



**Marijuana Control Board
Meeting Minutes
July 14, 2016
Telephonic Meeting**

*Meeting minutes are 37 minutes fast (actual start time is 10:00am)

Board Members Present:

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

Staff Members Present:

Cynthia Franklin, Director
Sarah Oates, Program Coordinator
James Hoelscher, Chief Investigator
John Calder, Administrative Officer

Legal Counsel Present:

Harriet Milks, Assistant Attorney General

Call to Order

10:37:56 AM

Board Policy for Preliminary Inspections

10:38:52 AM

Peter Mlynarik states that the reason for calling this meeting is because it seemed like there was confusion by the board members about what they were voting to approve as a board policy for preliminary inspections.

Loren Jones states that his interpretation of the motion was that the cultivation facility could have six plants and nothing else.

Mark Springer states that his intention was to allow the initial five cultivators to have whatever they had in their facility when investigators got there, and he was a little confused about mother plants. He states that his final resolution reads that there can only be six plants in the facility, and that this is going to be problematic. He additionally states that the language in the statute allows for them to obtain more, and he wants to revisit this.

Brandon Emmett states that he was a no vote on that motion because as the conversation evolved, the board went from a situation where the individuals would have everything that they started with plus the six mother plants, but then it turned into a situation where those individuals would have to rip up everything that they already have and that the board would be looking at a lawsuit.

Bruce Schulte states that he thinks the board may have gotten a little off-track and that the final language that they voted on did not do the industry well. He states that he has prepared a draft resolution for discussion.

Peter Mlynarik asks for the will of the board. He states that he sticks by his opinion that it should stick to six plants, which is what they could have legally.
The board members all agree to revisit the policy.

Bruce Schulte motions to pass the following resolution:

“Whereas a diverse inventory of plants, ranging in both size/age and genetic characteristics is essential to the success of a licensed cultivation facility;

Whereas Ballot Measure 2 allows an adult 21 or over (acting as an agent of a licensee) to receive any number of seeds or immature plants from another adult 21 or over;

Whereas neither Ballot Measure 2 nor current regulations place a limit on the number or size of plants that may occupy a licensed premises;

Resolved, it shall be the policy of the Marijuana Control Board that:

- 1. Upon initial inspection, a licensee may have any number of immature (non-flowering) plants (of any size) on the premises.*
- 2. Any plants on the premises at initial inspection must be tagged and tracked, per 3 AAC 306.435.*
- 3. After the initial inspection, additional immature (non-flowering) plants, grown from seed or propagated through any means, may be added to inventory and must also be tagged and tracked, per 3 AAC 306.435.”*

Brandon Emmett seconds the motion.

The board discusses the proposed resolution.

James Hoelscher and Cynthia Franklin voice concerns about allowing plants to be introduced into a licensed cultivation facility at any time, rather than just before the preliminary inspection.

Harriet Milks states that the facilities in Active status have been approved for licensure pending preliminary inspection. Because the board has approved them as licensed facilities, they fall under AS 17.38.070(b)(6). She states that the first and third “*Whereas*” paragraphs are not legally defensible and should not be part of the proposed resolution.

Mark Springer motions to amend the resolution on the table by striking the third “*Whereas*” paragraph.
Loren Jones seconds the motion.

Harriett Milks states that she doesn’t believe that the numbered Resolution paragraph 3 is also not legally defensible.

Mark Springer's motion to amend the resolution carries unanimously.

Loren Jones motions to amend the resolution on the table by eliminating Resolution number 3.

Mark Springer seconds the motion.

Motion carries unanimously.

Cynthia Franklin, Harriet Milks, and the board discuss issued with the second "Whereas" paragraph and its combination with "plants (of any size)" in Resolution paragraph 1.

Mark Springer motions to amend the resolution throughout to change the word "initial" to "preliminary".

Bruce Schulte seconds the motion.

Motion carries unanimously.

Mark Springer motions to amend the resolution to strike "of any size" from Resolution paragraph 1.

Loren Jones seconds the motion.

Harriet Milks clarifies for the record that the board is talking about one day and one inspection for this policy, and that otherwise, the provisions of 3 AAC 306.435 apply.

Mark Springer's motion to strike "of any size" carries, 3-2 (Bruce Schulte and Brandon Emmett vote No).

Mark Springer motions to amend the resolution by adding a new Resolution paragraph 3 that says:

"Six additional immature plants of any size, designated and used as mother plants, may also be found on the premises during preliminary inspection."

Loren Jones seconds the motion.

Motion carries, 4-1 (Peter Mlynarik votes No).

Bruce Schulte motions to amend the new Resolution paragraph 3 by changing "six additional plants" to be "twelve additional plants".

Brandon Emmett seconds the motion.

Sarah Oates asks Bruce Schulte if his motion was intended to be "twelve additional immature plants", since Mr. Springer's added resolution language included the word "immature".

Bruce Schulte confirms that it was.

Cynthia Franklin informs the board that regardless of the size of the plants, it is the expectation of the investigators that all plants will be tagged when the enforcement staff shows up for the preliminary inspection. She states that what the staff is looking for is plants that were eight inches when tagged, and then direction from the board as to whether they want to allow any number of mother plants or larger plants on the premises in addition to those that were eight inches when tagged.

Harriet Milks informs the board that they should consider adding clarification to Resolution paragraph 1 about how large the plants are when tagged.

Bruce Schulte's motion to change "six" to "twelve" carries, 3-2 (Loren Jones and Peter Mlynarik vote No).

The phone line disconnects briefly.

Board members, legal counsel, Director, and staff come back on the line, and meeting resumes.

The original motion to pass the resolution, as amended, as policy, carries, 3-2 (Loren Jones and Peter Mlynarik vote No).

Next Marijuana Control Board Meeting

[12:05:50 PM](#)

Cynthia Franklin asks the board for guidance regarding the scheduled September 7, 2016 meeting.

Peter Mlynarik states that he thinks that in 2017, the meetings need to change to have things be more streamlined.

Bruce Schulte agrees that applicants should be paying attention and that licensees shouldn't be able to fill in the blanks of an application at meetings in 2017.

Cynthia Franklin states that staff will plan the next board meeting for September 7-8, 2016, and that she's not yet sure if the board will be able to get travel waivers for the meeting.

Adjourn

[12:08:49 PM](#)

Mark Springer motions to adjourn.

No objection.

Minutes reviewed and approved by:



Cynthia A. Franklin
Director



Sarah D. Oates
Program Coordinator