MEETING OF THE MEDICAL CANNABIS COMMISSION

City Hall
2180 Milvia Street
Redwood Room (Sixth Floor)

Thursday, April 7, 2016
2:00 PM

APPROVED ACTION MINUTES

I. Call to Order – 2:10

A. Roll Call and Ex Parte Communications Disclosures

Commissioners present: Carlisle, Cooper, Ferguson-Riffe, Pappas (arrived 2:12), Rice, Tims.

Ex Parte Communications: None

Absent: Lampach (not excused) and Jones (not excused).

Staff present: Secretary Elizabeth Greene

B. Changes to Order of Agenda

None.

II. Public Comment

None.

III. Approval of March 3, 2016 Action Minutes

Staff gave clarification regarding how the minutes reflect the excused status of Commissioners.
Motion/second to approve the minutes as amended (Ferguson-Riffe/Tims). The motion carried 5-0-0-3. (Ayes: Carlisle, Cooper, Ferguson-Riffe, Rice, Tims. Noes: None. Abstain: None. Absent: Jones, Lampach, Pappas.)

(Pappas arrived at 2:12.)

IV. Planning Staff Report

Secretary Greene made the following announcements:

- Introduced Commissioner Keith Carlisle, Councilmember Worthington's new appointment. (Commissioner Rush was automatically terminated for attendance.)
- Quorum: There are no excused absences; Commissioners Lampach and Jones are unexcused. There is still one open seat (the Mayor's appointee). People interested in filling those positions should fill out a form with the City Clerk, and can also contact the Mayor's office to express interest.
- With the open seat and the two unexcused absences, the number of appointed members of the MCC is 8. The quorum for action is 5 votes.
- Update on dispensary application process: The tentative date for the Council meeting to consider the dispensary applicants is May 10, 2016. The format of the meeting is to be determined by the Council agenda subcommittee.

- One late item. (NOTE: Two more late items were handed out during the meeting.)

V. Chairperson's Report

Chair Pappas mentioned a state bill that would enact a 15% tax on medical cannabis, the status of the federal government's case against Harborside dispensary, and changes to Emeryville's medical cannabis regulations.

VI. Subcommittee Reports

The subcommittee had its first meeting on April 6, 2016. Had 4-5 members of the public present. Chair Pappas was elected chair of the subcommittee. Discussed the proposed state bill that would treat growing cannabis and making edibles at home like a cottage industry (AB 2516). Also discussed approaching the Mayor to determine what information he needs prior to Council meetings. Finally, discussed energy offsets and whether the fee considered the size of cultivation businesses.

VII. Discussion and Action Items

A. Vote on a third member of the Cultivation Subcommittee.

Public Comment: None.

Motion/second to elect Keith Carlisle as the third member (Cooper/Pappas). The scope of the subcommittee was discussed. Expanding cultivation into South Berkeley and other parts of Berkeley and creating a selection process for cultivation businesses were mentioned. Chair Pappas asked that a discussion of cottage industry be added to the May MCC agenda. The motion carried 6-0-0-2. (Ayes: Carlisle, Cooper, Ferguson-Riffe, Pappas, Rice, Tim. Noes: None. Abstain: None. Absent: Jones, Lampach.)

B. Discuss action taken at March 15, 2016 Council meeting regarding BMC changes regarding cultivation and vote on possible action.

Public Comment: One public comment, describing the fine tuning of MMSRA that is happening at the state level.

Commissioner Cooper described that the item was removed from the action calendar and sent to the Council's Agenda subcommittee, at Councilmember Moore's recommendation, until there is a better understanding of what the actions the state might take. It is unknown what state action the Councilmember was referring to and if there is any possible conflict with the ordinances proposed by the MCC. Commissioner Cooper offered to draft a letter to the Council for the MCC to discuss at the May meeting. It was suggested that the MCC talk to their respective Councilmember to see if the specific state regulation of concern can be identified – this will make it easier to address the Council's concerns.

C. Discuss and vote on possible action related to Commission vacancies.

Public Comment: None.

Commissioner Cooper suggested changes to the letter; and there were no objections to the changes. Discussion followed about who the letter should be sent to. It was suggested that the letter, as modified by Commissioner Cooper, be sent only to the Mayor. If staff determines that the letter must be sent to the Council and not only to the

Mayor, then the letter will not be sent until there is further discussion at the May meeting. The MCC voted in favor of the sending the letter only to the Mayor 6-0-0-2. (Ayes: Carlisle, Cooper, Ferguson-Riffe, Pappas, Rice, Tims. Noes: None. Abstain: None. Absent: Jones, Lampach.)

D. **Discuss actions that could be taken to show support for protections for patients who live in apartments and/or federally subsidized housing.**
Public Comment: None.

Discussion: Medical cannabis possession and use is still a federal crime and therefore prohibited in federal housing. Berkeley laws cannot change that. The question was raised about veteran use of medical cannabis to treat PTSD – is an exception made for veterans in federal housing? Berkeley does allow for consumption (except smoking) in dispensaries for this reason.

Chair Pappas offered to research how San Francisco addresses this issue. He will also contact Congresswoman Barbara Lee's office for advice and ask whether removing cannabis from Schedule 1 would change the housing regulations.

This item will be continued to the May meeting.

E. **Work Program: Discuss past achievements and possible items to add to 2016-2017 work plan. Discuss Council actions at February 23, 2016 meeting and vote on MCC representative for March 15, 2016 Council meeting re. Berkeley Municipal Code changes.**
Public Comment: None.

Discussion: Keep the items that have not been completed from the 2014-2015 list:

- Cultivation regulations (selection process and expansion). In particular, make strong arguments for expansion: document benefits of medical cannabis, collect information about the safety of cultivation sites, and call out that this is a growing field and that Berkeley will be passed by if the City does not take action.
- Annotated bibliography of medical cannabis research
- Delivery services

Other issues that were mentioned were creating different categories of growing to match the state's categories, making sure that the cultivation ordinance is passed by Council, the need to have a racially inclusive ordinance, and federal housing issues.

X. **Adjournment**
Motion to adjourn at 4:00.

Three late items were distributed at the meeting:

a. Pappas: Revised version of Attachment VII.C.1.
b. Pappas: Revised version of Attachment VII.E.2.
c. Michael Allaire: Letter re AB 2516 to add Specialty Cottage as a cultivation license category

Commissioners in attendance: 6
Members of the public in attendance: Approximately 10
Public speakers: 1

Length of meeting: 1 hour, 50 minutes

APPROVED: _____
Elizabeth Greene
Medical Cannabis Commission Secretary