

THIS DOCUMENT CONTAINS DRAFT MINUTES THAT ARE IN RAW FORM. THEY HAVE NOT BEEN APPROVED BY THE MARIJUANA CONTROL BOARD.

*Meeting minutes are 21 minutes fast

Call to Order

9:28:28 AM

Attendance:

Bruce Schulte

Mark Springer (telephonic)

Peter Mlynarik

Loren Jones

Brandon Emmett (telephonic)

Cynthia Franklin

Sarah Oates

Harriet Milks

John Calder

Loren Jones motions to adopt the agenda

9:29:32 AM

Peter Mlynarik seconds the motion

No objection

Loren Jones recuses himself from discussion and voting of 3 AAC 306.900

9:29:45 AM

Peter Mlynarik motions to accept 3 AAC 306.900

9:30:09 AM

Mark Springer seconds the motion

Board considers and discusses public comments for this section

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

9:47:41 AM

Bruce Schulte revisits an earlier discussion from the July 2, 2015 meeting that he would like to see the Board develop draft regulations surrounding clubs/lounges to offer some direction to the legislature.

9:37:25 AM

Harriet Milks reiterates her legal opinion that the Board has no authority to create regulations surrounding marijuana clubs. Her opinion is that since the ballot measure did not specifically mention marijuana clubs, then it is “not the Board’s problem to fix”. Ms. Milks additionally counsels that based on her earlier opinion, the Board could not develop even draft regulations. Following some discussion, it is agreed that the Board could offer such guidance in the form of a policy or position statement.

9:41:35 AM

Loren Jones motions to accept 3 AAC 306.905

9:47:53 AM

Brandon Emmett seconds the motion

Board considers and discusses public comments for this section

Motion carries unanimously

Loren Jones **motions to accept 3 AAC 306.910**

[9:52:58 AM](#)

Peter Mlynarik **seconds the motion**

Board considers and discusses public comments for this section

Peter Mlynarik **motions to table discussion until an opinion can be given by**

Harriet Milks regarding refusal to sell to someone with a mental illness under AS 18.80.210.

Loren Jones **motions to accept 3 AAC 306.990**

[9:54:52 AM](#)

Peter Mlynarik **seconds the motion**

Board considers and discusses public comments for this section

Mark Springer **motions to table discussion until this afternoon**

Brandon Emmett **seconds the motion**

Board revisits the following tabled motion from September 23, 2015:

[10:10:46 AM](#)

Loren Jones motions to accept 3 AAC 306.810

Peter Mlynarik seconds the motion

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

[10:21:49 AM](#)

Loren Jones **motions to amend 3 AAC 306.810(b)(5) to read,**

[10:14:59 AM](#)

“failed to comply with any applicable public health, fire, safety, or tax law or regulation in the state; or”

Peter Mlynarik **seconds the motion**

Motion carries unanimously

Board revisits the following tabled motion from September 23, 2015:

[10:22:24 AM](#)

Loren Jones motions to accept 3 AAC 306.830

Peter Mlynarik seconds the motion

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

[10:27:34 AM](#)

Loren Jones **motions to amend 3 AAC 306.830(b) to add the language,**

[10:23:19 AM](#)

“will update the marijuana inventory control tracking system to reflect the seizure and assure that the seized items are stored in a reasonable manner. The direct

Peter Mlynarik **seconds the motion**

Motion carries unanimously

Board revisits the following tabled motion from September 23, 2015:

[10:27:42 AM](#)

Loren Jones motions to amend 3 AAC 306.840(a) by adding “or person” after “marijuana establishment”

Peter Mlynarik seconds the motion

Loren Jones **motions to alter his amendment to have 3 AAC 306.840(a) to read, “The board may, in addition to any other penalties imposed under**

[10:31:42 AM](#)

this title, impose a civil fine on a marijuana establishment, licensee, or person that the board determines has violated a provision of AS 17.38 or this chapter.”

Peter Mlynarik seconds the motion

Motion carries unanimously

Loren Jones **motions to delete 3 AAC 306.840(c)**

[10:35:24 AM](#)

Peter Mlynarik seconds the motion

Motion carries unanimously

Board revisits the following tabled motion from September 23, 2015:

[10:36:02 AM](#)

Loren Jones motions to accept 3 AAC 306.840

Peter Mlynarik seconds the motion

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

Cynthia Franklin recommends to the Board that 3 AAC 306.845(a) be revised [10:37:10 AM](#)
per Virginia Rusch’s request.

Loren Jones **motions to amend 3 AAC 306.845(a) to delete the existing** [10:39:24 AM](#)

language after “including” and replace it with, “suspending or revoking a license, seizing marijuana or a marijuana product, or imposing a civil fine.”

Peter Mlynarik seconds the motion

Motion carries unanimously

Loren Jones **motions to accept Article 8 as amended**

[10:40:46 AM](#)

Peter Mlynarik seconds the motion

Motion carries unanimously

BREAK

[10:41:39 AM](#)

Cynthia Franklin requests that the Board consider suggested revised language [11:08:02 AM](#)
for 3 AAC 306.545 (Approval of concentrates and marijuana products; renumbered as 3 AAC 306.525 in September 18, 2015 draft) provided by Virginia Rusch.

