



DELAWARE GENERAL ASSEMBLY
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

Adult Use Cannabis Task Force

Wednesday, March 14th, 2018

10:00a.m. – 12:00p.m.

JFC Conference Room, Legislative Hall, Dover

Task Force Members Present:

Representative Helene Keeley, House of Representatives

Senator Margaret Rose Henry, Delaware State Senate

Representative Steve Smyk, House of Representatives

Senator Bryant Richardson, Delaware State Senate

John Yeomans, Department of Safety & Homeland Security

John Sybert, Sussex County Advocate

Cathy Rossi, AAA Mid-Atlantic

Kim Robbins, Delaware Pharmacist Society

Lossie Freeman, Mayor of City of Wilmington

Brendan O'Neill, Office of Defense Services

Jamie Mack, Division of Public Health

Mark Lally, Governor, Medical Marijuana Industry Rep.

Tim Holly, Delaware State Chamber of Commerce Employer Advocacy & Education Committee

Glen Howell, on behalf of Jermaine Hatton, Delaware League of Local Governments

Robert Glen, State Bank Commissioner

Michelle Jacobs, Department of Natural Resources and Environmental Control (DNREC)

Cynthia Ferguson, New Castle County Advocate

Thomas Donovan, Kent County Advocate

William Bryson, Chief, Delaware Police Chiefs Council

Danielle Brennan, Attorney General

Nicholas Biasotto, Medical Society of Delaware

Representative Helene Keeley, co-chair, called the meeting to order at 10:00 a.m.

Deborah Gottschalk, Legislative Attorney, General Assembly Division of Research, confirmed that the video-conferencing rules were being followed as several Task Force members did so from a central location in Carvel State Office Building in Wilmington, Delaware.

Edwin Hernández-Vargas, Legislative Aide, House of Representatives Majority Caucus, took attendance.

Senator Margaret Rose Henry, co-chair, asked for any that arrived late to the video-conferencing location to voice their presence for the record and attendance purposes.

Deborah Gottschalk, explained that the co-chairs were able to reconvene the Task Force for another meeting under a provision that allows Task Force chairs to do so. She also explained why a designee can be appointed by a member serving by virtue of position.

Rep. Keeley, apologized for having to, due to inclement weather, reschedule the meeting that would have occurred the week prior. She then ensured that all Task Force members were satisfied with the day's agenda before moving on to the approval of the February 28th minutes portion.

Cathy Rossi, AAA Mid-Atlantic, asked for her name to be separated from under Brendan O'Neill's on the 7th page of the minutes.

Representative Steve Smyk, House of Representatives, motioned to accept the February 28th minutes with the Cathy Rossi's change noted. Sen. Henry seconded the motion and the minutes were approved by a majority of Task Force members.

Rep. Keeley, moved on to the review and release portion of the Task Force final report. She asked if there were any comments by Task Force members.

Cathy Rossi, stating her understanding that public comments and presentations would not be included in print form in the report, asked if they would be uploaded to the Task Force website in digital format. Rep. Keeley stated that this was never agreed to, but that if the staff was able to gather every single comment and presentation provided by the public, they would be uploaded as it was unfair to provide some and not all. Ms. Rossi, voicing her understanding that no presentations would be included in the report, asked why one was attached to the October 4th meeting minutes.

Rep. Keeley, stated that it was her understanding the presentation in question was attached at the behest of one of the Task Force members.

Edwin Hernández-Vargas, explained that he believed the presentation was attached to the minutes at the request of one of the Task Force members and had been approved by all members in the following meeting.

Cathy Rossi, asked who had given the presentation. Rep. Keeley asked which page the presentation had been attached to. Cathy Rossi stated that it had been attached towards the end of the report. Rep. Keeley asked for a moment in order for the staff to find the presentation in question.

Tim Holly, Delaware State Chamber of Commerce Employer Advocacy & Education Committee, stated his recollection that in one of the meetings, he had asked for his presentation memo, “Notes for Oral Presentation on Behalf of DSCC”, to be attached to the corresponding minutes and that a different memo had been attached to the final report. Mr. Holly clarified that his presentation had been given in the October 4th meeting and that, in the November 1st meeting, DSCC had requested that his memo be attached to the October 4th minutes. He further stated that the co-chairs had agreed to this and that the minutes were approved with the requested change noted.

Sen. Henry, stated that part of the issue was that each meeting’s minutes were approved at the beginning of the next meeting. Rep. Keeley stated that she understood the wrong presentation had been attached. Cathy Rossi asked whose presentation was attached. Rep. Keeley asked if the presentation belonged to Jamie Mack, who responded that he had not. Rep. Keeley then stated that regardless of who had requested the presentation to be attached, the minutes were approved by all Task Force members with its inclusion. Tim Holly reiterated that his memo should be included where the presentation in question was. It was determined that Jack Guerin had made the presentation for his public comment and that he had requested its inclusion with the October 4th minutes.

