



Cannabis Advisory Committee
Meeting Minutes – May 25, 2021
WebEx Teleconference Meeting

Pursuant to Governor Gavin Newsom’s Executive Order N-29-20, issued on March 17, 2020, this meeting was held by teleconference with no physical public location.

Members Present (14):

Avis Bulbulyan
Timmen Cermak
Matt Clifford
Jeff Ferro
Kristin Heidelbach
Eric Hirata
Kristin Lynch
Kristin Nevedal
Keith Stephenson
Tamar Todd
Helena Williams
David Woolsey
Ben Wu
Beverly Yu

Members Absent (3):

Alice Huffman
LaVonne Peck
Matt Rahn

Bureau of Cannabis Control (Bureau) Staff Present

Tamara Colson, Acting Bureau Chief/Assistant Chief Counsel, Bureau of Cannabis Control
Sara Gardner, Acting Assistant Chief Counsel/ Attorney IV, Bureau of Cannabis Control

California Department of Public Health (CDPH) Executive Staff Present

Rasha Salama, Assistant Branch Chief, Manufactured Cannabis Safety Branch

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

Richard Parrott, Director, CalCannabis Cultivation Licensing Division

Minutes Taken By

Ashlynn Blackshire, Legal Program Analyst, Bureau of Cannabis Control

Tuesday, May 25

1. Welcome, Call to Order, and Establishment of a Quorum

Jeff Ferro, Cannabis Advisory Committee (Committee) Chair, called the meeting to order. Meeting official start time noted as 10:20 AM.

Roll was taken, 14 Committee members were present at the start of the meeting, Quorum was established. Committee Members Alice Huffman, LaVonne Peck, and Matt Rahn were absent.

Agenda items were discussed out of order to accommodate the schedule of one of the Committee Members.

2. Discussion and Possible Action to Reject, Approve, or Modify the Subcommittee on Enforcement's Recommendations

Matt Clifford, Subcommittee Chair

Chair Ferro introduced enforcement **Subcommittee Chair** Matt Clifford. **Subcommittee Chair Clifford** presented a summary of the enforcement subcommittee's discussion regarding its first recommendation.

Subcommittee Chair Clifford motioned that the full Committee adopt the enforcement subcommittee's first recommendation that the licensing authority prioritize for disciplinary action violations that directly impact public health or environmental degradation. Specifically focus on sales to minors, sales and distribution of contaminated or unsafe products, and egregious environmental damage.

Committee Member Cermak seconded the motion.

Chair Ferro opened the floor to comments or questions from the Committee.

Committee Member / Staff Comments: 0 Comments

Chair Ferro opened the floor to public comments, after seeing no comments or questions from the Committee.

Public Comments: 7 Comments

Eddie Franco expressed support for the recommendation made by the enforcement subcommittee.

Erica Leary expressed support for prioritizing preventing sales to minors as part of the recommendation.

William Perno expressed support for the recommendation and thanked the committee for prioritizing preventing sales to minors as part of the recommendation.

Paul Hansbury expressed general support for the motion but stated there needs to be more information provided by the Bureau regarding enforcement resources.

Thomas Caristo requested clarification of the term “environmental damage”.

Wade Laughter expressed support for the recommendation.

Carol Green expressed that it was important that the recommendation focus on enforcement and protecting youth.

Chair Ferro closed public comments.

Roll call was taken. The motion to approve enforcement recommendation No. 1 passed on a 14-0-0 vote. **Committee Members Huffman, Peck, and Rahn** were not present for the vote.

Name	Vote
Avis Bulbulyan	Aye
Timmen Cermak	Aye
Matt Clifford	Aye
Jeff Ferro	Aye
Kristin Heidelberg	Aye
Eric Hirata	Aye
Alice Huffman	<i>Absent</i>
Kristin Lynch	Aye
Kristin Nevedal	Aye
LaVonne Peck	<i>Absent</i>
Matt Rahn	<i>Absent</i>
Keith Stephenson	Aye
Tamar Todd	Aye
Helena Williams	Aye
David Woolsey	Aye
Ben Wu	Aye
Beverly Yu	Aye

Subcommittee Chair Clifford presented a summary of the enforcement subcommittee’s discussion regarding its second recommendation.

