



Board Caucus Meeting

Wednesday, July 13, 2021, 10:00am

This meeting was held via web conference

Meeting Minutes

CAUCUS ATTENDEES

Chair David Postman
Member Ollie Garrett (excused)
Member Russ Hauge
Dustin Dickson, Executive Assistant

GUESTS

Sara Cooley Broschart, Public Health Education Liaison

APPROVAL OF MEETING MINUTES

MOTION: Member Hauge moved to approve the June 29, 2021, and July 6, 2021, Board caucus minutes

SECOND: Chair Postman seconded.

ACTION: Chair Postman approved the motion.

LCB-PREVENTION ROUNDTABLE DEBRIEF

Sara provided a summary of the June 3 Prevention Roundtable (PRESENTATION 1).

Chair Postman: Great, thank you. Member Hauge, any questions or comments?

Member Hauge: Thank you. Sara, would you please send me the presentation for my records and any other supporting documents that you got out of this meeting? I think this is an example of how we have to try to make some accommodations and get all the Board members at the level or at the source. I feel at a loss here talking at least one removed.

Also, I really think it's a great idea to expand the process regarding appealing to children. I thought that is a really good idea. I know we've had many issues about this in the past and I've asked some questions that caused some issues so it would be nice to I think get a little bit more precision in that process by actually sampling the target audience that we're all talking about. So, expect a call from Dustin, I'd like to meet with you as soon as is reasonably possible to go over this in more detail and see what we can do to support your efforts.

Mr. Broschart: Great, thank you. Can I just have a follow up to that? I want to point out a positive that came out on that issue of appealing too youth. As a follow up, we heard from formerly MPEP, so DOH's (Department of Health) Youth Marijuana Prevention Education Program. They wrote back with some

feedback about incorporating some of the pieces of our rule onto the checklist that Susan uses. And so they will be able to do that. So, some of the appealing to youth language that we currently have will now be on the checklist. That was a really great outcome and something really easy. Thanks to Nicola and Susan for agreeing to that small tweak to the checklist. So, that's positive. But yes, thank you for your interest in additional and I'll look forward to talking with you soon.

Chair Postman: Sara, on the youth engagement piece, and DOH's folks are a part of it as well, but there are some good conversations going on in general about cross-agency youth engagement. I don't know if you know Greg Williamson, who is at DCYF (Department of Children Youth and Families) and working with several agencies on trying to find a way to make that more available to other agencies. And so I would encourage us to try to find some way to include young people in it. If nothing else, they're not any more of a scientist than I am about it, but they're closer to the age target group, obviously. So it would be interesting if nothing else. I do think we should do at least one of these a year as an open public meeting. And I would think too, I know there's sometimes different reasons why we do it in different ways. But I think it's not just good for the Board members to hear it but I think it elevates the conversation for the public as well, which I think is valuable.

And as I told you and told the group, I'm also happy to do it more often than we have been. I don't know that we need new task forces or commissions or anything like that. But I am available and if that group of people or some other subset wants to talk once a quarter or something, we should just do that. There's a lot on the table all the time. And it was interesting to have that conversation when we did, even though there was that sort of unfortunate timeline of the "Joints for Jobs" coming out, which public health people felt they were not -- well, and they were not -- adequately notified about and we didn't have a chance to really hear from them. Things like that are happening all the time. And so it's good for us, good for me to just keep touching base there and having that conversation.

I had one question for you. When you talk about the process around local bans, what is the concern there, is it that if we're granting licenses in a jurisdiction that has a ban, that it just adds pressure to the local government to lift the ban? Is that public health's concern?

Ms. Broschart: I think that has been the concern. And again, I can connect you with somebody more specifically. But I think the fact that that ban is always contested then because somebody has this economic reason to keep pushing at it. I think that they're acknowledging there's just a power differential between they had enough energy at one point to get this ban passed but that sustainability of keeping it there just again, a lot of the public health and prevention folks were on COVID-19 detail this whole time. So there's just not quite -- yeah, there's an imbalance there that I think they feel could jeopardize. And also [audio dropout] cities or counties. These are community folks within those cities or counties not clear understanding about what it means either. So I think they felt like there was an opportunity for more clarity on a number of different fronts.

