

Arkansas Medical Marijuana Commission

October 16, 2017

On the 16th day of October, 2017, the Arkansas Medical Marijuana Commission (AMMC) convened at Little Rock, Arkansas. In attendance were the Arkansas Medical Marijuana Commissioners: Dr. Ronda Henry-Tillman, Chairperson, Dr. Stephen J. Carroll, Travis W. Story, Esq., James Miller, and Dr. J. Carlos Roman.

Commissioner Tillman called the meeting to order.

Commissioners reviewed the meeting minutes from the June 6, 2017 meeting. Commissioner Story made a motion to approve the minutes. Commissioner Roman provided a second for the motion. By a vote of 5-0, the minutes were approved.

Joel DiPippa, Senior Counsel for the Department of Finance and Administration – Revenue Legal Counsel, provided Commissioners with a report of the number of applications received for cultivation facilities and dispensaries. Mr. DiPippa also explained that staff did not believe a date of November 1, 2017 would be adequate as cutoff date for the receipt of applicant FBI background check results. The large number of applications submitted at the same time on the last date for submission had created a processing backlog. Commissioner Roman made a motion to extend the date to receive FBI background check results to December 1, 2017. Commissioner Miller provided a second to the motion. By a vote of 5-0, the motion passed.

Mr. DiPippa discussed the timeline to apply redactions to the applications. Following discussion, Commissioner Story moved that the applications for cultivation facilities be turned over to the Commission for scoring on December 15, 2017. The remaining dispensary applications will be submitted in batches determined by zone, following the review of cultivation applications. Commissioner Roman provided a second to the motion. By a vote of 5-0, the motion passed.

Mary Robin Casteel, Director for the Alcoholic Beverage Control Administration, and Mr. DiPippa discussed the following issues encountered during the review of applications for cultivation facilities and dispensaries:

- Documentation required by the rules and application to prove date of birth. The relevant sections in the MMC Rules are Section IV (5)(b)(ii) and Section V(5)(b)(ii). The relevant section of the applications for both dispensaries and cultivation facilities is Section B. Appendix 2. The Commission determined that the interpretation of its own rules is identical to the precise requirement of the application. Commissioner Roman made a motion to clarify that a driver's license or government issued photo ID card must be provided, in addition to one of the 10 source documents listed in the rules and application. Applications lacking a driver's license or government issued photo ID card do not meet the minimum criteria required by the Commission.

Commissioner Story provided a second to the motion. By a vote of 5-0, the motion passed.

- Residency Issues.
 - Acceptable years for Arkansas tax return form AR 1000 to prove residency. The rules and application state that an applicant may provide, “Arkansas tax return Form AR 1000 for each of the seven years preceding the application....” The commission recognized the fact that the application deadline occurred prior to the deadline to file taxes for those individuals who applied for and received an extension to file. Additionally, the Commission did not specify in its rules or application that proof of an extension could stand in the place of the AR 1000 for 2016.
 - The Commission discussed the fact that the rules for cultivation facilities required applicants to provide two forms of proof to establish residency. The rules for dispensaries require only one form of proof. The applications for both requested two forms of proof. The Commission discussed that the rules should control for the purposes of determining whether or not minimum criteria is met.
 - Commissioner Roman made the following motion: 7 years of tax return forms will be accepted. The following range of tax return forms are acceptable to meet minimum criteria: 1) 2010 AR1000 through, and including the 2016 AR1000, 2) 2009 AR 1000 through, and including the 2015 AR 1000, or 3) 2010 AR1000 through, and including the 2015 AR1000, plus the notice of extension for 2016. Additionally, only 1 form of proof to establish residency is required of dispensary applicants. Commissioner Story provided a second to the motion. By a vote of 5-0, the motion passed.
- Proof of Assets.
 - The Commission discussed with staff the various forms of proof submitted to establish proof of assets. Commissioner Story made a motion that as long as the application contains proof of assets in any form that meets the amount specified for the relevant application, the applicant has met the minimum criteria for proving assets. Commissioner Roman provided a second to the motion. By a vote of 5-0, the motion passed.

Mr. DiPippa discussed the timeline for the Commission to deny applications that 1) do not meet minimum criteria for merit scoring and 2) are submitted for merit scoring, but do not receive a high enough score to receive a license. Commissioner Miller made a motion for the Commission to take formal agency action, and render a final agency decision and order on all applications at the same time once the merit review is complete. Commissioner Story provided a second to the motion. By a vote of 5-0, the motion passed.

Following discussion, Commissioner Roman made a motion to refund 100% of the application fee to those applicants who do not meet the minimum criteria for merit scoring and for those applicants who withdraw their application. Commissioner Miller provided a second to the motion. By a vote of 5-0, the motion passed.

Following discussion regarding the timeline of awarding licenses and the likelihood that no licenses will be awarded until after January 1, 2018, Commissioner Story moved that applicants who are awarded licenses will not have to apply for renewal or submit a renewal fee by June 30, 2018. The initial application period and licensing fee will apply through the first renewal period. Initial licenses issued will not expire until June 30, 2019.

Commissioners discussed communication protocol during the merit scoring phase of the application process. Commissioners were advised to redirect any communications they may receive regarding medical marijuana applications to staff. Commissioner Tillman made a motion to implement a quiet period beginning October 16, 2017. Commissioner Story provided a second to the motion. By a vote of 5-0, the motion passed.

The Commission set their next meeting for Friday, December 1, 2017 at 3:30 p.m. The meeting will be held on the 5th floor of the 1515 Building, 1515 W. 7th Street, Little Rock, AR 72201.

There being no further business, the meeting was adjourned.

Approved:

(Approved at December 1, 2017 meeting of the Arkansas Medical Marijuana Commission)

Dr. Ronda Henry-Tillman, Chairperson