



Cannabis Advisory Committee
Meeting Minutes – November 8, 2018

Radisson Hotel Fresno Conference Center – Sierra Grand Ballroom
1055 Van Ness Avenue, Fresno, CA 93721

Members Present (15):

Avis Bulbulyan
Matt Clifford
Bill Dombrowski
Jeff Ferro
Kristin Heidelberg-Teramoto
Eric Hirata
Arnold Leff
Joe Nicchitta
LaVonne Peck
Keith Stephenson

James Sweeney
Tamar Todd
David Woolsey
Ben Wu
Beverly Yu

Members Absent (7):

Timmen Cermak
Alice Huffman
Catherine Jacobson
Kristin Lynch
Kristin Nevedal
Matt Rahn
Helena Williams

Bureau of Cannabis Control (Bureau) Executive Staff Present

Lori Ajax – Bureau Chief
Melanie V. Ramil – Deputy Bureau Chief
Tamara Colson – Assistant Chief Counsel
Andre Jones – Assistant Chief of External and Intergovernmental Affairs

California Department of Public Health (CDPH) Executive Staff Present

Miren Klein – Assistant Deputy Director, Center for Environmental Health

California Department of Food and Agriculture (CDFA) Executive Staff Present

Richard Parrot – Director, CalCannabis Cultivation Licensing Division

Minutes Taken By

Kaila Fayne, Legal Analyst, Bureau of Cannabis Control

1. Call to Order, and Establishment of a Quorum

Tamar Todd, Cannabis Advisory Committee (Committee) Vice Chair, called the meeting to order. Meeting official start time noted as 10:09 AM.

Roll was taken, 14 Committee members were present. Quorum was established.

Committee Comment: 0 Comments

Public Comment: 0 Comments

2. Review and Approval of August 20, 2018 Cannabis Advisory Committee Meeting Minutes

The Committee reviewed the August 20, 2018 draft meeting minutes.

Committee Comment: 2 Comments

Committee Member Leff motioned to approve the minutes with the following modification that on page 15, **Committee Member Ferro’s** comment say “in towns,” and add “If elected officials in these jurisdictions are not allowing businesses to operate as [Proposition] 64 allows, and their constituents voted for it, they should be voted out by their residents.”

Committee Member Clifford seconded the motion.

Public Comment: 0 Comments

Roll call was taken, the motion to approve the August 20, 2018 draft meeting minutes as amended passed on a 12-0 vote. 3 members abstained.

NAME	YEA	NAY	ABSTAIN	ABSENT	RECUSAL
Avis Bulbulyan	✓				
Timmen Cermak				✓	
Matt Clifford	✓				
Bill Dombrowski	✓				

Jeff Ferro	✓		
Kristin Heidelberg-Teramoto	✓		
Eric Hirata	✓		
Alice Huffman			✓
Catherine Jacobson			✓
Arnold Leff	✓		
Kristin Lynch			✓
Kristin Nevedal			✓
Joe Nicchitta		✓	
LaVonne Peck	✓		
Matt Rahn			✓
Keith Stephenson	✓		
James Sweeney		✓	
Tamar Todd		✓	
Helena Williams			✓
David Woolsey	✓		
Ben Wu	✓		
Beverly Yu	✓		

3. Review and Approval of September 20, 2018 Cannabis Advisory Committee Meeting Minutes

The Committee reviewed the September 20, 2018 draft meeting minutes. **Committee Member Nicchitta** motioned for the Committee to approve and adopt the meeting minutes. **Committee Member Leff** seconded the motion. Committee Comment: 0 Comments

Public Comment: 2 Comments

Paul Hansbury: Mr. Hansbury commented that at the September 20, 2018 committee meeting, there was a public commenter requesting clarification regarding a requirement that a staff member or employee of a licensee be “present Monday through Friday for specified two hours, five days a week,” and that this comment is missing from the draft minutes.

Susan Tibbon: Ms. Tibbon explained on the previous comment and explained that the requirement that a staff member or employee be present for at least two hours every day, Monday through Friday, is onerous and difficult, especially for small and rural farmers.

Additional Committee Comment: 3 Comments

Committee Member Sweeney suggested making a notation in the minutes that some of the rural areas are looking for flexibility [in the regulations].

