



## Marijuana Control Board

### Meeting Agenda Third Judicial District

**Atwood Building Conference Room First Floor,  
550 W 7<sup>th</sup> Avenue, Anchorage, AK 99501**

**November 20, 2024, at 9:30am**

**November 20, 2024**

#### Join Zoom Meeting

**Meeting Link:** [amco-alaska-gov.zoom.us/j/83101328131?pwd=XcZVxlIMRjvbzu77Qw4oTpLfW66yMh.1](https://amco-alaska-gov.zoom.us/j/83101328131?pwd=XcZVxlIMRjvbzu77Qw4oTpLfW66yMh.1)

**Meeting ID:** 831 0132 8131

**Passcode:** 377927

#### Dial by your location

1 (719)-359-4580  
83101328131#

**All times are approximate. Lunch break from 12:00 noon to 1:00 pm.**

**The Board may go into executive session at any time when appropriate  
under AS 44.62.310(b) and (c).**

**A. Call to Order**

*Called to order at 9:30 am*

**B. Roll Call**

- Bruce Schulte, MCB Board Chair- Public, **Present in person**
- Bailey Stuart, MCB Board Vice Chair – Industry, **Present in person**
- Christopher Jaime, MCB Board – Public Safety, **Present in person**
- Ely Cyrus, MCB Board – Rural, **Present on Zoom**
- Dr. Brūke Clift, MCB Board – Public Health, **Present on Zoom**
- Kevin Higgins, Agency Attorney – **Present in person**
- Lizzie Kubitz, AMCO Acting Director – **Present in person**
- Jane P. Sawyer, Program Coordinator – **Present in person**
- Regina Cruz , Marijuana Licensing Supervisor – **Present in Person**
- Joe Bankowski, Special Investigator 2 – **Present in Person**

**C. Approval of Agenda**

*Bailey motions to approve November 20, 2024, agenda, Lt. Jamie seconds. All vote yes, none opposed.*

**D. AMCO Meeting Code of Conduct**

**TAB 1**

**E. Top 10 Zoom FAQ**

**TAB 2**

**F. Approval of September 12, 2024 - MCB Meeting Minutes**

**TAB 3**

*Bailey motions to approve the September 12, 2024, meeting minutes, Lt. Jamie seconds. All vote yes, motion carries.*

## ● BOARD GOVERNANCE

9:35 am

Ely C. no changes. Dr. Clift no changes. Bailey S. for transparency reminds the board of her position with the industry, does consulting/marketing but actively has no open contracts or on the agenda, has no changes or conflict to report. Dr. Clift. No changes. Lt. Jamie- no changes. Bruce S. no changes.

## ● PUBLIC TESTIMONY

9:40 am

**The Board may decide to limit public testimony.**

Public testimony is limited to issues not on this agenda and that are not proposed regulations Written comments may also be submitted to the board for review during its next regular meeting via [mcb.amco@alaska.gov](mailto:mcb.amco@alaska.gov)

**Recordings and transcripts are available on AMCO's website here:**

**<https://www.commerce.alaska.gov/web/amco/MCBMeetingDocuments>**

*Public Testimony open at 9:34*

*Ryan Tunseth – AMIA President – request a time slot for the board in the February meeting in Juneau. Industry facing financial pressures and challenges continue to increase. Bruce S. agrees to add on the agenda for Juneau.*

*Brenda Butler for Atty. Jana W. – JDW Counsel Atty for most licensees – disheartened by the refusal to waive late fees despite severe mitigating circumstances. Strongly urge MCB and lawmakers to reinstate provisions for hardship in future regulatory updates. Need compassion for*

*Lloyd Stiassny – Licensee for Uncle Herb’s - Thanks the board for all they have done for the industry; Very challenging industry. Critical that the board evaluate the licensing pause. Need to take a break and evaluate where we are today and going tomorrow. Bailey S. Comments that he is not wrong and a big issue with intoxicating hemp and foresee needing to work on a bill changing the words and statutes because the language is there and cannot be changed. Bailey S. advises licensees to go to your local governments since they have the option and community councils that are completely unaware of the hardships the industry is going through.*

## ● Directors Report

### • Director’s Report

### TAB 4

*Acting Director Lizzie Kubitz summarizes her report. There are no questions from the board.*

