



**Marijuana Control Board
Meeting Minutes
February 11, 2016
Second Judicial District
211 4th Street
2nd Floor Conference Room
Juneau, Alaska 99801**

*Meeting minutes are 29 minutes fast

Board Members Present:

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

Staff Members Present:

Cynthia Franklin, Director
Sarah Oates, Records & Licensing Supervisor (telephonic)
Steven Johnson, Investigator III

Legal Counsel Present:

Harriet Milks, Assistant Attorney General

CALL TO ORDER

9:29:50 AM

Peter Mlynarik requests to add an agenda item:

Discussion of a potential new regulation regarding marijuana handlers permits.
Board agrees to place the item after Tab 25.

Mark Springer motions to adopt the agenda as amended

Brandon Emmett seconds the motion

No objection

9:30:53 AM

DIRECTOR'S REPORT

[9:33:04 AM](#)

Mark Springer requests that the record show that this meeting is taking place in Juneau, in the First Judicial District.

CONDUCT OF BOARD MEETINGS

[9:39:57 AM](#)

Harriet Milks informs the board that they may adopt the provided alcohol regulations as their own regulations by opening a regulations project.

Peter Mlynarik suggests that the board follow the ABC Board's lead with selecting a chair during the first meeting of the year and opening a regulations project.

Brandon Emmett agrees that a board chair be selected today.

Peter Mlynarik motions to open a regulations project regarding the conduct of board meetings in alcohol and have the staff bring some draft language at the next meeting

Brandon Emmett seconds the motion

Motion carries unanimously

Harriet Milks suggests that now would be a good time for the board members [9:50:51 AM](#) to revisit their ethics disclosures regarding personal or financial interests that could be a conflict of interest.

Peter Mlynarik discloses the following:

Part of Kenai Peninsula Borough Marijuana Task Force

On the Alaska Municipal League Law Enforcement Committee

Part of Alaska Association of Chiefs of Police

Mark Springer discloses the following:

Not an elected official

No intention of applying for any licensure or family members who do

No financial interest in any marijuana license activities in the state

Loren Jones discloses the following:

City & Borough of Juneau Assembly

No financial interest in any business in Juneau, nor intention to have any

Alaska Municipal League

Member of Southeast Conference

Brandon Emmett discloses the following:

Fairbanks North Star Borough Marijuana Workgroup

Part of a group that plans to administer marijuana handler permit cards

Plans to apply for one or more marijuana licenses

Will potentially start a marijuana consulting business regarding general marijuana issues

Bruce Schulte discloses the following:

Non-voting member of the Anchorage Assembly's Committee of the Marijuana Regulation & Taxation

Part of Alaska Marijuana Industry Association that plans to administer marijuana handler permit cards

Considering marijuana consulting

Plans to apply for one or more marijuana licenses

Harriet Milks **reminds the board that if any members enter into a business relationship that could potentially create a conflict, that it needs to be disclosed at the soonest board meeting**

ELECTION OF BOARD CHAIR DISCUSSION

[10:03:16 AM](#)

Loren Jones **suggests that because the board just elected a chair in August, that the officers be maintained until the regulations project.**

AUGUST 31 & SEPTEMBER 1, 2015 MEETING MINUTES

[10:05:16 AM](#)

Mark Springer **motions to adopt the minutes**

Brandon Emmett **seconds the motion**

Mark Springer **requests to have the minutes reflect the physical location and judicial district**

Motion carries unanimously

SEPTEMBER 14 & 16, 2015 MEETING MINUTES

Mark Springer **motions to adopt the minutes**

[10:09:36 AM](#)

Peter Mlynarik **seconds the motion**

Mark Springer **requests that the minutes be fixed to reflect that the meeting was held in Kotzebue**

Motion carries unanimously

SEPTEMBER 23 & 24 MEETING MINUTES

[10:11:33 AM](#)

Mark Springer **motions to adopt the minutes**

Peter Mlynarik **seconds the motion**

Motion carries unanimously

NOVEMBER 20 & DECEMBER 1, 2015 MEETING MINUTES

[10:12:12 AM](#)

Brandon Emmett **motions to accept the minutes**

Mark Springer **seconds the motion**

Brandon Emmett **requests that the recording for the December 1st meeting be reviewed to check and see if Brandon Emmett requested that discussion about ownership be continued at the next board meeting. If so, he would like that to be noted in the minutes.**

Brandon Emmett **amends his motion to approve only the November 20, 2015 meeting minutes and bring the December 1 minutes back at the next meeting.**

Mark Springer **agrees**

Motion carries unanimously

Cindy Franklin **would like to have for the record that the meeting minutes were provided to the board on January 17 for review.**

[10:17:13 AM](#)

UPDATE ON DATABASE

[10:19:00 AM](#)

Cynthia Franklin informs the board that there will be two identical training sessions for the application process on February 17 & 18, and that one will be recorded and put on the website. She also reminds the board and the public that the applications must be initiated online and that nothing could be accomplished by potential applicants by coming to the office on February 24.