Committee Member Nicchita commented that he did not have any recollection of this particular comment during the September 20, 2018 meeting. He accepted **Committee Member Sweeney's** suggestion and amended his motion to approve the September 20, 2018 draft meeting minutes with the additional notation that "those representing rural farmers have asked for additional flexibility built into regulations for their particular circumstances." **Committee Member Leff** seconded the amended motion.

Roll call was taken, the amended motion to approve and adopt the September 20, 2018 meeting minutes with the additional notation passed on a 15-0 vote.

NAME	YEA	NAY	ABSTAIN	ABSENT	RECUSAL
Avis Bulbulyan	✓				
Timmen Cermak				✓	
Matt Clifford	✓				
Bill Dombrowski	✓				
Jeff Ferro	✓				
Kristin Heidelberg-Teramoto	✓				
Eric Hirata	✓				
Alice Huffman				✓	
Catherine Jacobson				✓	
Arnold Leff	✓				
Kristin Lynch				✓	
Kristin Nevedal				✓	
Joe Nicchitta	✓				
LaVonne Peck	✓				
Matt Rahn				✓	
Keith Stephenson	✓				
James Sweeney	✓				
Tamar Todd	✓				
Helena Williams				✓	
David Woolsey	✓				
Ben Wu	✓				
Beverly Yu	✓				

4. Discussion and Possible Action on Advisory Committee's Annual Report

a. Discussion and Possible Action to Include Recommendations of the Microbusiness Subcommittee in the Annual Report

The Committee discussed including the recommendations from the Microbusiness Subcommittee meeting on September 20, 2018 in the Annual Report.

Committee Comment: 10 Comments

Committee Member Ferro summarized the microbusiness subcommittee's recommendations:

1. [The Licensing authorities should] provide "sub-microbusinesses" or a microbusiness that would allow small businesses to operate more like small businesses and include the ability to perform nonvolatile solvent manufacturing and allow cannabis events to be an activity under a microbusiness license;
2. The Bureau and CDPH should develop and distribute a document that tells local jurisdictions that they can be more restrictive in requirements for licensing small operators under a microbusiness license; and
3. The Bureau should consider removing prohibitions on activities within homes that are commonly allowed under cottage businesses.

Committee Member Sweeney motioned for the Committee to include all three of the microbusiness subcommittee's recommendations in the Annual Report. **Committee Member Leff** seconded the motion.

Committee Member Nichita objected to including recommendation #3 in the Annual Report and stated that he did not think it was appropriate for urban areas.

Committee Member Woolsey agreed with **Committee Member Nichita** and stated that he objects to including recommendation #3 in the Annual Report. He added that state and local inspectors would have difficulty trying to inspect commercial operations in a private residence and there would also be privacy concerns of other people who might be staying or living at the residence that would be impacted by the government trying to come and inspect the location.

Vice-Chair Todd suggested that recommendation #3 be separated from the other two and voted on separately. **Committee Member Ferro** stated that he had no objection to voting on the recommendation separately.

Committee Member Bulbulyan opposed separating the recommendations and stated that all three should be voted on together. He added that other residents living at a licensed premises would be aware of the commercial cannabis activity that is being conducted and that this issue is more a burden on the licensee/applicant who is renting or inhabiting the premises.

Committee Member Leff commented that there was recently passed legislation that allows for food to be produced and distributed from private residences and allows local environmental health agencies to inspect the homes with some limitations.

Committee Member Ferro suggested that the recommendations #1 and #2 be voted on separately from recommendation #3. **Committee Member Sweeney** accepted the suggestion and amended his motion to vote on including microbusiness subcommittee recommendations #1 and #2 in the Annual Report. **Committee Member Leff** seconded the amended motion.

Public Comment: 2 Comments

Susan Tibbon: Ms. Tibbon stated that there needs to be a path for individuals who make “value-added products” such as topicals to be able to keep conducting their business in their home.

Paul Hansbury: Mr. Hansbury commented that, regarding recommendation #2, local jurisdictions are aware that they can be more restrictive when it comes to licensing requirements and that is the problem. The requirements and restrictions are too burdensome for the small operator.

Roll call was taken, the amended motion to include recommendations #1 and #2 of the microbusiness subcommittee in the Annual Report passed on a 15-0 vote.