## ● Enforcement Report

### A. Supervisor’s Report

### TAB 5

*Joe Bankowski summarizes his report and his progress on fulfilling vacancies. Joe B. asks the board about product on “cure egg” that he understands to be like a moisture control packet and infuses raw canvas plant material with terpenes. Does using such a product constitute that would subject a material to further testing because of the additional terpenes? Bailey S. responds that she looked this product up and alternatives to doing moisture and sees both sides especially when talking with the pesticides and testing work group. Bailey S. terpenes really alter the makeup of the flower and how it can affect people. Bailey S. we are opening the cultivating world to adulterating the product, there is a lot of questions here. Bruce S. haven’t encountered this product but familiar with moisture packet but doesn’t feel that the state needs to jump in and regulate everything but believes there are interesting points on terpenes and their effect. Bailey S. asks are these naturally derived terpenes? Were they synthetic terpenes? Have they been tested? Are they safer consumption and decombustion? Baileys S. there is a lot of weight there and agrees with Bruce S. that it does not need to be overregulated but an interesting way of infusing weight and weight is money in this industry. Joe B. identifies some inconsistencies on the fine schedule as it related to relates to Marijuana inventory tracking violations and would like to see clarification on the intent. Bailey S. can see the need for a difference with a cultivation, they have a lot more tags within their facility. Bruce S. agrees in the typographic inconsistency there but got lost in translation and missed so were going to need a regulations project to have that corrected. Kevin H. in reviewing the inconsistencies with the tax delinquencies and the process of seeing what is efficient and what slows things down or costs more to pursue but after meeting with administrative law on matters that will be brought up later today and the takeaway was to table until the next meeting. Kevin H. asks to table a broader discussion about enforcement and how to pursue issues of delinquencies.*

*Bailey S. asks Joe B. about external product and the jurisdiction you have over that, and what he is experiencing when reports of external products come in and how much leeway do you have in prosecuting the sale of these products? Joe B. responds if it is a product under the hemp umbrella? Bailey S. responds it is labeled as THC A so falling under the new definition of what hemp is, but we all know that this is marijuana. Bailey S. asks Joe B. are you able to pursue this and what’s going on with district attorneys, are you able to turn it on to them? How far does your jurisdiction go? Joe B. says it is a very complicated situation that involves many layers and don’t have a perfect answer. Joe B. feels that it lies on who you are talking to and what the interest from the DA’s in this case pursuing and they are aware of all the gray areas federally and sometimes within the States. Joe B. doesn’t want to speak to for Department of Agriculture but we’re all in a hard place with this issue. Bailey S. wants to empower enforcement to able to do the things they need to do but there is a grey area where you are almost safe as a black market. I want to bring the attention to the board and create a bill in the future, that New Mexico is currently looking at creating a compliance inspector that can come in and arrest and issue felonies. Bailey S. there is no fear for the black market right now, no on is persecuting and we are giving the illusion to the public that public health and safety is not our priority, and I know it is. Bailey S. wants to drive it home and hammer it in to empower enforcement so that these products aren’t coming into our market and getting into the hands of the kids. Bailey S. I get emails all the time on product that I can’t keep up with these prices. Bailey A. my CBD supplier is on the industrial hemp list, and I can buy, and this issue is getting big and fast. Bailey S. I keep my license because I want to do the right thing, but I would be in a much better position as a business if I didn’t. Bruce S. asks what we can*

do to empower you, within our limitations and statutes. Joe B. respond that he is comfortable with the authority that we have relating to the license industry and traditional black-market players but when the hemp farm bill loopholes became exploited over the country that was the issue that needs to be addressed beyond the state to stop the flow of these products. Bruce S. I know in the past the past director had sent a cease-and-desist letter, and I don't know what the response rate was, but it got some people to stop shipping to our state. Bailey S. states they just change LLC's and they know it, I hear it.

#### **B. Notices of Violation Issued and Licensee Responses**

#### **TAB 6**

Bailey S. as on the record addresses the NOV responses from the licensees, Bruce S. agrees that it is a helpful when a licensee acknowledges with a response and how they are acting upon it. Bailey S. asks about a fine associated with a license and the inconsistencies because of the fine schedule. Bruce S. asks if any of the accusations are violations at this point? Joe B. responds correct. Bailey S. states she doesn't want to move NOV's to accusations until the fine schedule has been sorted out. A discussion on the fees for lawyers in responding to NOV's. Ely C. asks if inactive licensees with outstanding tax balances are being cross checked to make sure there are no individuals that owe money applying for new licenses and how does it work with people using LLC's or corporations. Bruce S. states it has been done in the past and held an LLC accountable. Bailey S. knows it has been done and got passed the board. Jane S. states that it is checked when there is a transfer being put in place and not done with new applications. Lt. Jamie asks the status of Grass Station 49, why was there a fine given and crossed out? Joe B. it was meant to be deleted after the issue was identified. Bailey S. asks on the process of that investigation and how it was done. Joe B. can't speak for the investigator on specific process. Bruce S. asks if any further discussion? Bailey S. not without fine schedules.