Bruce Schulte reminds listeners that people with questions should consult the FAQs that are provided on the board's website.

TENTATIVE APPLICATIONS TIMELINE

[10:25:33 AM](#)

NEXT MCB MEETINGS

[10:44:45 AM](#)

Cynthia Franklin proposes April 27 (telephonic) and June 9 (in-person) in Anchorage
Approved unanimously

Cynthia Franklin reminds the board and public that there is no "window" or cut-off date for which applications need to be submitted by. There is no limit to applications that may be issued, and they may be applied for any time.

REGULATIONS

[10:49:41 AM](#)

Discussion regarding the questions posed in the Director's memo about what kind of material the board would like to be included in the draft language for the on-site consumption endorsement regulation.

Brandon Emmett expresses interest in having a separate counter for purchase of marijuana or marijuana products for on-site consumption.

All board members express an interest in having some type of rules regarding overconsumption, impaired on-premises, and ventilation requirements.

Peter Mlynarik expresses concern potential introduction of outside marijuana or marijuana products.

Loren Jones expresses concern about the local government's ability to weigh-in on the on-site consumption endorsement separately from the retail marijuana store license. He additionally requests that a fee schedule be included in draft language.

Mark Springer does not envision a separate counter for the consumption area, as it has the potential to turn the establishment into a "marijuana bar".

Peter Mlynarik believes there should be a "server" to regulate how much is being sold to customers for on-site consumption.

All board members express interest in limiting the amount that a customer may be served/sold for on-site consumption.

Loren Jones poses a question about whether or not any remaining unconsumed marijuana would still meet the exit packaging requirements once the customer leaves the premises after consuming part of what was purchased.

Bruce Schulte suggests having a separate "menu" of items that may be purchased for on-site consumption, and possibly limiting those amounts.

Brandon Emmett discusses options for preventing introduction of outside products.

Harriet Milks believes that outdoor consumption would be prohibitive, and Peter Mlynarik agrees.

Brandon Emmett believes that outdoor consumption areas would be beneficial and could be allowed on a case-by-case basis.

Bruce Schulte **comments that he could see outdoor consumption being hugely problematic.**
Mark Springer **comments that if an insurance company wouldn't have a problem with the burners or highly concentrated products, that he doesn't see a reason why people couldn't participate in dabbing on-site.**
Brandon Emmett **comments that he doesn't think it's logical to ban on-site dabbing, but to possibly set limits for the amount that may be purchased for consumption on-site.**
Peter Mlynarik **expresses concern about dabbing and driving.**
Bruce Schulte **remarks that the board should keep public safety at the forefront.**
Brandon Emmett **would support having language that prohibits discounted prices for consumption during certain hours (happy hours).**
Loren Jones **also wants to prohibit happy hours.**
Bruce Schulte and Brandon Emmett **comment that they do not believe it would be in the best interest of the public or industry to allow employees to consume on-site. Peter Mlynarik agrees.**
Loren Jones **believes that question number 11 would not be where the board wants to go, since cooking with the marijuana would be considered producing a marijuana product, which would be something that marijuana product manufacturing licensees do, not retail marijuana stores.**
Brandon Emmett **believes that a coffee shop infusing marijuana with coffee or tea would be allowable as long as the dosage is established and done correctly.**

BREAK

[12:27:03 PM](#)

MEETING RESUMES

[1:01:42 PM](#)

Mark Springer **asks that the minutes reflect the Governor's travel ban and requirement that boards only meet in-person once per year. With the exception of that one in-person meeting, all future meetings will have one board member and the Director present at the location of the meeting, with one meeting be in each judicial district each year.**

Mark Springer **expresses that he feels that question 11 regarding a future draft for the on-site consumption endorsement would be a carve-out.**

[1:04:27 PM](#)

MARIJUANA HANDLER PERMIT TENTATIVE TIMELINE

[1:05:42 PM](#)

FORM MJ-10: Marijuana Handler Permit Education Course Provider Application

[1:14:30 PM](#)

Mark Springer **motions to adopt form MJ-10**

Peter Mlynarik **seconds the motion**

Motion carries unanimously

Loren Jones **expresses concerns about the lack of a requirement that the curriculum show a written test and what is considered to be a passing rate**

[1:29:06 PM](#)

Loren Jones **motions to add verbiage to the form that the applicant demonstrates via written test that the students learn the information correctly**

Mark Springer **seconds the motion**

Motion carries unanimously

FORM MJ-11: Marijuana Handler Permit Application

[1:18:54 PM](#)