NAME	YEA	NAY	ABSTAIN	ABSENT	RECUSAL
Avis Bulbulyan	✓				
Timmen Cermak				✓	
Matt Clifford	✓				
Bill Dombrowski	✓				
Jeff Ferro	✓				
Kristin Heidelberg-Teramoto	✓				
Eric Hirata	✓				
Alice Huffman				✓	
Catherine Jacobson				✓	
Arnold Leff	✓				
Kristin Lynch				✓	
Kristin Nevedal				✓	
Joe Nicchitta	✓				
LaVonne Peck	✓				
Matt Rahn				✓	
Keith Stephenson	✓				
James Sweeney	✓				
Tamar Todd	✓				
Helena Williams				✓	
David Woolsey	✓				
Ben Wu	✓				
Beverly Yu	✓				

Committee Member Sweeney motioned for the Committee to include the microbusiness subcommittee’s recommendation #3 in the Annual Report. **Committee Member Bulbulyan** seconded the motion.

Committee Comment: 1 comment

Committee Member Yu clarified that the recommendation is only that Bureau consider removing prohibitions on home businesses and added that the Committee has heard from legacy operators seeking licensure in many rural areas who may not have access to funding to increase their business outside the home.

Public Comment: 4 comments

Paul Hansbury: Mr. Hansbury commented that Senate Bill 1616 allows cottage kitchens and kitchens to be in private homes and inspectors do go into these kitchens. He added that the Bureau was tasked with setting up regulations for an established industry, not creating a new industry with regulations. He stated that legacy farmers need to continue doing business out of their homes as they have been doing for generations.

Ross Gordon: Mr. Gordon agreed with the previous commenter and added that while most urban areas do not allow cannabis businesses in private residences, very rural areas need this option to continue operating. He stated that the Bureau is the only agency that prohibits activity being based in the home and since the Bureau licenses microbusinesses, this restriction severely hurts small operators.

Susan Tibbon: Ms. Tibbon commented that prohibiting home businesses has a detrimental impact on small communities, particularly in Northern California and urged the Committee to think about the small farmers and legacy operators who are being left out of the legal market.

Tim Moreland: Mr. Moreland expressed support for the motion and agreed with the previous commenters. He added that individuals operating illegal grow operations are people who will never enter the regulated market, but the legacy operators who are being left behind want to enter the legal market and welcome inspections and compliance with regulations.

Additional Committee Comment: 1 comment

Committee Member Woolsey thanked the public for their comments and added that local jurisdictions do have the option to allow home businesses and stated he would vote to include recommendation #3 in the Annual Report.

Additional Public Comment: 1 comment

Public Commenter: Commented that there needs to be more effort in educating health care professionals about the medical benefits of cannabis.

Roll call was taken, the motion to include recommendation #3 of the microbusiness subcommittee passed on a 12-1 vote. 1 member abstained.

NAME	YEA	NAY	ABSTAIN	ABSENT	RECUSAL
Avis Bulbulyan	✓				
Timmen Cermak				✓	
Matt Clifford	✓				

Bill Dombrowski	✓		
Jeff Ferro	✓		
Kristin Heidelbach-Teramoto	✓		
Eric Hirata		✓	
Alice Huffman			✓
Catherine Jacobson			✓
Arnold Leff	✓		
Kristin Lynch			✓
Kristin Nevedal			✓
Joe Nicchitta		✓	
LaVonne Peck	✓		
Matt Rahn			✓
Keith Stephenson	✓		
James Sweeney	✓		
Tamar Todd	✓		
Helena Williams			✓
David Woolsey	✓		
Ben Wu	✓		
Beverly Yu	✓		

b. Discussion and Possible Action on the Annual Report Writing Subcommittee’s Draft

The Committee reviewed the writing subcommittee’s draft. **Committee Member Yu** provided a summary overview of the report.

Committee Comment: 11 Comments

Vice-Chair Todd commented that the Committee could choose to adopt the draft report as it is currently written or adopt the draft report with a notation that the Bureau, **Chair Rahn**, and herself can make further edits before the report is finalized and published on January 1, 2019.

Committee Member Sweeney motioned the Committee to adopt and approve the writing subcommittee’s draft with the flexibility for additional review and specific revisions, if needed.

Committee Member Ferro responded that the only revisions to content should be adding the three microbusiness subcommittee recommendations; other than that, the only grammar or punctuation changes should be made.