Rep. Keeley, asked if a motion should be made to delete the presentation from the report. Tim Holly stated that DSCCs position was to include all public comment and presentations in the report including his own memo. Rep. Keeley stated that at the moment the Task Force was only dealing with the inclusion of the presentation in question. She stated that the public comment presentation was included by staff since it had been attached to the minutes, which were then included with the final report, but that it should have been removed. Rep. Keeley then made a motion to remove the presentation from the report, Rep. Smyk seconded the motion, the motion was accepted by Task Force members present, and the presentation was deleted.

Rep. Keeley, then made a motion to add Tim Holly's presentation memo from October 4th to the final report after the February 14th or February 28th minutes. The motion was seconded by Sen. Henry and passed by a majority of Task Force members.

Rep. Smyk, asked why there were no links to the presentations in the final report. Rep. Keeley stated that these would be made available on the Task Force website and that Tim Holly's memo was added because it had been requested in a previous meeting. She apologized to Mr. Holly for not having included it prior and apologized to the Task Force members for staff turnover throughout the months that it had been meeting.

Rep. Keeley, put the meeting into a brief recess at 10:31 a.m. to allow staff to print the presentation list for the convenience of all members. Rep. Keeley reconvened the meeting at 10:41 a.m. Sen. Henry confirmed that all Task Force members in the Dover location had received a copy of the presentation list. Rep. Keeley explained that the list was the same as the one that had been reviewed by all members in the February 28th meeting.

Rep. Smyk, asked if links would be included in the list. Rep. Keeley explained that all links would be made available on the Task Force website once the final report was approved and released.

Cathy Rossi, asked how long it would take to upload presentations to the Task Force website. Rep. Keeley confirmed that they would be uploaded by close of business on Thursday, March 15 in order to provide staff and DTI ample time to do so.

Tim Holly, referencing the three bullet point page towards the beginning of the report, expressed that DSCCs position was that everything that was presented in the Task Force should be included and that a link to the Task Force website should be included with the first bullet point. He further stated that DSCC would like for the first bullet point to specify what was left out of the report, this being public comment. He additionally stated that without further clarification of the first and second bullet point, DSCC had asked Mr. Holly to continue to vote no on the release of the final report. Sen. Henry asked what specific language Mr. Holly was requesting to be added. He stated that the second bullet point should read: "Any actionable solutions contained in this report are not actionable solutions proctored by the Task Force." He clarified that it was DSCCs position that it was unfair to include actionable solutions that the Task Force, as a whole, did not discuss or agree to without including his requested disclaimer.

Deborah Gottschalk, clarified that all actionable solutions in the report were cut and pasted from the memo that she had gone through during the January 3rd meeting of the Task Force. She further clarified that the memo had been revised after the meeting to reflect Task Force member

requests and input. Tim Holly voiced his disagreement with the characterization that the actionable solutions were discussed with the Task Force members.

Rep. Keeley, asked if there was a motion to release the report with the removal of the public comment presentation, the inclusion of Tim Holly's memo, and the further inclusion of the Task Force member presentation list. Nicholas Biasotto motioned to do so.

Senator Bryant Richardson, Delaware State Senate, asked if by approving the report, the Task Force was giving authorization to go forward with HB 110. Rep. Keeley stated that this was not true and clarified that no member of the Task Force that voted for the release of the final report was voicing support for HB 110. She further stated that all that was being discussed were the findings in the report. Sen. Richardson then asked if HB 110 would go through if the final report was approved. Rep. Keeley stated that this was not true either and that releasing the report simply meant that it would be released to the General Assembly and the public so that they too may read and review it.

Nicholas Biasotto, Medical Society of Delaware, stating that he was under a time-constraint, reminded the co-chairs that he had made a motion to vote on the release of the final report with the Task Force approved changes noted. Rep. Keeley asked Sen. Richardson if he had any further questions, to which he stated that he did not. She then asked if there was a second to Dr. Biasotto's motion. Thomas Donovan seconded the motion.

Rep. Keeley, conducted a roll call vote. Yes=12 (Nicholas Biasotto, Danielle Brennan, Thomas Donovan, Cynthia Ferguson, Glen Howell, Mark Lally, Brendan O'Neill, Lossie Freeman, Kim Robbins, John Sybert, Margaret Rose Henry, Helene Keeley); No=4 (William Bryson, Tim Holly, Bryant Richardson, Steve Smyk); Abstain=5 (Michelle Jacobs, Robert Glen, Jamie Mack, Cathy Rossi, John Yeomans); Absent=4 (Kenneth Bounds, Jason Silversteen, Clarence Watson, Rick Geisenberger). Rep. Keeley then stated that she was confused as to why Sen. Richardson and Rep. Smyk had voted the way they did after they had both signaled that they had no further questions before the vote took place.

Rep. Smyk, stated that an individual had expressed a time constraint and that he felt it was unfair to rush the process as questions were still being asked, something that he said takes time. He stated that he still had further questions and that he was waiting for an appropriate time. Rep. Keeley asked why he hadn't voiced his questions when she had asked Sen. Richardson and Rep. Smyk if they had any. Rep. Smyk stated that he wanted to make sure that other Task Force members, including Tim Holly and Cathy Rossi, had a chance to ask all of their questions as well. Rep. Keeley further stated that she had looked around the room and asked if there were any further questions before beginning the roll call vote. She added that the vote had been

conducted after no one had spoken up. Sen. Richardson stated that he had felt pressured as Dr. Biasotto had expressed a time constraint.