#### **A. Tax Discussion - Atty. Kevin Higgins**

#### **TAB 7**

Bailey S. asks about the total amount increasing for inactive licenses, Savannah Ritter responds that it is more likely interest and some penalties. Bailey S. what's the result for inactive licenses, Savannah R. Tax Auditor from DOR replies they have normal remedies like any other collection agency. There is a discussion on reporting NOV's and a strategy on the administrative issues when reporting to the board. Kevin H. there are issues about the efficiency of the path and whether taking that action achieves the boards goals in dealing with the pending matters. Kevin H. after meeting with the administrative law judge there will be some clarification on what the board would like to do and how to act.

### **● LICENSING STATISTICS**

#### **TAB 8**

Regina C. summarizes her report. There is a discussion on the NOV's being reported to the board and what comes before the board in the renewal process. Bailey S. asks what point do we start seeing licenses come before us for their renewals? Jane S. previously it was 3 tax NOV's or more would come before the board and that is where the confusion is because the NOV's that are being brought to you, you had already seen through Enforcement. Bailey S. there are NOV's with 1 NOV that I would like to see and before us for reconsideration. Bruce S. agrees that if there is diversion going on than it will be a whole discussion. Kevin H. when the boars sees a NOV we are directed to file an accusation and the next round will be going out and if it hasn't gone out already, the issue is there is a process for NOV's but the board doesn't really follow it by imposing a fine or when they say file an accusation is when that will go through and take action on the license or the handler permit. Kevin H. The NOV itself is much more limited to a fine but in that case, you would have an adjudication of a violation and penalty imposed then it is not up for debate at that point unless they continue to challenge the finding of whether there has been a violation. Kevin H. all if this is complicated with the fact that there is a 1-year renewal cycle. Kevin H. this all goes back to enforcement regulations where you can meet with the director with an informal conference. Bruce S. what we can do to make this process consistent? Kevin H. an updated fine schedule and a NOV process that clearly states with the board and industry that if you have a NOV, and don't contest the NOV, there will be in fact a violation and penalty imposed and a better understanding at renewal time towards an accusation. Lt. Jamie asks for a clarification on the purpose of the fine schedule. Kevin H. recites regulation 3AAC 306.809, the way things are written are heavy on process but slows the ability to get quick punishment for detail. Bruce S. asks if there is an NOV with no response that would automatically move into in accusation? Kevin H. responds if there is no response so the fine is given and no challenge. Joe B. says the process for collecting fine has been a problem. Jane S. adds the correspondences when collecting the fine is the issue. Kevin H. recites 3AAC 306.810 on the action necessary for a nonpayment of a fine. Kevin H. recites 3AAC 306.810 as a guidance on imposing condition on the license to collect the fine and move against the license and further discussion on the processes with discipline and deliberation. Bailey S. asks Kevin H. the process after an accusation was given from the last meeting? Kevin H. responds on the process, cost, and the timely process. Bailey S. asks what if there is no fine but moved to an accusation. Kevin H.

responds its fine and an opportunity to be heard and explains the process if there is no NOV they have no notice of a potential penalty. Bailey S. asks if it would reference back to the fine schedule to assess the fine. Kevin H. responds there is no fine once there's an accusation because someone else is imposing the penalty and further explains the NOV counts and fine. Lt. Jamie states that it is why the fine schedule was written at the discretion of the board and enforcement to make the decision if it is a serious act. Kevin H. responds that having the guidance and more cases refines the charging documents. Bailey S. if something goes into an accusation and would want to see it in the renewal process to feel that it is serious enough that an accusation was made. Bruce S. gives an overview of the discussion and feels that it is a good discussion, but we are not prepared on how to proceed for all cases. Kevin H. says we can prepare more thought and more discussion on what process is the boards expectation going forward. Bruce S. asks to verify the licensing queue and if they are new applications in question. Bailey S. states they recognize that they don't need a license and further explains her position and the industry actively struggling, and chemistry got a head of science.

**Recess at 10:48 am**

**Reconvene: 11:15**

● **DELIBERATIVE SESSION - November 19, 2024 @ 1:15 pm**

11:15 am - Board goes into deliberative session.

