

Arkansas Medical Marijuana Commission

December 27, 2016

On the 27th day of December, 2016 the Arkansas Medical Marijuana Commission (AMMC) convened at Little Rock, Arkansas. In attendance were the Arkansas Medical Marijuana Commissioners: Dr. Ronda Henry-Tillman, Commissioner, Dr. Stephen J. Carroll, Travis W. Story, Esq., and Dr. J. Carlos Roman. James Miller participated in the meeting by telephone.

Commissioner Tillman called the meeting to order.

The Commissioners reviewed the meeting minutes from the December 22, 2016 meeting of the AMMC. Upon motion by Commissioner Story and second by Commissioner Carroll, the minutes were approved by a vote of 5-0.

Representative Doug House and Senator Greg Standridge addressed the AMMC. Representative House provided the AMMC with an overview of the following medical marijuana related bills filed for consideration by the Arkansas Legislature, scheduled to convene on January 9, 2016:

- HB 1026 – “An Act to Amend the Arkansas Medical Marijuana Amendment of 2016 Regarding the Dates for Rulemaking and the Date to Begin Accepting Applications for Dispensaries and Cultivation Facilities; to Declare an Emergency; and for Other Purposes”
- HB 1049 – “An Act to Amend The Definition of ‘Excluded Felony Offense’ Within the Arkansas Medical Marijuana Amendment of 2016; To Add a Definition of ‘Felony of Violence’ to the Arkansas Medical Marijuana Amendment of 2016; and for Other Purposes
- HB 1051 – “An Act to Amend the Arkansas Medical Marijuana Amendment of 2016; To Add a Licensure Procedure for Transporters, Distributors, and Processors to the Arkansas Medical Marijuana Amendment of 2016; and for Other Purposes”
- HB 1057 – “An Act to Amend the Arkansas Medical Marijuana Amendment of 2016; To Add Criminal Background Check Procedures; and for Other Purposes”
- HB 1058 – “An Act to Amend the Definition of ‘Written Certification’ Within the Arkansas Medical Marijuana Amendment of 2016; To Specify that an Application for a Registry Identification Card is not a Medical Record; and for Other Purposes.

Commissioner Tillman reviewed the changes made by the AMMC to the draft cultivation facility rules at the December 22, 2016 meeting.

Commissioners discussed the amount of the application fee for cultivation facilities. Commissioner Roman made a motion to set the fee at \$15,000. Commissioner Story seconded the motion. By a vote of 5-0, the motion passed.

Commissioner Roman made a motion to return one half (1/2) of the application fee if the application for a cultivation facility is not approved. Commissioner Miller seconded the motion. By a vote a 4-1, the motion passed. (For: Commissioners Tillman, Carroll, Roman, Miller. Against: Commissioner Story)

Commissioner Story made a motion to amend Section 7(b) of the draft rules to specify that an application is not complete and will not be considered unless the application fee is received with the documents and information required under Section 5 of the draft rules. Commissioner Roman seconded the motion. The motion passed by a vote of 5-0.

Commissioner Story made a motion to amend Section 8. "Verification of Application" to include a reference to the requirements of Section 5. "Documentation and Information for Applicant", each time Section 4. "Minimum Qualifications for Applicant" is referenced in Section 8. Commissioner Carroll seconded the motion. By a vote of 5-0, the motion passed.

Attorney Lauren Ballard, Department of Revenue Legal Counsel – Department of Finance and Administration discussed merit based selection and the use of financial bonds in other states that have approved the use of medical marijuana.

Commissioner Roman made a motion to add the following to the criteria used by the AMMC to evaluate applicants for cultivation facilities under Section 9(b) of the draft rules: Affiliation of the applicant or entity with a Medical Doctor, Doctor of Osteopathy, or Doctor of Pharmacy. Commissioner Miller seconded the motion. By a vote of 5-0, the motion passed.

Commissioner Carroll made a motion to clarify the situs requirement in the amendment that a cultivation facility must be located at least three thousand (3,000) feet from a public or private school, church or daycare existing before the date of the application. The measurement shall be made from the property line of the facility to the property line of the school, church, or daycare. Commissioner Tillman seconded the motion. By a vote of 4-1, the motion passed. (For: Commissioners Tillman, Carroll, Roman, Miller. Against: Commissioner Story)

Commissioners discussed requirements for applicants to prove financial stability. Commissioner Story moved to strike the following criteria in Section 9(b)(iv), labeled, "Proof of financial stability and access to financial resources, including but not limited to;" because those items have already been addressed in earlier sections: 4. Applicant or related entities' good standing with the Arkansas Secretary of State and the Department of Finance and Administration 8. Ability to comply with the security requirements of this chapter and Chapter_____. The motion also included adding a place holder in Section 5 of the draft rules for considering a possible bond amount and requirements for financial liquidity as part of the information and documentation to be submitted by an applicant. Commissioner Roman seconded the motion. By a vote of 5-0, the motion passed.

Commissioners discussed the following items, but ultimately decided to address them with further discussion at a later date:

- The possibility of a lottery selection in the event applicants receive identical scores during the merit selection process.
- Discussion regarding the limitation of one (1) permit per public health region.
- The ability for applicants to submit multiple applications.
- The amount of the license fee required to operate a cultivation facility.

The AMMC set their next two meetings for:

Tuesday, January 3, 2017 at 3 p.m. – 1515 W. 7th Street, 5th floor

Tuesday, January 10, 2017 at 3 p.m. – location to be determined

There being no further business, Commissioner Roman made a motion to adjourn the meeting. Commissioner Story seconded the motion. By a vote of 5-0, the meeting was adjourned.

Approved:

Dr. Ronda Henry-Tillman, Chairperson