Vice-Chair Todd clarified that Bureau staff would be the ones to make any final edits or the Committee can vote to have the writing subcommittee make any final edits before publishing.

Committee Member Heidelberg-Teramoto asked when the Annual Report was due. **Vice-Chair Todd** responded that it must be published by January 1, 2019. **Committee Member Heidelberg-Teramoto** questioned if there would be any time to review the finalized report before it is published since the Committee has no other meetings on the calendar before January 1. **Vice-Chair Todd** replied that there will be no additional meeting for review and the Committee will either need to vote today to submit the report as it is currently written or vote to approve the report in concept but allow additional final edits to be made before January.

Vice-Chair Todd commented that Bureau staff was thorough and made sure that all the motions were included and accurate, but if the Committee determines there are inaccuracies, Bureau staff or the writing subcommittee would be able to make corrections. **Committee Member Sweeney** commented that this was consistent with his motion to approve the writing subcommittee's draft.

Vice-Chair Todd asked if there was a second for **Committee Member Sweeney's** motion.

Committee Member Heidelberg-Teramoto seconded the motion.

Committee Member Nicchitta asked for clarification on why some of the approved recommendations in the draft have reasons why they were not implemented, but others do not.

Committee Member Ferro responded that the explanations were from the "Status of CAC Adopted Recommendations" document that Bureau staff provided at the August 20 advisory meeting. Some of the recommendations had explanations from the licensing authorities on why the recommendations were not implemented, while other recommendations simply stated, "not addressed".

Vice-Chair Todd commented that the report is a little confusing because it does not show if a recommendation was not approved or adopted by the Committee because it did not have enough votes. **Committee Member Peck** agreed and added that she would like clarification on what "partially-adopted" meant regarding the recommendations. **Committee Member Nicchitta** suggested that the report clarifies where the explanations come from: the Committee or the licensing authorities.

Asst. Chief Counsel Colson asked **Committee Member Yu** if the writing subcommittee made their own determinations on which recommendations were implemented or not or if that information was received from the licensing authorities. **Committee Member Yu** responded that the writing subcommittee determined the implementation status of each recommendation by combing through each licensing authority's regulations. She added if the licensing authorities provided any comments on the recommendations, the subcommittee included them in the draft as well.

Committee Member Yu asked if the licensing authorities could look through the draft and make sure the implementation statuses of each recommendation were correct. **Asst. Chief Counsel Colson** responded that the licensing authorities would be able to do that.

Public Comment: 7 Comments

Tim Moreland: Mr. Moreland commented that there should be a $\pm 15\%$ variance rate for tested cannabis products which would help alleviate hold up on products that fail due to inaccurate label claims.

Tomas Gromas: Mr. Gromas commented that there needs to be a standardized sample method for all licensed testing laboratories to follow because right now there is a wide variation.

Asst. Chief Counsel Colson clarified that this public comment portion is on the Committee's Annual Report and adopting the annual report in the accuracy—what is in the report, not on the recommendations in the report since the Committee already discussed and voted on the

recommendations in prior advisory meetings. She added that the public will get a chance to comment on items not included on today's agenda later in the meeting.

Tim Moreland: Mr. Moreland commented the objects the motion to adopt the writing subcommittee's draft because he does not agree with the variety of recommendations that were not adopted by the Committee that largely affected distributors.

Paul Hansbury: Mr. Hansbury also objected to the Committee approving the writing subcommittee's draft due to various recommendations, especially those regarding microbusinesses, not being adopted by the Committee. He added that the microbusiness recommendations were not adopted due to statutory reasons, but that was due to the Bureau misinterpreting the Medicinal and Adult-Use Cannabis Regulatory and Safety Act (MAUCRSA).

Thomas Gomez: Mr. Gomez commented that businesses should be able to do research and development testing on products prior to packaging and manufacturing and consumers should be allowed to have product tested again after they purchase it.

Susan Tibbon: Ms. Tibbon commented that there are holes in the report, especially concerning equity.

Public Commenter: Asked that there be clarification provided on why certain equity recommendations were not adopted or implemented.

Additional Committee Comment: 10 Comments

Committee Member Bulbulyan asked if a distinction can be made in the report between recommendations that were adopted by the Committee but not implemented by the licensing authorities and recommendations that were not adopted by the Committee.