1:04 pm - Back from deliberative session

Roll Call:

- Bruce Schulte, MCB Board Chair- Public, **Present in person**
- Bailey Stuart, MCB Board Vice Chair – Industry, **Present in person**
- Christopher Jaime, MCB Board – Public Safety, **Present in person**
- Ely Cyrus, MCB Board – Rural, **Present on Zoom**
- Dr. Brūke Clift, MCB Board – Public Health, **Present on Zoom**

Bruce S. gives overview on deliberative session and had a discussion with administrative law Judge Gardner just about process. No votes, or action was taken.

● **NEW RETAIL MARIJUANA STORE APPLICATION w Drive Through Exterior Window**

<b>A. License #: 36748</b>	<b>Magic Flower</b>	<b><u>TAB 9</u></b>
Licensee:	Yesip, LLC	
Premises Address:	8874 W. Business Park Dr.	
Local Governments:	Matanuska-Susitna Borough	
<b>Consideration:</b>	<b>Drive Through Window. Will need delegation- See memo</b>	

Jana Weltzin Atty. for Licensee present in person, Egor Licensee present on zoom. Jana W. gives overview of application. Bailey motions to approve with delegation, Dr. Clift seconds. All vote yes, motion carries.

<b>B. License #: 38069</b>	<b>The Knotty Puffin</b>	<b><u>TAB 10</u></b>
Licensee:	Blue Mountain Green, LLC	
Premises Address:	5815 Paula Ct., Salcha	
Local Governments:	Fairbanks North Star Borough	
<b>Consideration:</b>	<b>Will need delegation- See memo</b>	

Tereisa Lane Licensee present on zoom, Bailey S. motions to approve with delegation, Dr. Clift seconds. Bailey S. asks about the premises diagram and building. Inaudible. All vote yes, motion carries.

● **NEW MARIJUANA CONCENTRATE MANUFACTURING FACILITY**

<b>A. License #: 37044</b>	<b>Ski Bunny Buds</b>	<b><u>TAB 11</u></b>
Licensee:	ACDH, LLC	
Premises Address:	5768 E. Ski Bunny Circle	
Local Governments:	Matanuska-Susitna Borough	
<b>Consideration:</b>	<b>Will need delegation- See memo</b>	

*Jessika Smith Atty for Licensee present on zoom, Adam C. Licensee present on zoom. Bailey S. motion to approve with delegation, Dr. Clift seconds. Bailey S. asks about the storage and maintain separation of the products. Adam C. responds storage will be under counter tops and cabinets. All vote yes, motion carries.*

● **NEW LIMITED MARIJUANA CULTIVATION FACILITY**

<b>A. License #: 38498</b>	<b>Cosmic Grow</b>	<b><u>TAB 12</u></b>
Licensee:	Cosmic Enterprises, LLC	
Premises Address:	261 East Bunnell Avenue	
Local Governments:	Homer/ Kenai Peninsula Borough	
<b>Consideration:</b>	<b>Will need delegation- See memo</b>	

*Jana W. Atty for licensee present in person, Chris Long Licensee present on zoom. Bailey S. moves to approve, Dr. Clift seconds. Bailey S. asks if licensee has received any NOV's, and Licensee responds No. All vote yes motion carries.*

● **LICENSE OWNERSHIP TRANSFER APPLICATIONS**

<b>A. License #10266</b>	<b>THE FIREWEED FACTORY LLC</b>	<b><u>TAB 13</u></b>
Current Licensee <b>(from)</b> :	The Fireweed Factory LLC (Paul V. Disdier 52%, Paul F. Disdier 14%, James Disdier 9%, Shane Quigley 8%, Robert Banghart 5%, Joseph Lilly 5%, Michael Stark 4%, Callahan Dillon 3%)	
New Licensee <b>(to)</b> :	The Fireweed Factory LLC (Paul V. Disdier 10%, Paul F. Disdier 30%, James Disdier 27%, Shane Quigley 9%, Robert Banghart 6%, Joseph Lilly 6%, Michael Stark 5%, Callahan Dillon 4% Joel Easton 3%)	
License Type:	Standard Marijuana Cultivation Facility	
Premises Address:	8415 Airport Blvd Space B	
Local Governments:	Juneau (City and Borough of)	
<b>Consideration:</b>	<b>Will need delegation</b>	

*Jana W. Atty for licensee present in person, Bailey S. moves to approve with delegation, Dr. Clift seconds. All vote yes, motion carries.*

<b>B. License #10800</b>	<b>THE FIREWEED FACTORY LLC</b>	<b><u>TAB 14</u></b>
--------------------------	---------------------------------	----------------------

