

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE AND CANNABIS BOARD  
+ + + + +  
MEETING

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IN THE MATTER OF:                   :  
  :  
MEDICAL CANNABIS                   : Public Hearing  
AMENDMENT ACT                      :  
RULEMAKING                         :  
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Wednesday  
June 7, 2023

The Alcoholic Beverage and Cannabis Board met via WebEx videoconference, Chairperson Donovan W. Anderson presiding.

PRESENT:

- DONOVAN W. ANDERSON, Chairperson
- BOBBY CATO, JR., Member
- EDWARD S. GRANDIS, Member
- JENI HANSEN, Member
- JAMES SHORT, JR., Member

ALSO PRESENT:

- YVETTE ALEXANDER, Y. Alexander & Associates
- LORENZO BELLAMY, Generational Equity Movement
- BARBARA BIDDLE, District Hemp Botanicals
- JEN BRUNENKANT, Herbal Alternatives
- HANNAH CLARKE, Executive Director, The i-71 Committee
- DAREL DAWSON, President, The i-71 Committee
- CHUCK ELKINS, ANC 3D01
- MAX EWART, ANC 1A01
- CHAD FREY, flowerz
- CHANDER JAYARAMAN, ANC 6B06
- MEREDITH KINNER, Attorney, Kinner & McGowan
- MATT LAWSON-BAKER, Alternative Solutions

MACKENZIE MANNS, Generational Equity Movement  
JOHN MCGOWAN, Attorney, Kinner & McGowan  
DAVID MOORE  
JOSE ORELLANA, DC ABCA Staff  
NORBERT PICKETT, DC Holistic Wellness  
JEFF RUECKGAUER, ANC 2B02  
ROBIN WALKER SALAS, Wounded Warriors Behind Bars  
STEVEN SLAUGHTER, Vice President, The i-71  
Committee  
CHRISTOPHER SMOOT, The i-71 Committee  
TERRENCE WHITE, Chairman, The i-71 Committee

## T-A-B-L-E O-F C-O-N-T-E-N-T-S

	PAGE
Panel 1	
Chuck Elkins, ANC 3D	10
Jeff Rueckgauer, ANC 2B02	16
Chander Jayaramaan	21
Zach Adams, ANC 2B08	27
Panel 2	
Hannah Clarke, Executive Director, i-71	32
Meredith Kinner, Attorney, Kinner & McGowan	36
John McGowan, Attorney, Kinner & McGowan	36
Panel 3	
D. Antione Pritchett, Sr.	54
Antione Pritchett, II	60
Rabbi James Kahn	65
Rabbi Jeffrey Kahn	69
Stephanie Kahn	71
Joshua Kahn	74

1 P-R-O-C-E-E-D-I-N-G-S

2 11:06 a.m.

3 CHAIRPERSON ANDERSON: All right. The  
4 next case in our calendar, we have a public  
5 hearing on the Medical Cannabis Amendment Act.  
6 Good morning, everyone. Thank you for joining us  
7 today at the public hearing on the Alcohol  
8 Beverage and Cannabis Board medical cannabis  
9 emergency and proposed rules.

10 As you know, the Board assumed  
11 jurisdiction of the District's medical cannabis  
12 program on October 1st, 2020. Since that time,  
13 new laws and regulations have been adopted and  
14 sweeping changes have been made to the program in  
15 an effort -- in a brief period of ABCA's  
16 management. Excuse me. The Board is holding a  
17 hearing today on a second round of emergency and  
18 proposed rules.

19 This rulemaking was adopted by the  
20 Board specifically to implement the Medical  
21 Cannabis Amendment Act, MCCA of 2022, which  
22 became effective March 22nd, 2023. Amongst other  
23 changes, the MCAA legislation allows qualifying  
24 patients to self-certify to participate in the  
25 program, provides the mechanism for unlicensed

1 cannabis business to obtain a medical cannabis  
2 facility license, creates new license categories  
3 and endorsements, creates various benefits for  
4 qualified social equity applicants and medical  
5 cannabis certified business enterprises, reforms  
6 the license application process, and allows  
7 advisory neighborhood commissions to protest the  
8 issuance of cultivation center, manufacturer,  
9 retailer, and internet retailer licenses.

10 The rulemaking also makes various  
11 technical changes and renumbers the regulations  
12 where appropriate. The Board's adoption of these  
13 rules ensures that a District's program continues  
14 to operate optimally for qualifying patients and  
15 caregivers who depend on the program for their  
16 medical needs. These emergency and proposed  
17 rules are also being issued to ensure the  
18 economic viability of existing medical cannabis  
19 businesses and to ensure that an adequate and  
20 safe supply of medical cannabis remains available  
21 for qualifying patients.