Chair Postman: Earlier this year, at some point, I can't remember what the issue was, we had staff reaching out to local governments to talk about bans and moratoria and they found that local elected officials in more than one place weren't even aware of the ban. Because there's been turnover in the almost 10 years since this has been going on. Now, there's also reasons to look where there should be license availability. And we know that that also enters into the social equity conversation. So the timing is probably right for some bigger conversation about this. Because you do have local officials, either who have a different opinion or just aren't aware even that they have such a ban in place. And there's going to be these different forces. So probably it's not a bad time to find some way to have that conversation and

look at what our role is in that. Obviously, we don't create the ban or manage the ban but we have the ability to do these certificates and kind of keep it alive, I guess, is our role there.

Ms. Broschart: Yes, that's a great idea. And I would just say if we, as LCB end up doing any education or connecting with the cities and municipalities like that, it might be nice to invite some of our partners to either tag onto that or to follow up because they may have just what the options are not, even do it or don't. But as you saw that grid, those are the things that local can do if they're looking at restricting. Maybe even not just outright ban or moratoria. There's some fine tuning besides a black or white. There's a bunch of grays that they can also decide to say yes to some things and not to others. And we've seen that throughout the state. But I think that would be a nice compliment.

Chair Postman: And you and I have talked about it. We've talked a little bit about it with the big group too. And just what you're saying is the conversation with public health and prevention people need not be one of "yes or no". It's more of "do we do this or do we not do whatever it is"? "But how best do we do it"? "How do we minimize risk"? "How do we address youth issues"? And if we get away from that just green light/red light type conversation then maybe we're able to get more meaningful input, they feel like they've been heard in that way, and they're more part of that system. And I told them that I had my little note that says "who else needs to know", which is the constant reminder that that's one of the things that every state agency probably trips over itself is there's always one more person or one more group that should have been called, should have been asked for input. And it's just hard when you're moving as fast as sometimes we are. So I appreciated their reminder in that way, especially after we reconvened after the "Joints for Jobs" came out. I thought that was interesting.

The only other thing I'd say is I did hear from a couple of people in the bigger meeting and you referenced it, there is a hesitancy on the part of some of these people in their organizations to come before the Board to testify or something. One, just because they don't necessarily have the authority to do that on their own. It takes some sort of red tape there to get a thumbs up for that or putting themselves as a target. And I understand that. I just think the answer to that is to try to have more public conversation about it and make it a more normal part. So I would just try to welcome them to any conversation we have and invite them to testify when we have public hearings and all those sorts of things and do that. So yeah, I appreciate you and all the work you do with that community. It's really important and people I know, they know, but everyone should know that you were representing those interests in a really powerful, meaningful way for us. And I've learned a lot in the short time I've been here about those pieces. And if you weren't there, I don't know where we would hear it from. So thank you for what you do on that, Sara. It is much appreciated. Anything else or for us?

Ms. Broschart: No, just thank you. Of course, there's always more work to be done. If we had three more of me, I'm sure all three would be busy. You all knew as Board members. Of course, we could even do a better job. And I'm happy to take and connect with you, Board member Hauge and fill you in a little bit more on all these efforts. And yeah, just thank you for that commitment. And again, I always point out, we're just one of a few agencies who are able to do this across the country. [audio dropout] this week who want to do something similar. And there was somebody just hired in Oregon. So this is a good model. And it's getting shared, of course, as good practices often do.

Chair Postman: Terrific. One last thing. Would it be possible for the slides that you showed, for us to be able to post those someplace on our website for people?

Ms. Broschart: Of course, and I already sent them to Dustin. So he has them for sharing.

Chair Postman: Great. Okay, thank you, Sara. Appreciate it. And that brings us to the last item on our agenda for the day, Board members and executive assistant reports. First I'll check with Dustin Dickson. Do you have anything for us today?