Current Licensee <b>(from):</b>	The Fireweed Factory LLC (Paul V. Disdier 52%, Paul F. Disdier 14%, James Disdier 9%, Shane Quigley 8%, Robert Banghart 5%, Joseph Lilly 5%, Michael Stark 4%, Callahan Dillon 3%)
New Licensee <b>(to):</b>	The Fireweed Factory LLC (Paul V. Disdier 10%, Paul F. Disdier 30%, James Disdier 27%, Shane Quigley 9%, Robert Banghart 6%, Joseph Lilly 6%, Michael Stark 5%, Callahan Dillon 4% Joel Easton3%)
License Type:	Retail Marijuana Store
Premises Address:	237 Front St. Juneau
Local Governments:	Juneau (City and Borough of)
<b>Consideration:</b>	<b>Will need delegation</b>

*Jana W. Atty for licensee present in person, Bailey S. moves to approve with delegation, Lt. Jamie seconds. All vote yes, motion carries.*

<b>C. License #11731</b>	<b>SCORPION GRASS</b>	<b><u>TAB 15</u></b>
Current Licensee <b>(from):</b>	L & J Ventures, Inc. (Lisa Hacker 100%)	
New Licensee <b>(to):</b>	Essenkay, LLC DBA Double Eagle Cannabis (Jared Karr 50%, Naim Sabani 50%)	
License Type:	Retail Marijuana Store	
Premises Address:	1551 E Tudor Road	
Local Governments:	Municipality of Anchorage	
<b>Consideration:</b>	<b>Will need delegation</b>	

*Jana W. Atty for both Transferor and Transferee present in person. Bailey S. moves to approve, Lt. Jamie seconds. All vote yes, motion carries.*

<b>D. License #13614</b>	<b>Apex Grow</b>	<b><u>TAB 16</u></b>
Current Licensee <b>(from):</b>	RDA Enterprise LLC (Maclovía Avila at 60% and Ana Hall at 40%)	
New Licensee <b>(to):</b>	Apex Grow, LLC DBA Apex Grow (Michael Keller at 50% and William Yancey at 50 %.)	
License Type:	Standard Marijuana Cultivation Facility	
Premises Address:	200 W 68TH AVE, UNIT A2	
Local Governments:	Municipality of Anchorage	
<b>Consideration:</b>	<b>Transfer with Security Interest; Will need delegation</b>	

*Jana W. Atty. for Transferor present in person, Apex Grow Transferee present in person. Bailey S. moves to approve with delegation. Lt. Jamie seconds. There is a discussion that this is the first security transfer that will be brought before the Board. Atty. Kevin H. requests that a value of the property be in the UCC filing and a clear description of the license. All vote yes, motion carries.*

<b>E. License #19874</b>	<b>Snow Capped Gardens</b>	<b><u>TAB 17</u></b>
Current Licensee <b>(from):</b>	Snow Capped Gardens 2 LLC (Martin Brown Sr. 100%)	
New Licensee <b>(to):</b>	Snow Capped Gardens LLC (Martin Brown Sr. 100%)	
License Type:	Limited Marijuana Cultivation Facility	
Premises Address:	3253 W. Coghlan Circle Suite 101, Wasilla, AK 99623	
Local Governments:	Matanuska-Susitna Borough	
<b>Consideration:</b>	<b>Will need delegation</b>	

*Martin Brown Licensee, present on zoom. Bailey asks if liabilities on the license, Licensee responds No and approved by State agencies. Bailey A. moves to approve with delegation, Lt. Jamie seconds. All vote yes, motion carries.*

<b>F. License #23989</b>	<b>Next Level Labs</b>	<b><u>TAB 18</u></b>
Current Licensee <b>(from):</b>	HNP, Inc (Kerby Coman 100%)	

New Licensee(to)	HNP, Inc (Kerby Coman 33%) Alaskan SunGrown LLC (Casey Wilkins 33%), LGM Corporation (Greg Miller 100%)
License Type:	Marijuana Product Manufacturing Facility
Premises Address:	6570 W Trevett Circle #2
Local Governments:	Matanuska Susitna Borough
<b>Consideration:</b>	<b>Will need delegation</b>

*Kerby C. Licensee present on zoom, Bailey S. moves to approve with delegation, Dr. Clift seconds. There is a discussion about a non-compliance from Department of Revenue. Savannah R. from Department of Revenue, states that when they receive an AMCO notice they look at all parties involved in the transfer for marijuana tax or corporate tax. All vote yes motion carries.*