Subcommittee Chair Clifford motioned that the full Committee to adopt the enforcement subcommittee’s second recommendation that the licensing authority focus enforcement efforts in jurisdictions that allow licensed commercial cannabis operators over jurisdictions that do not, so that licensed operators can thrive. Recommend that the licensing authority prioritize enforcement efforts against unlicensed businesses that are

selling to minors, selling contaminated products, or that cause egregious environmental harm. **Committee Member Cermak** seconded the motion.

Committee Member / Staff Comments: 1 Comment

Committee Member Cermak expressed support of the enforcement subcommittee members effort to balance enforcement of the market with public health as Proposition 64 intended.

Chair Ferro opened the floor to public comments, after seeing no comments or questions from the Committee.

Public Comments: 9 Comments

William Perno encouraged enforcement against the unregulated market in all areas not just in areas that have allowed cannabis as recommended.

Eddie Franco expressed support for the motion's prioritization of enforcement in jurisdictions that allow commercial cannabis operations.

Paul Hansbury commented that Proposition 64 had specific restrictions regarding the spending of commercial cannabis tax monies in jurisdictions that do not allow commercial cannabis.

Erica Leary commented that it should be statewide goal to eliminate the illicit market wherever it's thriving, not just based on where licenses are permitted.

Kelly McCormick commented that both the regulated market and the illicit market need to receive enforcement attention.

Sarah Armstrong expressed support for enforcing in areas that allow cannabis and stated that statutorily, jurisdictions that do not allow licensing are not eligible for money for enforcement from the government.

Carol Green commented that enforcement needs to be across all levels.

Natosha Sokoloski expressed her support for the motion.

Judith Strang stated that cities need to have access to the same enforcement opportunities whether or not they permit cannabis activity.

Additional Committee Member / Staff Comments: 3 Comments

Subcommittee Chair Clifford clarified that there are many law enforcement agencies that can enforce illegal operations in jurisdictions that do not allow commercial cannabis, but the Department will have limited resources and should focus on jurisdictions where commercial cannabis is allowed.

Committee Member Bulbulyan commented that for enforcement to be effective, it must be focused and start somewhere. Focused enforcement should be in areas where commercial cannabis is permitted.

Chair Ferro commented that licensing fees for enforcement get strained if they are used outside the legally operating market. If a city wants assistance, they should investigate a system that allows licensing.

Roll call was taken. The motion to approve enforcement recommendation No. 2 passed on a 14-0-0 vote. **Committee Members Huffman, Peck, and Rahn** were not present for the vote.

Name	Vote
Avis Bulbulyan	Aye
Timmen Cermak	Aye
Matt Clifford	Aye
Jeff Ferro	Aye
Kristin Heidelberg	Aye
Eric Hirata	Aye
Alice Huffman	<i>Absent</i>
Kristin Lynch	Aye
Kristin Nevedal	Aye
LaVonne Peck	<i>Absent</i>
Matt Rahn	<i>Absent</i>
Keith Stephenson	Aye
Tamar Todd	Aye
Helena Williams	Aye
David Woolsey	Aye
Ben Wu	Aye
Beverly Yu	Aye

Chair Ferro thanked **Subcommittee Chair Clifford** and the rest of the enforcement subcommittee for their hard work. Chair Ferro made the enforcement subcommittee a standing subcommittee.

3. Discussion and Possible Action to Reject, Approve, or Modify the Subcommittee on Licensing Types' Recommendation

Kristin Nevedal, Subcommittee Chair

Chair Ferro introduced license types **Subcommittee Chair Kristin Nevedal**. **Subcommittee Chair Nevedal** presented a summary of the license types subcommittee's discussion regarding the topics they discussed and their recommendation that the licensing authority consider uncoupling the project-specific CEQA analysis from annual licenses and instead provide guidance to local jurisdictions to ensure that applicants meet CEQA compliance during the local permitting process.

Committee Member / Staff Comments: 4 Comments

Committee Member Clifford asked whether this recommendation would require CEQA review to be conducted programmatically and not on a project-specific basis.