BOARD MEMBER AND EXECUTIVE ASSISTANT REPORTS

Dustin Dickson: Still plugging away on our options for posting recording meetings. I actually have a meeting this afternoon with our communications department. My point person in our IT division returns from vacation tomorrow. We still have opportunities; we still have some other options that we're reviewing. More to come on that but we're still working on it.

Chair Postman: Okay, great. Thank you. Member Hauge, anything to share?

Member Hauge: Yes. Delta 9 from CBD. I have been told it's been mentioned in public that there is an enforcement action pending. However, we have not addressed really, as a Board, the policy that we're pursuing. I don't know anything other than that an enforcement action is pending. And that's appropriate. I should not know. But are we taking the position that this is something we're going to accommodate? Or is it something that we are going to try to interdict? Or is it something in between? And that's something that I think the Board has to address unless there's been a decision made that I'm not aware of.

Chair Postman: I don't believe a decision has been made. My understanding is I would take it a step back from -- I don't know if it's an enforcement action pending at this point. But we have an investigation underway. I know that. And I know that staff is working in all these different pieces of it. So maybe that does lead to a pending action. I think that we will have that conversation when we get the read from Enforcement, Licensing, the Director's Office, the AGs, how they read that legal memo, what their interpretation is, and what they're finding in the field. Because I think that's a piece that's been missing as well. And so I think they're doing, as you said, what they should do, which is conduct an investigation, try to get more facts, come back and analyze this. And I don't know what the right process would then be to inform us of what that is. But, I think that staff well knows there's a high level of interest among our licensees about this. My personal opinion is it would behoove us to alert everybody to whatever that position is by our Enforcement division.

Member Hauge: Okay, well, I would note that at the last Board meeting, we had a representative of a license holder step up and say in our public meeting that they are buying CBD in commercial lots, adding THC to it to get it above the .03 threshold for definition of cannabis, and then saying, "oh, well, here, we've got this pot. Now it's cannabis, we can do whatever we want with it". Not only is that disruptive to the market, the witness also went out of his way to say, "oh, we're using a proprietary system that we're not going to tell you about". There are a number of things that I think we should do right now. And I would like to know when we are going to address this situation where we have Delta-9 coming into the system that is not coming from the I-502. marketplace.

Chair Postman: Yes, I think that's the work that's going on right now. And I think it's going on in the proper place. I don't think that Enforcement needs to be checking with us as Board members at this point in that investigation. But if there is a policy interpretation or interpretation of that statute that would add clarity, which I expect there will be, then as I said, it behooves us to have everybody know what that is. And that would have some sort of public communication to all our licensees about what that is. I think they're well aware of what's been said at our meetings.

They've also been working on their own to gather information. And again, I think that's the way this should be happening. And when they have some sense of what that process is, how it looks to them, then they're going to act. They will tell us about it and if there's an AVN issued or something, it will eventually come to us, potentially.

Member Hauge: The only other thing I want to say is that I am in the dark. I do not know what the agency is doing. I do not know what policy we are following. I do not know if we are going to on the one hand try to interdict this introduction or whether we are going to accommodate Delta-9 from CBD. I would like to have that conversation as soon as reasonably possible.

Chair Postman: Well, I think as soon as we have a clear staff analysis or position on that, I think that that would be appropriate. I think when they get to that point, we will have that conversation and they will be able to share with us. We should not be involved in the investigation. We should not direct them. But they should let us know very clearly how they view this. If we as a Board have a different view, we'll have the opportunity to express that. But it would be my goal to not have us interfere at all in the work they're doing to A, determine what that is and then B, how they're going to go about executing that. And I have faith that they're doing it in the right way and being mindful of their role and trying to come up with something that would be sustainable under legal challenge, which I think is important.

Member Hauge: Thank you.

Chair Postman: So, we will check with staff and make sure that they do communicate with us. And with that, we will adjourn the caucus meeting for the 13th. Thank you, everybody.

TAKEWAYS

- Schedule time for further discussion for Russ and Sara

Meeting adjourned at 10:36am.

Minutes approved this 20th day of July, 2021.



David Postman
Board Chair

Not Present

Ollie Garrett
Board Member



Russ Hauge
Board Member

Minutes Prepared by: Dustin Dickson, Executive Assistant to the Board