<b>G. License #25497</b>	<b>5 Star Flower</b>	<b><u>TAB 19</u></b>
Current Licensee (from):	Growing Investments, LLC (Patrick Baca 100%)	
New Licensee (to):	Bear Minimum, LLC DBA Five Star Flower (Jason Pfeifer 100%)	
License Type:	Limited Marijuana Cultivation Facility	
Premises Address:	4000 Hazelwood Circle	
Local Governments:	Matanuska Susitna Borough	
<b>Consideration:</b>	<b>Will need delegation</b>	

*Licensee Jason P. Transferee, present on zoom. Bailey S. moves to approve with delegation, Dr. Clift seconds. All vote yes motion carries.*

## ● LICENSE CONVERSION APPLICATION

<b>A. License #17409</b>	<b>Kine Co.</b>	<b><u>TAB 20</u></b>
Licensee:	Kine Co. LLC	
Current License Type (from):	Standard Cultivation Cultivation Facility	
New License Type (to):	Limited Marijuana Cultivation Facility	
Premises Address:	12749 W West Drive	
Local Governments:	Houston; Matanuska-Susitna Borough	
<b>Consideration:</b>	<b>Will need delegation</b>	

*Jana W. Atty for licensee present in person, Jordan Licensee present on zoom. Bailey S. moves to approve with delegation, Lt. Jamie seconds. All vote yes motion carries.*

## ● BOARD CONSIDERATION

### • MJ-31 Walk -Up or Drive-Through Exterior Window

<b>A. License #32116:</b>	<b>Fort Green Alaska</b>	<b><u>TAB 21</u></b>
Licensee:	Fort Green, LLC	
License Type:	Retail Marijuana Store	
Premises Address:	7821 W. Parks Hwy	
Local Governments:	Matanuska-Susitna Borough	

*Jana W. Atty for Licensee present in person, Ryan M. Licensee present on zoom. Jana W. provides overview of the application. Bailey S. moves to approve, Lt. Jamie seconds. All vote yes, motion carries.*



- **On Site Consumption Endorsement Only**

<b>B. License #20865:</b>	<b>UNCLE HERB'S</b>	<b><u>TAB 22</u></b>
Licensee:	Eden Management Group, LLC	
License Type:	Retail Marijuana Store	
Premises Address:	360 Boniface Pkwy A2, A3, A4	
Local Governments:	Municipality of Anchorage	

*Jana W. Atty for Licensee present in person, Aaron Stiassny, Licensee present in person, Bailey moves to approve, Lt. Jamie seconds. Atty. Jana gives overview of Anchorage allowing an edible on site. Bailey S. asks the procedure to a staff monitoring the on-site lounge, Licensee responds that there will be someone present at the area.*

- **Operating Plan Change**

<b>C. License #23634:</b>	<b>Land &amp; Seas Laboratory, LLC</b>	<b><u>TAB 23</u></b>
Licensee:	Land & Seas Laboratory	
License Type:	Marijuana Testing Facility	
Premises Address:	3516 W Coghlán Circle Unit #3	
Local Governments:	Matanuska-Susitna Borough	

*Jessica A. Licensee, present on zoom. Bailey S. moves to approve, Dr. Clift seconds. Jessica A. gives overview of the Operating Plan Change application. All vote yes motion carries.*

- **TABLED FROM PREVIOUS MEETING(s)**

<b>A. License #20642</b>	<b>KGB South Cultivation</b>	<b><u>TAB 24</u></b>
Current Licensee <b>(from)</b> :	Snow Lotus Gardens, LLC (Holly Rudder-Larson 50%, Duane Larson 50%)	
New Licensee <b>(to)</b> :	FBB & Associates Inc. (Don Brooks 20%, Lacey Brooks 5%, Dexter Aikey 45%, Alan Wilson 15%, Julie Cheverton 15%)	
License Type:	Limited Marijuana Cultivation Facility	
Premises Address:	2301 South Knik-Goose Bay Road #4B	
Local Governments:	Matanuska-Susitna Borough	
<b>Consideration:</b>	<b>Will need delegation</b>	

*Michael G. from Carlson Law Atty for Dexter Aikey present in person, Dexter A. present on zoom. Bruce S. gives overview of the transfer and the licensees being involved in an accusation. Ely C. moves to table this application to the February meeting, Bailey S. seconds. All vote yes, motion carries.*

**Break 2:26 pm**

**Reconvene 2:40**

- **Roll call:** Bruce Schulte, MCB Board Chair- Public, **Present in person**
- Bailey Stuart, MCB Board Vice Chair – Industry, **Present in person**
- Christopher Jaime, MCB Board – Public Safety, **Present in person**
- Ely Cyrus, MCB Board – Rural, **Present on Zoom**
- Dr. Brücke Clift, MCB Board – Public Health, **Present on Zoom**