Subcommittee Chair Nevedal responded that where a local jurisdiction conducts an initial study and provides the documentation, applicants are still subject to project specific CEQA analysis in order to qualify for an annual license. **Committee Member Clifford** asked whether every applicant has to undergo an individual CEQA determination in order to get an annual license. **Subcommittee Chair Nevedal** responded under the current scheme, that is how it works.

Subcommittee Chair Nevedal motioned that the Committee adopt the recommendation that the licensing authority consider uncoupling the project-specific CEQA analysis from annual licenses and instead, provide guidance to the local jurisdictions to ensure that applicants meet CEQA compliance during the local permitting process. **Committee Member Bulbulyan** seconded the motion.

Committee Member / Staff Comments: 6 Comments

Committee Member Wu asked how regulators could assure things do not go wrong if everyone can avoid a project specific CEQA analysis. **Subcommittee Chair Nevedal** clarified that this recommendation would not allow or create an exemption that would allow every project to avoid CEQA analysis, it would provide a local control component to ensure that CEQA regulations met. Barring legislative exemption, there's no way for all cannabis operations to skip a CEQA analysis.

Committee Member Cermak asked whether local jurisdictions would be capable of taking on this task. **Subcommittee Chair Nevedal** responded that, based on her opinion, it is best handled at the local level.

Committee Member Woolsey asked whether this recommendation would allow the local jurisdictions to do a more general type of CEQA review, depending on zoning to qualify for the state annual license. **Subcommittee Chair Nevedal** answered it is unclear as the recommendation says the state should provide guidance to the local jurisdictions to ensure CEQA regulations are followed.

Chair Ferro opened the floor to public comments, after seeing no comments or questions from the Committee.

Public Comments: 8 Comments

Eddie Franco expressed support for the motion.

Susan Tibbon expressed support for the motion but stated that the license types subcommittee needs to address the cottage legacy license at a future meeting.

Paul Hansbury suggested that by offering guidance to local jurisdictions does not take away the local jurisdiction's ability to use its common sense on how to implement things.

Hannah Nelson cautioned having local jurisdictions determine or go through the full CEQA process and shoulder that burden on a site-specific basis.

Sarah Armstrong expressed support for the motion and stated that CEQA is best addressed at the local level.

Wade Laughter expressed support for the motion.

Holly Carter thanked the Committee for looking at transfers of genetics and suggested language removing the requirement for a distribution license between transfers for entities that are held by the same entity and on the same property.

Natasha Sokoloski commented that CEQA needs to be addressed by qualified people.

Roll call was taken. The motion to approve license types recommendation No.1 passed on a 12-0-0 vote. **Committee Members Clifford, Huffman, Peck, Rahn, and Yu** were not present for the vote.

Name	Vote
Avis Bulbulyan	Aye
Timmen Cermak	Aye
Matt Clifford	Absent
Jeff Ferro	Aye
Kristin Heidelberg	Aye
Eric Hirata	Aye
Alice Huffman	Absent
Kristin Lynch	Aye
Kristin Nevedal	Aye
LaVonne Peck	Absent
Matt Rahn	Absent
Keith Stephenson	Aye
Tamar Todd	Aye
Helena Williams	Aye
David Woolsey	Aye
Ben Wu	Aye
Beverly Yu	Absent

Chair Ferro called for a short break at **11:35 AM**. Quorum was re-established at **11:50 AM**

Chair Ferro thanked **Subcommittee Chair Nevedal** and the rest of the license types subcommittee for their hard work. Chair Ferro made the license types subcommittee a standing subcommittee.

4. Review and Approval of February 17, 2021 Cannabis Advisory Committee Meeting Minutes

The Committee reviewed the February 17, 2021 draft meeting minutes. **Chair Ferro** opened the floor to Committee Members for comments.

Committee Member / Staff Comments: 1 Comment

Committee Member Nevedal motioned to approve the Committee meeting minutes from February 17, 2021. **Vice Chair Heidelberg** seconded the motion.

Public Comments: 2 Comments

William Perno requested the meeting materials remain available to the public and become available at the same time as the agenda is posted. **Chair Ferro** responded the materials are posted at the same time they are provided to the Committee Members and they remain available on the BCC website.

