

MMC Public Comment / Questions and responses

1. What assurances do we have the board will implement the program with some of our legislators fighting the program? How can we be confident there will be transparency and free of corruption and scandal?

The Medical Marijuana Commission remains dedicated to maintaining transparency and fairness in the implementation of the medical marijuana program in Arkansas. The Commission is an independent entity created by Amendment 98, as passed by the voters of Arkansas. We will continue to carry out our duties as defined by Amendment 98, our statutory authority, and the rules that have been approved by the legislative branch.

2. Will the commission or ABC address what criteria it will use to address ownership change of the cultivator or dispensary business or the individual license holder? Will the commission and/or ABC consider the timeframe from issuance of the license to the request of ownership change and/or license transfer as a factor in approving or not approving the request? How does the commission plan to score dispensary applications that do not grow against those who do grow?

A change form has been created by the Medical Marijuana Commission to help determine if a material or substantive change in ownership or building plans is requested. If the Commission determines that the change is material and may potentially disqualify the licensee, it will refer the matter to ABC Enforcement for investigation. ABC Enforcement will then report its findings to the ABC Commission for a final determination. Grounds for suspension or revocation of a license are set forth in Rule 21 of the ABC rules. The decision by a dispensary to grow, or not grow medical marijuana will have no impact on the scoring process.

3. What process and procedures does the commission intend to use to issue the additional three licenses?

The issuance of licenses was set forth in Amendment 98 §8 and Act 642 of the 91st General Assembly. The Department of Health is responsible for issuing Medical Marijuana cards to patients for qualifying conditions. The commission will work, in coordination with the Department of Health, to ensure that adequate supplies of medical marijuana are available to the patients of Arkansas. In the event that it is determined that more licensed cultivators are necessary, the commission will expand the number of cultivation operators to meet that demand, in compliance with the newly adopted rule regarding the holding of cultivation or dispensary applications for a period of twenty-four (24) months.

4. How can you justify giving licenses to people that are not paying their taxes and expect them to pay taxes on this? How is a commissioner able to take an unredacted application and hand it to another person that has an application in-process saying if they go to eight on this it is a great application to use? How has the State of Arkansas let this happen?

Verification of tax compliance was the responsibility of DFA Revenue counsel. In the event that a licensed operator has failed to pay taxes, it would be the responsibility of ABC Enforcement to investigate those allegations to determine credibility.

5. Have you guys (commissioners) read the complaints against the top five cultivators? What action and timeframe does the commission plan on taking based on allegations contained in the letters (complaints)?

The Commission is not responsible for the processing of complaints filed against applicants or licensees for cultivators or dispensaries. All complaints received have, and will continue to be referred to ABC Enforcement. This responsibility lies with ABC Enforcement and the ABC Commission. Because this is an independent agency from the Medical Marijuana Commission, we cannot comment on the timeframe the investigations will be concluded.

6. How are we going to get seeds here (Arkansas) to grow? Are they already here (seeds)?

Please see Act 1022 of the 91st General Assembly, attached hereto.

7. Why were the fifty letters (complaints) ignored/not investigated regarding veterans being classified as a minority?

Veteran status was not treated as a minority status. Instead, it was a separate category approved by the Medical Marijuana Commission as a status eligible to receive bonus points. Majority women owned businesses were also eligible to receive bonus points.

8. A comment was made regarding the disqualification of an applicant. The Commission has reviewed recommendations from ABC staff and voted 3-2 to approve the disqualification of several applicants as the applications failed to meet the minimum requirements set forth in Amendment 98 on the face of the application.