Loren Jones **motions to amend 3 AAC 306.5__ by title “Approval of concentrates and marijuana products” to read,** [11:25:09 AM](#)

“A marijuana product manufacturing facility, including a marijuana concentrate manufacturing facility, must obtain the board’s approval for each product it will manufacture for sale or transfer to another licensed marijuana establishment. The board will not approve

(1) any marijuana concentrate or product intended for sale directly to a consumer with THC potency equal to or greater than 76 percent; or

(2) any product that is prohibited under 3 AAC 306.510(a)(4)”

Mark Springer seconds the motion

Motion carries unanimously

Board revisits the following tabled motion from September 23, 2015: [11:27:47 AM](#)

Loren Jones motions to accept 3 AAC 306.565

Peter Mlynarik seconds the motion

Board votes, and motion to accept section as amended carries unanimously [12:03:50 PM](#)

Loren Jones motions to amend 3 AAC 306.565(b) to add a subsection [11:55:11 AM](#)

(5) that reads, “If the marijuana product contains multiple servings, the product itself must have markings or demarcations clearly delineating each serving of the product. For liquid marijuana products with multiple servings, the packaging must contain markings that indicate individual servings.”

Peter Mlynarik seconds the motion

Motion carries unanimously

Brandon Emmett motions to amend the new 3 AAC 306.565(b)(5) to have [11:58:19 AM](#)

the second sentence read, “For liquid marijuana products with multiple servings, the packaging must indicate the number of individual servings.”

Peter Mlynarik asks that the amendment also include “and size” after “number”

Brandon Emmett agrees to the change

Peter Mlynarik seconds the motion

Motion carries unanimously

Loren Jones motions to insert a new subsection (c) to 3 AAC 306.565 that [12:01:12 PM](#)

reads, “Marijuana products that are not edible marijuana products may be transferred by a licensed marijuana product manufacturing facility to another licensed facility in wholesale packages not to exceed five pounds.”

Brandon Emmett seconds the motion

Motion carries unanimously

Peter Mlynarik motions to accept Article 5 as amended [12:05:07 PM](#)

Loren Jones seconds the motion

Motion carries unanimously

Cynthia Franklin requests that the Board consider proposed revised language [12:05:37 PM](#)
of 3 AAC 306.475.

Loren Jones motions to amend 3 AAC 306.475(d) to strike the existing [12:12:44 PM](#)
language in subsection (2) add the following new language and subsections:

“(2) a statement listing the results of microbial testing required by
3 AAC 306.645(b)(2);

(3) a statement listing the results of residual solvent testing required by
3 AAC 306.635(b)(3), if applicable;

(4) a statement listing any of the following contaminants for which the product was tested:

- (A) molds, mildew and filth, in addition to the testing required by 3 AAC 306.645(b)(2);**
- (B) herbicides, pesticides, and fungicides; and**
- (C) harmful chemicals.”**

Peter Mlynarik seconds the motion

Motion carries unanimously

Loren Jones motions to have Virginia Rusch duplicate the changes made to **3 AAC 306.475(d) under 3 AAC 306.570**

[12:15:29 PM](#)

Peter Mlynarik seconds the motion

Motion carries unanimously

LUNCH BREAK

[12:16:05 PM](#)

Board revisits the following tabled motion from this morning:

[1:36:21 PM](#)

Loren Jones motions to accept 3 AAC 306.910

Peter Mlynarik seconds the motion

Board votes, and motion carries unanimously

[1:50:04 PM](#)

Mark Springer motions to strike “unless that refusal is a violation of **AS 18.80.210.**” from **3 AAC 306.910**

[1:43:40 PM](#)

Peter Mlynarik seconds the motion

Mark Springer withdraws his motion

Peter Mlynarik does not object

Cynthia Franklin reads to the Board a new section **3 AAC 306.915 “Exercise of authority”** that has been added to the latest revision of the draft.

[1:50:19 PM](#)

Board discusses this section

Mark Springer motions to accept **3 AAC 306.915**

[1:57:05 PM](#)

Loren Jones seconds the motion

Motion carries unanimously

Cynthia Franklin reads to the Board a new section **3 AAC 306.920 “Death of licensee”** that has been added to the latest revision of the draft.

[1:58:16 PM](#)

Board discusses this section

Peter Mlynarik motions to accept **3 AAC 306.920**

[2:08:07 PM](#)

Loren Jones seconds the motion

Motion carries unanimously

Board revisits the following tabled motion from this morning:

[2:08:41 PM](#)

Loren Jones motions to accept 3 AAC 306.990

Peter Mlynarik seconds the motion

Board votes, and motion carries unanimously

[2:17:40 PM](#)

Cynthia Franklin informs the Board of which definitions have been added to 3 AAC 306.990 in the latest revision of the draft.

