 AAC 306.355** [10:19:49 AM](#)

Brandon Emmett **seconds the motion**

Board review and discussion of public comments on this section

Motion carries unanimously

BREAK [10:35:52 AM](#)

Board revisits the following tabled motion from August 31, 2015: [10:52:08 AM](#)

Brandon Emmett motions to accept 3 AAC 306.705

Mark Springer seconds the motion

Board review and discussion of public comments on this section

Motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.710 as amended** [11:17:21 AM](#)

Peter Mlynarik **seconds the motion**

Board review and discussion of public comments on this section

Board votes, and motion carries unanimously [11:29:34 AM](#)

Peter Mlynarik **motions to amend 3 AAC 306.710(a) to read,** [11:23:03 AM](#)

“A marijuana establishment shall restrict access to any part of the licensed premises where marijuana or a marijuana product is grown, processed, tested, stored, or stocked.”

Mark Springer **seconds the motion**

Motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.715 as amended** [11:29:55 AM](#)

Peter Mlynarik **seconds the motion**

Board review and discussion of public comments on this section

Board votes, and motion carries unanimously [11:52:13 AM](#)

(3-0, Bruce Schulte and Brandon Emmett recused)

Bruce Schulte and Brandon Emmett recuse themselves from [11:30:39 AM](#)

3 AAC 306.715(b) due to potential conflict

Board asks Virginia Rusch to change the first sentence in 3 AAC 307.715(c) [11:38:53 AM](#)

to copy the suggested language provided in the Department of Public

Safety's public comment, which reads the following:

“To obtain a marijuana handler permit, a person who has completed the marijuana handler permit course required under (a) of this section shall present the course completion certificate, along with a report of criminal justice information obtained from the Department of Public Safety under AS 12.62.160(b)(8), to the director.”

Peter Mlynarik **motions to strike “AS 17.37” from 3 AAC 307.715(b)(1)** [11:47:47 AM](#)

Loren Jones **seconds the motion**

Peter Mlynarik **withdraws the motion**

Peter Mlynarik **motions to amend 3 AAC 307.715(b)(2) to read, “the effects of marijuana and marijuana products consumption”** [11:49:15 AM](#)

Loren Jones **seconds the motion**

Motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.720** [11:52:47 AM](#)

Brandon Emmett **seconds the motion**

Board review and discussion of public comments on this section

Board votes, and motion carries unanimously [12:19:08 PM](#)

LUNCH BREAK [12:19:46 PM](#)

Mark Springer **motions to accept 3 AAC 306.725** [1:29:51 PM](#)

Peter Mlynarik **seconds the motion**

Board review and discussion of public comments on this section

Motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.730** [1:58:00 PM](#)

Brandon Emmett **seconds the motion**

Board review and discussion of public comments on this section

Motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.735 as amended** [2:16:53 PM](#)

Brandon Emmett **seconds the motion**

Board review and discussion of public comments on this section

Board votes, and motion carries unanimously [2:59:53 PM](#)

Mark Springer **motions to amend 3 AAC 306.735(c)(1) by adding to the end of the subsection, “except that the director may authorize immediate disposal on an emergency basis”** [2:29:48 PM](#)

Brandon Emmett **seconds the motion**

Motion carries unanimously

Board requests that Virginia Rusch change “the applicable local health department” in 3 AAC 306.735(d)(1) and (2) to read, “any applicable local government entity” [2:51:00 PM](#)

BREAK [3:00:30 PM](#)

Brandon Emmett **motions to accept 3 AAC 306.740** [3:14:02 PM](#)

Mark Springer **seconds the motion**

Board review and discussion of public comments on this section

Motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.745 as amended** [3:16:36 PM](#)

Brandon Emmett **seconds the motion**

Board review and discussion of public comments on this section

Board votes, and motion carries unanimously [4:08:00 PM](#)

Mark Springer **motions to amend the first sentence of 3 AAC 306.745(d) to read, “During transport, any marijuana or marijuana product must be in a sealed package or container in a locked, safe and secure storage compartment inside of the vehicle transporting the marijuana or marijuana product.”** [4:01:51 PM](#)

Brandon Emmett **seconds the motion**

Motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.750 as amended** [4:08:17 PM](#)

Brandon Emmett **seconds the motion**

Board review and discussion of public comments on this section

Board votes, and motion carries (4-1, Bruce Schulte votes No) [4:34:34 PM](#)

Mark Springer **motions to strike subsections 3 AAC 306.750(a) and (b)** [4:25:40 PM](#)

Brandon Emmett **seconds the motion**

Mark Springer **withdraws the motion**

Brandon Emmett **motions to strike the last sentence of 3 AAC 306.750(a)** [4:33:11 PM](#)
Mark Springer **seconds the motion**
Motion carries (4-1, Loren Jones votes No)

Mark Springer **motions to accept 3 AAC 306.755** [4:35:02 PM](#)
Brandon Emmett **seconds the motion**
Board review and discussion of public comments on this section
Board votes, and motion carries unanimously [4:46:30 PM](#)

Board requests that Virginia Rusch make record-keeping requirements in 3 AAC 306.745(f) consistent with 3 AAC 306.755(a) [4:39:14 PM](#)

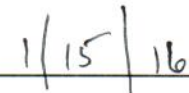
Mark Springer **motions to accept 3 AAC 306.760** [4:46:51 PM](#)
Peter Mlynarik **seconds the motion**
Board review and discussion of public comments on this section
Motion carries unanimously

ADJOURN [4:50:28 PM](#)

Minutes reviewed and approved by:



Cynthia A. Franklin, Director



Date



Sarah D. Oates, Records & Licensing Supervisor



Date