Roll call was taken. The motion to approve February 17, 2021 draft minutes passed on a 12-0-1 vote. **Committee Members Clifford, Huffman, Peck, and Rahn** were not present for the vote.

Name	Vote
Avis Bulbulyan	Aye
Timmen Cermak	Aye
Matt Clifford	<i>Absent</i>
Jeff Ferro	Aye
Kristin Heidelberg	Aye
Eric Hirata	Aye
Alice Huffman	<i>Absent</i>
Kristin Lynch	Aye
Kristin Nevedal	Aye
LaVonne Peck	<i>Absent</i>
Matt Rahn	<i>Absent</i>
Keith Stephenson	Abstain
Tamar Todd	Aye
Helena Williams	Aye
David Woolsey	Aye
Ben Wu	Aye
Beverly Yu	Aye

- 5. Public Comment on Items Not on the Agenda - The Committee may not discuss or take action on any matter raised during the public comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting. (Government Code §§ 11125 and 11125.7 (a).)**

Chair Ferro introduced agenda item for public comment.

Public Comments: 13 Comments

Eddie Franco recommended that the licensing authority develop an immediate pathway to allow retail businesses to permanently implement drive-in, drive-through, or curbside pickup sales operations.

Sheryl Yufay expressed displeasure with the lack of patient protections, which should be addressed in the future.

Wade Laughter recommended discussion on how to make the regulatory system simpler and easier to enter and navigate.

Richard Miller stated that there is a shortfall with patient access and compassion, and there needs to be a patient advocate on the Committee.

Caity Maple recommended that curbside pickup become permanent.

Paul Hansbury suggested that subcommittee chairs be allowed to create their own meeting agendas.

Holly Carter requested that the Department conduct more in-depth training and education within the industry post consolidation.

Judith Strang requested a report from the Department of Public Health on youth access and the role cannabis plays on the increasing mental health problems with youth.

Hannah Wilson commented that the problem with CEQA stems from cannabis being defined as a project, not an agricultural crop and that should be looked at by an appointed agency workgroup.

Sarah Armstrong stated that expert input is necessary when discussing enforcement efforts and suggested presentations by both law enforcement working on the situation and industry stakeholders.

William Perno suggested that the Committee look into Delta 8 THC and Delta 10 THC coming from hemp and CBD products.

Kelly McCormick agreed that the Committee should look into Delta 8 THC and Delta 10 THC.

Thomas Caristo commented on the dangers of Delta 8 THC and Delta 10 THC in the market, stating there needs to be more research done.

Chair Ferro clarified that the Farm Act didn't approve Delta 8 in any way, shape, or form from hemp-derived products. If there is not a regulation permitting it in the State, then it is illegal and a nonpermitted product. Therefore, the Committee does not need to talk about regulations as there are none and any sales are not permitted in the State of California.

6. Discussion on Future Agenda Items and Possible Action on Creating Next Meeting's Agenda

Chair Ferro opened up the discussion for future agenda items/possible action on creating next meeting's agenda.

Committee Member / Staff Comments: 2 Comments

Committee Member Cermak suggested that the Committee tackle the legacy farmer issue, form a public health subcommittee, and receive an update from CDPH regarding the progress on the review of literature regarding high-potency THC.

Committee Member Bulbulyan suggested future agenda items on provisional licenses and the delivery license.

Public Comments: 5 Comments

Eddie Franco commented that there should be an agenda item on provisional licenses, consumption lounges, an overview of the consolidation and expected regulatory changes to come.

William Perno expressed support for a public health subcommittee and for subcommittee chairs to be able to set their own agendas. Also suggested an agenda item focused on youth access to cannabis.

Paul Hansbury commented that a working group should be formed, rather than a subcommittee to discuss regulations and interpretations.

Kelly McCormick expressed support for a public health subcommittee or working group that would include the in-depth studies on THC potency and its effect on youth and the brain. Also supported an agenda item regarding minor decoy operations.

Wade Laughter commented that regulators, the industry, and the public all need to be better educated about how the system is currently set up and what it might look like moving forward.

7. Adjournment:

Chair Ferro thanked everyone for their participation. The meeting was adjourned at **12:32 PM**