Committee Member Yu clarified that the report is structured by first the all the subcommittee recommendations adopted by the Committee, with each recommendation listed and its implementation status; the next section contains tabled subcommittee recommendations that require statutory amendments, and finally, the subcommittee recommendations that were not adopted by the Committee.

Committee Member Woolsey recommended that the implementation status be changed to "Not Adopted" instead of "Not Implemented" to be clearer that the Committee adopted the recommendation, but the licensing authorities did not implement the recommendation for whatever reason.

Committee Member Sweeney commented that the Committee should not get hung up on recommendations that were not adopted at this time because the industry is evolving and there can be legislative changes in the future that address the issues brought up during the Committee's meetings.

Committee Member Ferro agreed with **Committee Member Sweeney** and added that the report is supposed to memorialize the Committee's first year. The report will be looked at by state legislators who will review the all the recommendations the subcommittees made and those that the Committee adopted to the licensing authorities.

Roll call was taken, the motion to adopt and approve the writing subcommittee's draft with the flexibility for additional review and specific revisions, if needed, passed on a 15-0 vote.

NAME	YEA	NAY	ABSTAIN	ABSENT	RECUSAL
Avis Bulbulyan	✓				
Timmen Cermak				✓	

Matt Clifford	✓	
Bill Dombrowski	✓	
Jeff Ferro	✓	
Kristin Heidelberg-Teramoto	✓	
Eric Hirata	✓	
Alice Huffman		✓
Catherine Jacobson		✓
Arnold Leff	✓	
Kristin Lynch		✓
Kristin Nevedal		✓
Joe Nicchitta	✓	
LaVonne Peck	✓	
Matt Rahn		✓
Keith Stephenson	✓	
James Sweeney	✓	
Tamar Todd	✓	
Helena Williams		✓
David Woolsey	✓	
Ben Wu	✓	
Beverly Yu	✓	

Vice-Chair Todd asked if **Committee Member Yu** and **Committee Member Nevedal** (who was absent) would want to work with Bureau staff on any technical amendments to the draft report or if **Chair Rahn** and herself should be the ones to make any changes.

Committee Member Sweeney asked why all four could not work together. **Asst. Chief Counsel Colson** responded that a subcommittee of two members could work together and not be subject to the Bagley-Keene Open Meeting Act (Bagley-Keene).

Committee Member Bulbulyan suggested that **Committee Member Yu** and **Committee Member Nevedal** continue writing the report so that the report does not drift too far off from the original version.

Vice-Chair Todd asked **Committee Member Yu** if she would be okay with continuing writing the draft. **Committee Member Yu** responded that was fine but said she could not speak for **Committee Member Nevedal**. **Committee Member Ferro** asked if a motion could be made to make **Committee Member Yu** an alternative drafter if **Committee Member Nevedal** says she does not want to continue writing the draft.

Asst. Chief Counsel Colson responded that since the Committee already appointed a subcommittee to draft the report, **Committee Members Yu and Nevedal** could just continue writing the report, and if **Committee Member Nevedal** says she does not want to continue writing the report, **Chair Rahn**, or **Vice-Chair Todd**, can appoint another member to the subcommittee.

c. Discussion and Possible Action on the Annual Report Global Issues Subcommittee's Draft

The Committee reviewed the writing subcommittee's draft. **Committee Member Bulbuyan** provided a summary overview of the draft.

Committee Comment: 8 Comments

Committee Member Nicchitta complimented the drafters and stated the report accurately captures a lot of the overarching issues the Committee discussed during the year. He recommended striking the final section regarding the "inefficient and effective use of the Cannabis Advisory Committee" because it is complaining about open meeting act rules and laws that will not be changed.

Committee Member Clifford agreed with **Committee Member Nicchitta** and added that he is just as frustrated with the limitations that are placed on public meeting forums but that there is not much that can be done about it because it is the law.

Committee Member Heidelberg-Teramoto commented that it may be helpful to keep the final section in the report as it shows the shared frustrations that have come about in the first year of legalization.

Committee Member Ferro commented that he doesn't want the Committee to seem like they are resentful for having to follow the law and public meeting rules. He adds that open meeting rules are not in the Committee's control and they should focus on issues that they can influence.

Committee Member Wu agreed with removing the final section from the draft and suggested moving the entire global issues section to the front of the Annual Report so that legislators will see these issues first when reading the report.