22 Lastly, the Board's adoption of the  
23 merging the rules meets our paramount goal of  
24 promoting the health, safety, and welfare of  
25 District residents. By way of background, the

1 emergency and proposed rulemaking was adopted by  
2 the Board on April 12, 2023 by a vote of five to  
3 one and became effective immediately on that  
4 date. The emergency rules will expire 120 days  
5 from the date of adoption or on April -- I'm  
6 sorry, or on August 10th, 2023.

7 Thank you to everyone who is present  
8 today to share your thoughts with the Board. We  
9 received two pre-file sets of testimony and  
10 numerous email comments. In reviewing the email  
11 comments, it is clear that many of you, if not  
12 all of you, are concerned about the provision  
13 regarding the limitation of eight ounces of  
14 cannabis concentrated permitted per month for  
15 patients 21 years of age or older.

16 I want to ensure the industry and  
17 medical cannabis patients and caregivers that the  
18 Board is well aware of this issue and that we  
19 will be revising this issue on our revision of  
20 the regulations. I'd like to lay a few ground  
21 rules before we begin the hearing. The Board  
22 received over 35 requests from individuals who  
23 expressed an interest in testifying today.

24 For the sake of ABCA staff, IT, the  
25 court reporter, and you, the witnesses, we need

1 to ensure that this hearing is orderly so that  
2 parties are promptly identified and the testimony  
3 is properly recorded. To that end, please know  
4 that witness testimony is limited to five minutes  
5 per person. If there's any time left at the end  
6 of the day or the hearing, we may permit  
7 additional limited comments.

8 When I recognize you to speak and  
9 after IT has elevated your speaking privileges,  
10 please clearly speak your name and the company or  
11 entity you represent. If you're testifying on  
12 your own behalf or as a consumer, simply state  
13 that. I ask everyone for their patience and for  
14 their indulgence.

15 This is the largest virtual hearing  
16 the Board has held. We want to ensure fairness  
17 and opportunity for everyone. All right. There  
18 will be a five-minute timer that is visible to  
19 everyone.

20 Once you begin to testify, you'll have  
21 the timer. You will see your time, and I'm  
22 asking that everyone comply with the time limits.  
23 Everyone will have an opportunity to testify  
24 today.

25 I've also asked our IT in person to

1 post in the chat the witness list. So these are  
2 the folks that have informed us previously that  
3 they will testify. I will be calling the  
4 witnesses in this order.

5 If your name is not on the list, at  
6 the end of the hearing once we are done, please  
7 identify yourself and I will allow you to  
8 testify. What I'm also going to do is I'm going  
9 to call probably panels of three to four  
10 individuals per time to testify. So I'll  
11 probably call all the ANCs together.

12 And if at least on the list if you are  
13 identified from the same organization, I will ask  
14 that you all testify -- I will ask our IT  
15 specialist to elevate your rights so you will be  
16 all identified. But I will have -- what I will  
17 do, I'm going to ask the IT specialist to each  
18 time elevate four individuals -- a maximum of  
19 four individuals unless you are -- unless there's  
20 more than four individuals in a specific group to  
21 testify. So we'll have a group of four or more  
22 persons on the screen each time identified to  
23 testify.

24 If you have any questions, please put  
25 them in the chat and we will start. So let me



1 find our list that's next in the chat. So you'll  
2 have an idea when it is that I will be elevating  
3 your rights. So hold on. Get to my list so I  
4 can start calling the first panel.

5 So the first panel that I'm going to  
6 ask the IT specialist, Mr. Orellana, to elevate,  
7 Mr. Orellana, can you please elevate Chuck  
8 Elkins, ANC Commissioner 3D, Mr. Max Ewart, ANC  
9 Commissioner 1A, Mr. Zachary Adams, ANC  
10 Commissioner 2B, Mr. Jeffrey Rueckgauer, ANC  
11 Commissioner -- and I apologize if I butchered  
12 your name -- ANC Commission 2B, and Mr. Chander  
13 Jayaraman, ANC Commissioner 6B. Can you please  
14 elevate those individuals to testify, please?

15 MR. ORELLANA: I do not see Max Ewart.

16 CHAIRPERSON ANDERSON: All right. So  
17 all right. So I'll ask everyone to turn their  
18 camera on. And you should see -- you'll also see  
19 an on-screen timer for five minutes.

20 And I will -- so I'm going to call --  
21 good morning, everyone. So what I'll ask  
22 everyone to do is to identify themselves for the  
23 record. So let's start with Mr. Chuck Elkins.  
24 Can you -- who is Mr. Elkins? Can you please  
25 just identify yourself for the record? And I'll

1 start the timer if I can figure out how to do  
2 that. Once you identify yourself, I'll start the  
3 timer.