Nicholas Biasotto, asked why the same redundant and repetitive questions were being asked, when all the Task Force was voting for was the release of the final report which contained everything that had occurred throughout the months of meetings. He added that despite the Medical Society's well-known opposition to legalizing recreational marijuana, he had voted in favor of releasing the final report and questioned why it was so hard for others to do the same. He then stated that, due to his time constraint, he was forced to leave the meeting.

Rep. Smyk, asked if, in a future vote, Dr. Biasotto could remain a "yes" vote. Rep. Keeley clarified that she had not yet called the final vote. He then asked if any public comments could be added to the report. Rep. Keeley reiterated that, if all public comments were acquired by the staff, they would be added to the Task Force website, but that she was not willing to include them without making sure that all were uploaded at the same time. Rep. Smyk asked if web links could be included to direct readers to the websites mentioned in public comments. Rep. Keeley reiterated once again the co-chairs position.

Cathy Rossi, inquired as to when public comments would be uploaded in the event that they were all acquired by the staff. She additionally voiced her concern that the final report would be uploaded and that the public comments would not populate the site for an extended period of time. Rep. Keeley stated that the public comments are already reflected in the minutes which were already uploaded on the website and that all Task Force member presentations would also be uploaded upon the final report's release. She added that no other General Assembly Task Force included these extra documents, stating that it was common practice to upload only the final report and the meeting minutes. Cathy Rossi stated that she was aware of Task Forces that had included all public testimony on their website to which Rep. Keeley stated that she was referring to one of the Governor's Task Forces and not a General Assembly one. Cathy Rossi added that the public comments should be added to the website as they were acquired instead of waiting.

John Sybert, expressed his frustration that the meeting was being dragged along by two members, referring to Cathy Rossi and Rep. Smyk, stating that the same questions were being asked multiple times and adding that the pair was not going to vote in favor of release anyways. Rep. Smyk stated that he would answer any questions that Mr. Sybert had for him. Rep. Keeley asked the members to remain calm and conduct themselves in a professional manner.

Sen. Richardson, asked if the audio of the meetings would be made available to those who requested them. Rep. Keeley stated her belief that all deliberations in the House Chamber were

recorded and sent Edwin Hernández-Vargas to confirm with the Chief Clerk of the House. Once she had received confirmation, Rep. Keeley confirmed that all meetings except for the September 6th meeting had been recorded.

Rep. Smyk, stated that it was simply due process to ensure that all of the details were included in the final report and that rushing the process was a disservice to Delawareans. He added that he was in support of releasing the information from the Task Force, but that he was concerned about the presentation of the final report and asked if any other members had questions regarding this.

Rep. Keeley, added for the record that there were no presentations in the September 6th meeting.

Rep. Smyk, asked if the Task Force was ready for a motion to conduct a vote, to which Rep. Keeley clarified that a vote was already conducted, but had not been closed.

Rep. Keeley, asked if any member wanted to change their vote. Rep. Smyk stated that he had spoken off the record with the co-chairs and had agreed to change his vote to a “yes” with the agreement that his request for inclusion of information would be met in good faith. Rep. Keeley stated that upon attainment of all public comment, it would all be added to the Task Force website and members would be notified.

Cathy Rossi, asked if the Representative felt confident about attaining all of the public comment presentations. Rep. Keeley stated that she did, but was not willing to commit to a deadline as it could take time to gather all such presentations.

Rep. Keeley, asked Rep. Smyk if he had changed his vote, to which he answered that he had changed it to a “yes”. She then asked if there was anyone else that would like to change their vote. Seeing no further changes, she closed the vote with a majority of Task Force members voting in favor of releasing the final report.

The final vote was: Yes=13 (Nicholas Biasotto, Danielle Brennan, Thomas Donovan, Cynthia Ferguson, Glen Howell, Mark Lally, Brendan O’Neill, Lossie Freeman, Kim Robbins, John Sybert, Margaret Rose Henry, Helene Keeley, Steve Smyk); No=3 (William Bryson, Tim Holly, Bryant Richardson); Abstain=5 (Michelle Jacobs, Robert Glen, Jamie Mack, Cathy Rossi, John Yeomans); Absent=4 (Kenneth Bounds, Jason Silversteen, Clarence Watson, Rick Geisenberger).

Rep. Keeley, thanked all members for participating in a Task Force with such a difficult topic. Sen. Henry additionally thanked all members of the Task Force and the public for their participation and patience.

The meeting was adjourned at 11:30 a.m.

Attendance List:

1. Jim Lardear (AAA)
2. Ken Grant (AAA)
3. Kyra Hoffner (DE CAN)
4. Zoe Patchell (DE CAN)
5. Mary Davis (Ned Davis Assoc.)
6. Deborah Gottschalk (Division of Research)
7. Edwin Hernández-Vargas (Legislative Aide, House of Representatives Majority Caucus)