Committee Member Bulbuyan commented that the one of the purposes of including a global issues section in the report was to bring awareness of the overarching issues in the industry that legislators may consider acting on in the upcoming year. He added that the section concerning Bagley-Keene and Robert's Rules of Order (Robert's Rules) is included because it may be beneficial for the Committee to look at following Robert Rules for their discussions. He agreed with **Committee Member Wu** to have the global issues section be added to the beginning of the Annual Report.

Asst. Chief Counsel Colson clarified that Bagley-Keene and Robert's Rules serve two different purposes: Bagley-Keene is about public participation and transparency in public agency meetings while Robert's Rules establishes procedural rules for how committees and boards make motions and set up motions.

Committee Member Nicchitta motioned for the Committee to adopt the global issues subcommittee's draft, allowing for final technical edits to be made, with the following amendments: bold font for the following sentence, "Because the following concerns often cannot be remedied by regulatory agents without legislative action and because the Cannabis Advisory Committee has determined that each concern contributes in its own way to difficulties, we are communicating out findings not only to the regulatory agencies, but also to the California legislature and general public." and striking the final section starting with "Finally, there has been inefficient . . ." all the way through the end of section that ends with "Robert's Rules." **Committee Member Sweeney** seconded the motion.

Public Comment: 6 Comments

Paul Hansbury: Mr. Hansbury repeated his prior comment that the recommendations the Bureau determined are statutory, especially those affecting microbusinesses, rely on the Bureau’s interpretation of MAUCRSA; different interpretations of the statute exist.

Public Commenter: Commenter indicated that he would like to see more discussion about how local communities can work with the Committee on adding language to the regulations and addressing issues of barriers to the legal industry for small businesses.

Ross Gordon: Mr. Gordon thanked the Committee for drafting the report and stated that it is important for these issues to be documented for legislators to see.

Susan Tibbon: Ms. Tibbon thanked the Committee for their work and commented that there needs to be more help and less barriers for small business owners to enter the legal market.

Tim Moreland: Mr. Moreland commented that there needs to be more enforcement effort on illegal businesses and less taxes on legal companies, especially at the local level.

Jonathan Munoz: Mr. Munoz commented that there needs to be clarification on how local law enforcement and state enforcement work together to crack down on unlicensed cannabis activity.

Additional Committee Comments: 3 Comments

Vice-Chair Todd asked **Asst. Chief Counsel Colson** to restate the motion before the Committee votes. **Asst. Chief Counsel Colson** responded that the motion was to adopt in concept the overarching issues report, and to highlight in the second paragraph the last sentence that begins as “because. . .” all the way through the end of that sentence, strike from the end everything after the word “finally”, and to allow for edits that do not change the substance of the report.

Roll call was taken, the motion passed on a 14-0 vote. 1 member abstained.

NAME	YEA	NAY	ABSTAIN	ABSENT	RECUSAL
Avis Bulbulyan	✓				
Timmen Cermak				✓	
Matt Clifford	✓				
Bill Dombrowski	✓				
Jeff Ferro	✓				
Kristin Heidelberg-Teramoto			✓		
Eric Hirata	✓				
Alice Huffman				✓	
Catherine Jacobson				✓	
Arnold Leff	✓				
Kristin Lynch				✓	
Kristin Nevedal				✓	
Joe Nicchitta	✓				
LaVonne Peck	✓				
Matt Rahn				✓	

Keith Stephenson	✓
James Sweeney	✓
Tamar Todd	✓
Helena Williams	✓
David Woolsey	✓
Ben Wu	✓
Beverly Yu	✓

Vice-Chair Todd commented that **Committee Member Yu** and **Committee Member Nevedal** would be responsible for combining the two drafts into a final report. If **Committee Member Nevedal** chooses not to continue working on the Annual Report, **Vice-Chair Todd** will appoint another member to the subcommittee.

Vice-Chair Todd called for a lunch break at 11:50AM. The meeting was called back into session at 12:35PM.

5. Discussion and Possible Action on Committee Process of Creating Meeting Agendas

The Committee discussed possible changes to how topics are chosen for meeting agendas.

Committee Comment: 25 Comments

Committee Member Nicchitta asked if the Committee is discussing what topics will be placed on future meeting agendas or how topics are chosen for future meeting agendas. **Vice-Chair Todd** responded that the Committee is discussing the process of choosing topics for the upcoming meetings in 2019.