4 MR. ELKINS: Thank you, Mr. Chairman.  
5 I'm Chuck Elkins, ANC Commissioner for 3D01.

6 CHAIRPERSON ANDERSON: All right.  
7 Good morning, sir. Go ahead, sir.

8 MR. ELKINS: Well, thank you, Mr.  
9 Chairman. In my written testimony to you,  
10 members of the Board, I make five  
11 recommendations. But we'll focus on the first  
12 three in this oral testimony.

13 But I do hope the Board will read my  
14 complete testimony and justification for these  
15 recommendations. As you know, serving as an ANC  
16 Commissioner is a voluntary job. So each of us  
17 have other lives.

18 In my case, it happens that for 25  
19 years I worked at the Federal Environmental  
20 Protection Agency where I served for several  
21 years as the senior manager of the Nationwide Air  
22 Pollution Program. And therefore, you should not  
23 be surprised that I am focused on smoke today.  
24 That is exposure to secondhand cannabis smoke  
25 from the Safe Use Treatment Facilities, SUTFs,

1 and the summer gardens. While I'm not an expert  
2 in the capture and treatment of the products of  
3 combustion cannabis, it is my professional  
4 opinion that the proposed regulations provisions  
5 for SUTFs and summer gardens as now written could  
6 prove to be a disaster for both applicants and  
7 ABCA.

8 The problem with the current draft is  
9 this. The counsel was careful in its cannabis  
10 amendment to strike a balance between the needs  
11 of the cannabis users and the needs of those who  
12 might be exposed to second-hand smoke from  
13 cannabis combustion at the SUTFs. Recently, a  
14 Supreme Court -- a Superior Court judge in the  
15 District struck the same balance between users  
16 and the public as you may have read in the  
17 Washington Post this morning.

18 Specifically, the council directed as  
19 you know that the licensee must collect the  
20 polluted air, run it through a control device,  
21 and ensure that he has eliminated all detectable  
22 odor, smoke, and byproducts of combustion so as  
23 to prevent any and all public nuisances. The  
24 current draft regulation, however, does not  
25 reflect this directive. In order for a licensed

1 applicant to be sure he is not creating an SUTF  
2 that turns out to be a nuisance, he must become  
3 familiar with the construction of airtight rooms,  
4 the necessary level of air exchanges in order to  
5 capture the smoke, air pollution equipment that  
6 will in fact successfully treat the smoke, and  
7 the proper discharge of the treated air which may  
8 still smell despite the best control equipment in  
9 order to keep it out of nearby businesses and  
10 residences.

11 In fact, not only does the license  
12 applicant need to understand these technical  
13 matters but so does, I believe, the ABCA Board  
14 and staff. Of course, one could argue that the  
15 Board should leave it up to the private sector,  
16 the license applicant in this case, to figure  
17 this all out, letting the Board simply enforce  
18 the nuisance provisions. However, preventing  
19 problems in the first place is almost always  
20 easier and cheaper than trying to fix them after  
21 the fact.

22 If the Board determines that an SUTF  
23 is creating a nuisance, the Board will need to  
24 shut it down. But at a potential loss of  
25 thousands of dollars and investment by the

1 licensee and perhaps in the case of a smaller  
2 licensee drive them into bankruptcy. This  
3 drastic action may occasionally be necessary, but  
4 it would be so much better to prevent the  
5 problems from the start by having the Board, the  
6 staff, and the potential licensees gain an  
7 understanding of exactly what is required in  
8 order to be able to create an SUTF that will not  
9 be a nuisance in the first place.

10           The proposed regulation provides no  
11 such guidance and asks for so little information  
12 about the construction and the equipment that the  
13 Board -- about the construction and equipment  
14 that the Board and the public will not be in any  
15 sort of position to head off disasters in the  
16 making. The Board and the staff need to be told  
17 by the applicant in detail what he plans to do.  
18 And then the Board needs to know enough to tell  
19 the applicant whether or not what he proposes to  
20 do is likely or unlikely to be successful in  
21 aborting the creation of the prohibited nuisance.

22           So my recommendations are as follows.  
23 Delay the SUTF and the summer garden portions of  
24 the regulation and hold a separate set of  
25 hearings to focus on the technical aspects of

1 running a nuisance free SUTF and summer garden  
2 and then finalize these provisions separately.  
3 Recommendation No. 2 is once those regulations  
4 revised are in place, initially approve only a  
5 very few SUTFs and summer gardens until the  
6 Board, the staff, the applicants, neighbors, and  
7 ANCs learn through experience how these  
8 provisions can be effectively and fairly enforced  
9 and remedied if they are determined to be out of  
10 compliance.

11 I envision lots of problems with  
12 having to use an inspector's nose to detect  
13 violations. And just to finish my last one very  
14 quickly, Mr. Chairman, suggesting you be very  
15 judicious in choosing where these summer gardens  
16 are located. Thank you.

