

## **Alabama Medical Cannabis Commission Meeting**

### **Minutes**

**December 28, 2023**

The Alabama Medical Cannabis Commission met virtually on December 28, 2023. The meeting was called to order by Chairman Rex Vaughn at 1:01 P.M. Chairman Vaughn announced that the Commission would stand in recess until members of the staff and legal counsel returned from Court proceedings. The Chairman reconvened the meeting at 2:02 P.M.

The roll was taken with a quorum present. Commission members present for the meeting were Mr. Rex Vaughn, Dr. Sam Blakemore, Mr. Dwight Gamble, Dr. Eric Jensen, Ms. Loree Skelton, Mr. James Harwell, Dr. Jerzy P. Szaflarski, Dr. Jimmie Harvey and Mr. Dion Robinson. Dr. William Saliski and Dr. Angela Martin were absent from the meeting. Judge Charles Price and Ms. Taylor Hatchett were not present for the roll call at the reconvening of the meeting; however, they joined prior to the Commission's consideration of decision items and were present from that point forward.

Chairman Vaughn presented the minutes from the December 1, 2023, December 5, 2023, December 6, 2023, December 7, 2023, December 8, 2023, and December 12, 2023 Commission meetings. A motion to approve the minutes en masse was made by Mr. Harwell, seconded by Dr. Jensen. A roll call vote was taken, and the motion received approval by the Commission. Ms. Skelton abstained from the vote.

Chairman Vaughn recognized Mr. Justin Aday to provide a legal update and discuss the Court proceedings that took place prior to the start of the Commission meeting. Mr. Aday discussed the recent filings requesting a temporary restraining order on the issuance of licenses that were awarded on December 1, 2023, and December 12, 2023. He explained that the Court heard arguments from the parties involved in the litigation and that the Court did not take any immediate action to restrain the Commission.

Chairman Vaughn recognized Mr. Scott Absher to provide a compliance update. Mr. Absher explained that he had conducted approximately 31 of the pre-issuance site inspections at proposed facility locations across Alabama. He thanked the members who participated in the inspections. Mr. Absher noted that the pre-issuance inspections were required by statute. During the inspections, he reviewed current start up progress, future plans, and estimated timelines. He noted that future inspections, such as pre-commencement inspections, would be necessary. To conclude, he noted that he would be conducting the remaining integrated facility pre-issuance site inspections the following week. Mr. Vaughn inquired about staffing needs surrounding future investigators, inspectors, and auditing officers.

Chairman Vaughn moved to discuss decision items before the Commission. He explained that the first decision item would be to consider authorizing Director John McMillan to engage a hearing officer for investigative hearings. Chairman Vaughn recognized Mr. Aday to provide additional details and answer any questions from Commissioners. Mr. Aday explained that the statute and AMCC rules provide that denied applicants can request an investigative hearing and

that those proceedings would necessitate the need of a hearing officer. He explained that the hearing officer would be responsible for the conduct of those proceedings. An appointed hearing officer will also be responsible for how various parties to those proceedings would operate in accordance with the Administrative Procedures Act. Chairman Vaughn noted that 26 applicants had requested an investigative hearing. Ms. Skelton inquired about the criteria that would be utilized to select a hearing officer and the number of hearing officers needed. Following discussion, a motion to authorize the Director to engage a hearing officer was made by Mr. Harwell and seconded by Mr. Gamble. A roll call vote was taken, and the motion received unanimous approval from the Commission.

Chairman Vaughn recognized Mr. Aday to discuss the options concerning items relating to the investigative hearings. Mr. Aday discussed the context of AMCC Rule 538-X-3-.18 which provides denied applicants with an opportunity to request an investigative hearing. He noted that the rule provides the Commission discretion to impose a stay on some or all licenses pending the outcome of the investigative hearing. Mr. Aday explained that neither the staff nor legal team would be making a recommendation as to whether to impose a stay on the issuance of any or all licenses. He explained that his comments are only to detail the options, implications, and discretion of the Commission. Mr. Aday explained that if a stay is imposed that the stay would remain in effect until the time for appeal has lapsed or all appeals from the Commission's decision have been resolved. He noted that there are requests for the Court to impose a stay on some licenses and that subsequent requests for the same may be made based on the Commission's actions. Dr. Blakemore asked if it would be in order to consider not issuing a stay as to the licenses awarded. After discussion, Dr. Blakemore stated that he would like to move forward with the slate of awardees from the month of December so that patients could have access to medicine. A motion to not impose a stay on the award of licenses was made by Dr. Blakemore and seconded by Mr. Gamble. Following questions and discussion regarding ramifications of a court-imposed stay, the timeline of issuing the licenses, and the need for such action, a roll call vote was taken, and the Commission approved the motion to not impose a stay. Dr. Szaflarski abstained from the vote. Judge Price and Ms. Skelton voted against the motion.

Director McMillan thanked members for their dedication and shared his optimism for 2024. His comments were echoed by Chairman Vaughn

There being no further business, a motion to adjourn was made by Ms. Skelton and seconded by Dr. Jensen. A roll call vote was taken, and the motion received unanimous approval of the Commission. The meeting adjourned at 2:40 P.M.

Approved on: \_\_\_\_\_

Secretary: \_\_\_\_\_