Committee Member Heidelberg-Teramoto commented that she would like to see more legislative updates in future meetings so that the Committee is aware of any bills or propositions that would affect the cannabis industry. She also added she would also like to see more discussion regarding labor issues.

Vice-Chair Todd commented that one of the issues is that there are a lot of people on the Committee that represent a specific constituency or smaller sector of the industry and suggested that one of the changes the Committee should think about is how to create space for each member to discuss the issues affecting their respective areas of the cannabis industry.

Committee Member Heidelberg-Teramoto commented that hopefully there will be more time to talk about non-regulatory issues now that the licensing authorities will have more concrete regulations.

Committee Member Nicchitta suggested allowing members to place items on the agenda each meeting and lead the discussion instead of the chair and vice-chair determining the agenda. **Vice-Chair Todd** responded that the Committee would have to be mindful of the length of time in a meeting but could consider spacing it out throughout the year.

Committee Member Bulbulyan suggested instead of just discussing future agenda items at the end of each meeting, the Committee formally motion and adopt the next meeting's agenda so that it is set and agreed upon by the entire Committee.

Committee Member Clifford asked if the process for setting meeting agendas was restricted by Bagley-Keene requirements. **Asst. Chief Counsel Colson** clarified that the future agenda item is something that most of the boards at the Department of Consumer Affairs (DCA) do which gives members the opportunity to express to the Chair items they would like to see on the next agenda. She added that outside of a meeting, the Chair cannot talk to multiple Committee members because it would become a serial meeting issue under Bagley-Keene.

Committee Member Peck responded that the Committee should follow Robert's Rules regarding setting meeting agendas since Bagley-Keene does not have any specific requirements on that issue. **Asst. Chief Counsel Colson** commented that Robert's Rules are guidelines that the Committee can follow but are not required like Bagley-Keene. She added that the Committee's handbook does describe how meeting agendas are created and that the process which the Committee follows now, where members can suggest items but the Chair or Vice-Chair ultimately sets the final agenda, is how all the boards under DCA operate.

Committee Member Peck asked how members can make sure that items that they have repeatedly requested actually be placed on an agenda.

Vice-Chair Todd asked if the Committee's handbook reflects Bagley-Keene requirements or can the Committee adjust some of the procedural processes. **Asst. Chief Counsel Colson** responded that the Committee handbook cannot conflict with Bagley-Keene on processes such as noticing the agenda to the public at least 10 days prior to the meeting date, regardless of the internal process of creating the agenda.

Committee Member Sweeney commented that there were many issues that were not discussed even though they were suggested as future agenda items such as tribal land issues. He added that if there was a clearer process for members to use that would guarantee their suggested item is placed on the next meeting's agenda, nobody on the Committee would be able to say they did not get a chance to discuss an item.

Committee Member Ferro asked if the Committee, instead of suggesting future agenda items, made motions to place items on the agenda, would that be allowed. **Asst. Chief Counsel Colson** responded that the Committee could do that, however, if a member places an item on the agenda and then is unable to attend the meeting, it makes it tougher because now that item must be on the agenda even though the member will not be present to lead the discussion.

Committee Member Bulbulyan commented that making motions would drag out the meeting time because every motion would have to allow for discussion among the members and public comments and suggested that instead future agenda items be used as a discussion, without motions, about the agenda for the following committee meeting, instead of items to be placed on agendas at some point in the future. He added that the Chair should still have the authority to move items around at their discretion if needed.

Committee Member Clifford commented that all the members seem to be saying the same thing that there needs to be a way for the Committee as a group to decide, during a current meeting, what will be on the agenda for the following meeting and guarantee that those items are placed on the agenda.

Vice-Chair Todd asked counsel if it was possible for the members to make motions during the future agenda items section of the meeting. **Asst. Chief Counsel Colson** responded that the Committee could do that, but the section would need to be an action item such as "Discussion and Possible Action on Future Agenda Items" instead of "Future Agenda Items".

Vice-Chair Todd asked if the Committee could make motions regarding future agenda items today. **Asst. Chief Counsel Colson** stated the agenda would need to state “possible action” to allow public comments on any motions made.