- **REGULATIONS**

<b>A. Regulations Tracking Sheet</b>	<b><u>TAB 25</u></b>
<b>B. Opened Regulations Projects</b>	

**1. Public Comment Period Closed. Public oral comments may not be received at this meeting for this section.**

**a. Operating Plans**

**TAB 26**

**Status:** Tabled from 9.12.24 meeting. Public comment closed September 6, 2024.  
Comments were received.

**Potential Board Actions:** TBD at meeting

*Bruce S. introduces. Bailey S. notes she agrees with comments and motions to table this project until the second meeting of 2025 to allow the office to get back to full staff. Lt. Jaime seconds ; all vote yes motion carries.*

**2. Open Regulations Projects Board Discussion.**

**a. Labelling Requirements of Test Results**

**TAB 27**

**Status:** Law's edits of board approved draft

**Potential Board Actions:** TBD at meeting

*Bailey S. introduces and summarizes. Bruce S. comments on Law's adding a definition of 'filth'. Kevin Higgins clarifies the actions that may be taken by the board. Board discussion. Bailey S. motions to approve and send out for public comment for 30 days – Lt. Jamie seconds; all vote yes motion carries.*

**b. Total THC Definition**

**TAB 28**

**Status:** Law's edits of board approved draft

**Potential Board Actions:** TBD at meeting

*Bruce S. introduces. Kevin H. remarks on definitions. Board discussion. Comments from Jonathan Strong, with testing lab, who gives input that in the definition section mentioning post decarboxylation is a substantial change to how things are physically done today and that if you want a definition, you could use just the CSA number. He further suggests wording from USDA that if you must mention post decarboxylation then how about using the decarboxylation analysis or 'other similarly reliable methods. He would remove mention of post decarboxylation or modify it to allow for a mathematical definition only. Bruce S. asks what CSA stands for. Jonathan Strong advises the American Chemical Society gives each chemical a unique identifying number, CAS- Chemical Abstract Services number. The board discusses striking sub paragraph b and making a change to (a) by adding the CAS numbers. Jessica Alexander, with testing lab. confirmed that the CAS number is the best definition and that there should be no reference in the definition as to how they (the labs) will test that chemical. Bailey S. brings up wording at 306.560. Kristina S. speaks to grammar conventions. Jonathan Strong clarifies that total thc is in concentrates and flower but not included for edibles. Edibles should be excluded. Jessica Alexander would like the clear equation for all three, concentrates, flower and edibles. Kevin H. asks the testing experts if 'active thc' has a meaning for them and answer is 'not really'. Bruce S. iterates that 'total thc' is the reference to be used with definitions in 306.990. Bailey S. speaks to the fact that total THC and potency are intertwined issues. Ely C. agrees. Bruce S. suggests moving discussion of potency to February. Bailey S. reminds that 15 mg is the suggestion of the board. Bruce S. summarizes 306.990(b)(48) in that the board keeps total thc definition and anywhere we reference thc concentration in any product it will reference 'total thc' and then depending on context might specific milligrams plus or minus. Board discussion. Board is sending back to staff with guidance. If appropriate, reference CAS number.*

**c. Removing Batch Limits for Clones or Cuttings**

**TAB 29**

**Status:** Law's edits of board approved draft

**Potential Board Actions:** TBD at meeting

*Bruce S. summarizes Law's proposed edits which add 306.990 plant batch meaning. Kevin H. comments the definition is taken from batch, including propagation from seeds. Bailey S. motions to approve project and send out for public comment. Lt. Jamie seconds. Ely C. asks about farm bill and deregulation of 'seed'. Kevin H. clarifies. Lt. Jamie asks about enforcement feedback and Joe B. gives enforcement perspective. All vote yes, motion carries*