[2:08:48 PM](#)

Peter Mlynarik motions to accept Article 9 as revised

Loren Jones seconds the motion

Motion carries unanimously

[2:18:06 PM](#)

Cynthia Franklin requests that the Board consider proposed added language to 3 AAC 306.670.

[2:18:37 PM](#)

Loren Jones motions to add a subsection (c) to 3 AAC 306.670 that reads, “Final reports may be amended for clerical purposes except that test results may not be amended.”

[2:20:40 PM](#)

Peter Mlynarik seconds the motion

Motion carries unanimously

Cynthia Franklin requests that the Board consider proposed added language to 3 AAC 306.025.

[2:21:45 PM](#)

Board discusses the proposed language

Loren Jones motions to amend 3 AAC 306.025(d) to add to the end of the subsection the following language:

[2:51:13 PM](#)

“If the application is complete, the director shall, after determining that the application is complete, immediately give written notice to

- (1) the applicant;**
- (2) the local government in the area in which the applicant’s proposed licensed premises are located;**
- (3) the community council if the proposed licensed premises are located within the boundary of a community council established by municipal charter or ordinance; and**
- (4) any nonprofit community organization that has requested notification in writing.”**

Peter Mlynarik seconds the motion

Motion carries unanimously

Loren Jones motions to add the same language to that was just added to 3 AAC 306.025(d) to 3 AAC 306.035(c) and 3 AAC 306.045(d)

[2:52:37 PM](#)

Peter Mlynarik seconds the motion

Motion carries unanimously

BREAK

[2:53:23 PM](#)

Cynthia Franklin goes through the most recent draft and revisions that were made to Articles 1-9.

[3:07:18 PM](#)

Cynthia Franklin recommends the Board the following revised language to 3 AAC 306.345(a):

[3:51:53 PM](#)

“A retail marijuana store shall assure that

- (1) any marijuana sold on its licensed premises is packaged and labeled in compliance with 3 AAC 306.470 and 3 AAC 306.475, except that 470(b)(2) does not apply to the packaging of wholesale flower and bud sold by weight to a consumer; and
- (2) any marijuana product sold on its licensed premises is packaged and labeled in compliance with 3 AAC 306.565 and 3 AAC 306.570, except that 565(b)(2) does not apply to the packaging of wholesale marijuana products that are not edible marijuana products.”

No objection from the Board

Peter Mlynarik motions to amend 3 AAC 306.345(b)(2) to read:

[3:55:53 PM](#)

“contains the following statements:

- (a) “Marijuana has intoxicating effects and may be habit forming;”
- (b) “Marijuana can impair concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence;”
- (c) “There may be health risks associated with consumption of marijuana;”
- (d) “For use only by adults twenty-one and older. Keep out of reach of children;” and
- (e) “Marijuana should not be used by women who are pregnant or breast feeding.””

Loren Jones seconds the motion

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

Cynthia Franklin goes over the timeline between now and when the regulations need to be adopted.

[4:02:43 PM](#)

Harriet Milks advises the Board that it has significant latitude to make changes it deems necessary at the November 20, 2015 meeting, as long as nothing substantive is changed like adding sections that have not gone out for public comment.

[4:12:10 PM](#)

Cynthia Franklin adds that the Department of Law has been working closely with the drafters, and that because no industry is currently in operation, there are, thus, no businesses or individuals who would be

[4:12:59 PM](#)

adversely affected by changes in the regulations made at the November 20, 2015 meeting.

Peter Mlynarik **motions to accept Articles 1-9** [4:14:43 PM](#)
Mark Springer **seconds the motion**
Motion carries unanimously
Harriett Milks **makes clear that the acceptance of Articles 1-9 was for the entire package to go back out for public comment.**

Mark Springer **motions to accept the July 2, 2015 board meeting minutes** [4:18:05 PM](#)
Peter Mlynarik **seconds the motion**
Loren Jones **abstains from voting since he wasn't at the meeting**
Motion carries unanimously

Peter Mlynarik **motions to accept the July 29, 2015 meeting minutes** [4:20:49 PM](#)
Loren Jones **seconds the motion**
Motion carries unanimously

Peter Mlynarik **motions to accept the August 3, 2015 meeting minutes** [4:22:33 PM](#)
Mark Springer **seconds the motion**
Motion carries unanimously

Peter Mlynarik **motions to accept the August 10-11, 2015 meeting minutes** [4:23:18 PM](#)
Loren Jones **seconds the motion**
Motion carries unanimously

Peter Mlynarik **motions to accept the August 31 – September 1, 2015 meeting minutes** [4:24:16 PM](#)
Loren Jones **seconds the motion**
Peter Mlynarik **requests clarification about a motion in the September 1, 2015 meeting minutes at 11:49:15 AM that was seconded but does not indicate a vote.**

Peter Mlynarik **motions to table a vote until clarification is received** [4:26:44 PM](#)
Loren Jones **seconds the motion**
No objection

Mark Springer **motions to adjourn** [4:27:10 PM](#)
Peter Mlynarik **seconds the motion**
No objection