Committee Member Nicchitta asked if it was allowed under Bagley-Keene for members to send suggested agenda items to Bureau staff to pass along to the Chair. **Asst. Chief Counsel Colson** responded that Committee members can provide information to staff, however, there are limitations if multiple members are sending information, then there runs the risk of several members in conversation, which conflicts with Bagley-Keene.

Vice-Chair Todd motioned to change “Future Agenda Items” on the Committee’s meeting agenda to “Future Agenda Items and Possible Action on Creating Agenda” to allow the Committee to make motions and set agenda items for any future meetings in 2019. **Committee Member Sweeney** seconded the motion.

Public Comment: 1 Comment

Paul Hansbury: Mr. Hansbury suggested moving future agenda items earlier in the advisory meeting instead of waiting until the end so that the agenda could be set early on and suggested noticing the agenda earlier than the required 10 days.

Roll call was taken, the motion to change “Future Agenda Items” on the Committee’s meeting agenda to “Future Agenda Items and Possible Action on Creating Agenda” passed on a 15-0 vote.

NAME	YEA	NAY	ABSTAIN	ABSENT	RECUSAL
Avis Bulbulyan	✓				
Timmen Cermak				✓	
Matt Clifford	✓				
Bill Dombrowski	✓				
Jeff Ferro	✓				
Kristin Heidelbach-Teramoto	✓				
Eric Hirata	✓				
Alice Huffman				✓	
Catherine Jacobson				✓	
Arnold Leff	✓				
Kristin Lynch				✓	
Kristin Nevedal				✓	
Joe Nicchitta	✓				
LaVonne Peck	✓				
Matt Rahn				✓	
Keith Stephenson	✓				
James Sweeney	✓				
Tamar Todd	✓				

Helena Williams	✓
David Woolsey	✓
Ben Wu	✓
Beverly Yu	✓

6. Public Comment on Items Not on the Agenda

Public Comment: 5 Comments

Joseph Evans: Mr. Evans suggested the Bureau create a “Cannabis Laboratory Coalition”, like in Colorado, of all the state-licensed testing laboratories. This way, the labs could devise a uniform methodology for ensuring accurate variance rates.

Susan Tibbon: Ms. Tibbon urged the Committee to prioritize discussions regarding cottage level microbusinesses.

Paul Hansbury: Mr. Hansbury agreed with the previous commenters that there needs to be standardization among testing laboratories and a cottage-style microbusiness license for small businesses. He added that the regulations and taxation are onerous and are helping keep the illicit market thriving because people cannot enter the legal cannabis market.

Ross Gordon: Mr. Gordon commented that the licensing authorities have just released their proposed regular rulemaking actions and that some of the changes may seem small and technical but are extremely impactful on small business owners and should be addressed.

Jonathan Munoz: Mr. Munoz commented that section 5416(d) of the Bureau’s proposed regulations, which allows delivery of cannabis products across city and county lines, undermines local control and conflicts with Proposition 64 (Prop 64). He added that this regulation would put an additional burden on local law enforcement in cities and counties that have banned commercial cannabis deliveries and sales.

7. Future Agenda Items

Committee Comment: 5 Comments

Committee Member Nicchitta suggested that the Bureau provide an update to the Committee on its public outreach campaign.

Committee Member Ferro suggested that the Committee discuss the security surveillance issue that **Committee Member Heidelberg-Teramoto** brought up earlier and its effects on labor rights. He added that the Committee should invite representatives from the state Labor Relations Board and the National Labor Relations Board to speak about state and federal labor rights.

Committee Member Stephenson suggested more discussion on enforcement issues.

Committee Member Wu suggested discussion on how the Bureau or some other agency figure out a way to collect data on various trends in the industry.

Committee Member Bulbulyan suggested that the licensing authorities give a “state of the union” address regarding the number of licenses issued in 2018 and how much in licensing fees were collected.

Public Comment: 2 Comments

Susan Tibbon: Ms. Tibbon requested that the Committee place cottage microbusiness licenses, with emphasis on rural legacy, on the next meeting agenda.

Paul Hansbury: Mr. Hansbury agreed with the previous comment and suggested adding the topic of enforcement with respect to distributors on the next meeting agenda. He added that distributors are getting away with not paying the cultivators for product and there needs to be some form of enforcement to make sure everyone is playing fair.

Adjournment: 1:44PM