**3. Proposed Regulations Projects, Board Discussion**

**a. Pesticides and Heavy Metals**

**TAB 30**

**Status:** For board discussion

**Potential Board Actions:** TBD at meeting

*Bruce S. introduces and this project was open in September board meeting and Jessica Alexander, with testing lab, to speak on it. Jessica A gives overview and is prepared to do testing and open it up to start the testing and everyone is required to do the testing; need to responsibly decide how many samples required for testing; how much product is required at the laboratory; who is allowed to collect; and how and who has financially responsibility for testing. Other issues are allowing for R & D testing, need to determine which pesticides and what limits should be and retesting policies. Also, will this be a mandatory testing or a 'samples' based testing. Jessica Alexander favors a 'surveillance' program as opposed to mandatory. The charge for this testing is an issue. Discussion on fees and costs. Action limits for pesticides is discussed and Jessica A. notes there are no studies to refer to regarding 'action limits' for pesticides. Bailey S. asks what is the current cost and it is about \$160 or \$170 and it is two or three times larger with the pesticides/heavy metals added. This is a significant increase to about \$500. Jessica A. would add \$350 additional cost to what is charged now. Kevin H. comments that if state takes on responsibility it will have to go through procurement for a contract. Jessica A. clarifies some monopoly issues between the 2 labs in Alaska and what each lab can currently test for. Board discussion. Bruce S. contemplates this as a broad change to existing regulations and Bailey S. agrees and wants to get the public comment and feedback on this. Bruce S. wants to open a regs projects, send this to staff with some guidance and perhaps in April see a draft project for review and lengthy public comment. Patryce McKinney, with DHL, comments need to settle on action limits for pesticides and heavy metals and settle on if it is all product tested or a percentage of product tested. Bruce S. asks about other states handling of these issues. This is an unknown according to Patryce M. and Jessica Alexander concurs. This will take some work by industry and stakeholders to get these action limits in place. Bruce S. would like this broken down to reference a table for these numbers as an appendix for regs. Supplemental marijuana quality test versus 'random sampling' is addressed and these are both already in regulations. Regulations should be developed around randomized testing in order to begin research into if a procurement contract is required. Who will pay for the testing is in question. Only the testing, not the sampling at this time is addressed. Bruce S. would like to streamline terminology (supplemental vs. random testing) and use reference to table. Jana W. attorney, suggests holding a public hearing on this project. The board would like this as a separate agenda item in February.*

Lt. Jamie leaves the room at 4:16 pm

**Lt. Jamie returns at 4:17 pm**

**b. Product Fee**

**TAB 31**

**Status:** For board discussion

**Potential Board Actions:** TBD at meeting

*Bruce S. introduces and asks how much staff work is involved in these reviews and is there a way to reduce the amount of time staff spends. Board discussion on staff time and how to proceed; no direction to proceed with this subject today; tabled to February meeting with staff to provide feedback.*

● **BOARD REQUESTS (IF ANY)**

*Bruce S. – addresses Ryan Tunseth, AMIA President present on zoom, is requesting in February meeting for a 15-minute presentation to discuss the current state of industry, statistics, legislation, particular taxes. Bruce S. requests to have that on the February agenda and invite some legislators. Requests for staff to come before the board in the February meeting a strategic NOV procedure and Tax delinquency strategy.*

*Bruce S. moves to open a regulation project to revise the fine schedule specifically on untagged batches for cultivation and associated regulation sections that reference the fine schedule. Lt. Jamie seconds. All vote yes motion carries.*

*Bailey S. asks that we take a deeper look into topicals in the February meeting for a conversation; How alcohol handles Hardships and how it is defined? Atty. K. Higgins responds on the process.*

*Lt. Jamie to add the new product fee to the February agenda and have the staff bring input in the February meeting. Bruce S. adds to research to see if there is anything that the applicant can be doing differently.*

*Bailey S. adds the Terpenes (cure egg) to the February agenda.*

## ● MARIJUANA MAILBOX

### TAB 32

All correspondence received in the Board's inbox from August 31<sup>st</sup> – November 8<sup>th</sup>, 2024.

*Bruce S. addresses the hardships and funding to the drug and alcohol rehab. Acting Director Lizzie K. to provide some information on the programs and where the money is being allocated, from Department of Health and Public safety.*

## ● ADDITIONAL PUBLIC TESTIMONY

*The Board may decide to limit public testimony.*

Public testimony is limited to issues not on this agenda and that are not proposed regulations Written comments may also be submitted to the board for review during its next regular meeting via [mcb.amco@alaska.gov](mailto:mcb.amco@alaska.gov)

## ● BOARD COMMENTS

***Bailey S.** -congratulates everyone for getting through 10 years of legalization. All the hard work staff has been putting in. Public comment really matters and guides as regulators.*

***Lt. Jamie** -echoes Bailey S. hearing from industry and is educating. Continue to Public comment; Thank you to chair and staff.*

***Bruce S.** - thanks to staff and industry.*

## ● NEXT MARIJUANA CONTROL BOARD MEETING

The next meeting is scheduled for February 5<sup>th</sup> and 6<sup>th</sup> 2024, in Juneau.

## ● ADJOURN - Bailey S. moves to adjourn at 5:07 pm, Bruce S. seconds.