Mark Springer **motions to adopt form MJ-11**
Peter Mlynarik **seconds the motion**
Motion carries unanimously

Online Marijuana Establishment License Application

[1:33:45 PM](#)

Peter Mlynarik **motions to approve the online format concept provided for a marijuana establishment license application**
Brandon Emmett **seconds the motion**
Motion carries unanimously

FORM MJ-00: Application Certifications

[1:41:41 PM](#)

Loren Jones **motions to approve form MJ-00**
Brandon Emmett **seconds the motion**
Motion carries unanimously

FORM MJ-01: Marijuana Establishment Operating Plan

[1:55:24 PM](#)

Loren Jones **comments that the bullet and section titled "Minor Control Plan" be changed to mirror the language of the regulation and make it clear that it applies to persons under 21**

Loren Jones **motions to approve form MJ-01**
Peter Mlynarik **seconds the motion**
Motion carries unanimously

FORM MJ-02: Premises Diagram

[2:10:21 PM](#)

Peter Mlynarik **motions to approve form MJ-02**
Mark Springer **seconds the motion**
Motion carries unanimously

FORM MJ-03: Retail Marijuana Store Operating Plan Supplemental

[2:12:32 PM](#)

Bruce Schulte **requests that the wording of the Yes/No question in Section 3 regarding on-site consumption be reworded to clarify that the question is whether the applicant will be requesting approval at the time of initial application.**
No objection

Peter Mlynarik **motions to approve form MJ-03**
Mark Springer **seconds the motion**
Motion carries unanimously

Loren Jones **requests that prohibitions section regarding on-premises consumption on the other supplemental forms will be duplicated on this form.**

[2:40:18 PM](#)

Loren Jones **motions to amend MJ-03 to reflect the prohibition of on-site consumption in 3 AAC 306.310(b)(2)**
Peter Mlynarik **seconds the motion**
Motion carries unanimously

[3:12:45 PM](#)

FORM MJ-04: Marijuana Cultivation Facility Operating Plan Supplemental

[2:19:18 PM](#)

Mark Springer **motions to adopt form MJ-04**
Brandon Emmett **seconds the motion**
Motion carries unanimously

FORM MJ-05: Marijuana Product Manufacturing Facility Operating Plan Supplemental [2:25:03 PM](#)

Brandon Emmett **motions to accept form MJ-05**
Peter Mlynarik **seconds the motion**
Motion carries unanimously

FORM MJ-06: Marijuana Testing Facility Operating Plan Supplemental

[2:30:44 PM](#)

Cynthia Franklin **requests that the “Reporting and Records Retention” section needs to be renumbered as “Section 6”.**

Bruce Schulte **requests that the Agree/Disagree certifications on page 5 regarding disposal of marijuana that does not pass required tests be removed, as those requirements are of the facility that submitted the samples for testing, not of the testing facility itself.**

Loren Jones **motions to approve form MJ-06**
Peter Mlynarik **seconds the motion**
Motion carries unanimously

FORM MJ-07: Public Notice Posting Affidavit

[2:41:41 PM](#)

Peter Mlynarik **motions to accept form MJ-07**
Brandon Emmett **seconds the motion**
Motion carries unanimously

FORM MJ-08: Local Government Notice Affidavit

[2:43:33 PM](#)

Loren Jones **motions to approve form MJ-08**
Mark Springer **seconds the motion**
Motion carries unanimously

FORM MJ-09: Statement of Financial Interest

[2:48:00 PM](#)

Peter Mlynarik **motions to approve form MJ-09 with Section 3 deleted from the form**
Brandon Emmett **seconds the motion**
Motion carries unanimously

FORM MJ-12: Petition

[2:59:36 PM](#)

Loren Jones requests that the sentence "By signing this petition, you are stating that you are in favor of having a licensed marijuana establishment in your community." be included on the top of the signatures page (page 5).

Peter Mlynarik motions to approve form MJ-12 as modified

Loren Jones seconds the motion

Motion carries unanimously

LIST OF FUTURE FORMS

[3:15:48 PM](#)

Loren Jones requests that the Online Transfer Application Form have a title that makes it clear that the transfer application is for a transfer of ownership only.

MARIJUANA MAILBOX

[3:24:32 PM](#)

Cynthia Franklin informs the board that the only correspondence that will be brought to the board at future meetings will be emails received at the marijuana@alaska.gov email address.

MARIJUANA HANDLER PERMIT REGULATION

[3:31:14 PM](#)

Peter Mlynarik expresses concern about there not being more scrutiny when issuing marijuana handler permits than just passing a test.

Mark Springer motions to adjourn

Brandon Emmett seconds the motion

No objection

[3:47:37 PM](#)

Minutes reviewed and approved by:



Cynthia A. Franklin
Director



Sarah Daulton Oates
Records & Licensing Supervisor