17 CHAIRPERSON ANDERSON: Thank you, sir,  
18 for your testimony. And we have received your  
19 written testimony. And I have reviewed them, and  
20 we will take them into consideration. Thank you  
21 for appearing this morning. Thank you, sir. All  
22 right. Mr. Zach Adams, state your name. Go  
23 ahead, sir.

24 MR. ADAMS: Good morning. My name is

25 --

1 CHAIRPERSON ANDERSON: Mr. Adams, I  
2 can't hear you.

3 MR. ADAMS: -- M-S. I am ANC --

4 CHAIRPERSON ANDERSON: Go ahead, sir.

5 MR. ADAMS: You cannot hear me?

6 CHAIRPERSON ANDERSON: Go ahead, sir.

7 I can hear you. Go ahead.

8 MR. ADAMS: Oh, okay. You can hear  
9 me? Okay.

10 CHAIRPERSON ANDERSON: All right.

11 Hold on. All right. So --

12 (Simultaneous speaking.)

13 CHAIRPERSON ANDERSON: Okay.

14 MR. ADAMS: -- Circle and the west end  
15 of U Street -- can you --

16 CHAIRPERSON ANDERSON: Let's start  
17 over again because I'm having --

18 (Simultaneous speaking.)

19 CHAIRPERSON ANDERSON: So let's start  
20 again. Go ahead, sir.

21 (Simultaneous speaking.)

22 CHAIRPERSON ANDERSON: All right. All  
23 right. Mr. Adams, are you in the same location?

24 Is there anyone else in that area with you who's  
25 online? All right. I'll give you another

1 opportunity, sir, to testify. Go ahead, Mr.  
2 Adams.

3 MR. ADAMS: Can you hear me?

4 CHAIRPERSON ANDERSON: There's a  
5 delay. There's a delay. So I hear you, like, 20  
6 seconds or 5 seconds after you speak. What I'll  
7 ask you to do, Mr. Adams, why don't you log out  
8 and log back in. Let me move on to the next  
9 person and then I will come back and call you.  
10 Okay. So let me call Mr. Jeffrey Rueckgauer.

11 MR. RUECKGAUER: Thank you. It's  
12 Jeffrey Rueckgauer. I'm the Commissioner for  
13 2B02. And also my testimony today is based on  
14 conversations and other experiences with the ANC.  
15 But it does not reflect an official ANC 2B  
16 position.

17 The cannabis regulation that's being  
18 considered has considerable improvement in  
19 expansion of the existing regs and it's become  
20 largely consistent with the existing alcoholic  
21 beverage regulation. There are a number of  
22 issues that bear further examination and  
23 clarification so as to not create confusion or  
24 greater burden upon our volunteer Commissioners.  
25 I begin with Section 5200.1 and .2, the distance



1 requirements.

2 This section specifies that a cannabis  
3 business other than courier cannot be sited  
4 within 300 feet of schools, rec centers, except  
5 the main entrances of commercial or industrial  
6 sites. Retailers cannot be located within 400  
7 feet of another. The regs don't specify who  
8 performs this measuring.

9 I presume it would be ABCA, and I  
10 recommend it be ABCA to determine that as part of  
11 the application intake process and decline it so  
12 it does not become something the ANC  
13 Commissioners have to deal with. In the alcohol  
14 regs, Section 25-314 uses 400 feet from schools  
15 except for restaurants and hotels or another  
16 establishment at the time of the application. It  
17 would be helpful to either make these uniform or  
18 clarify why the distance of only 300 is suitable  
19 for cannabis versus 400 feet for alcohol.

20 And 5421.5, the appropriateness  
21 criteria for an applicant as defined, these  
22 essentially are the same as the liquor  
23 establishments. It includes residential parking  
24 and vehicular and pedestrian safety, including  
25 the availability of parking near the

1 establishment. In the alcohol context, this  
2 refers to impacts on parking by employees and  
3 customers.

4 With respect to road delivery and  
5 courier businesses which would be allowed in  
6 mixed use zones, this could create a particularly  
7 disrupted conditions without a mandatory traffic  
8 control plan required. There was a GoPuff list  
9 on delivery service on 22nd Street between my  
10 apartment building and another building. Their  
11 drivers constantly block the alley, frequently  
12 preventing residents from getting in or out,  
13 blocking trash trucks and moving bins.

14 There was also frequent double parking  
15 on 22nd Street which caused congestion,  
16 unintended noise from horns being blown. I  
17 recommend a requirement that if a cannabis  
18 business that will rely upon or generate traffic  
19 in a mixed use zone or adjacent to a residential  
20 zone must provide a DDOT approved traffic control  
21 plan to mitigate conflicts or congestion. Seeing  
22 that this is a new program that needs to build  
23 experience with the many different situations and  
24 experiences for owners, neighborhoods, and ANCs  
25 that license renewals be on a two-year rather

1 than three-year cycle for at least the first two  
2 renewal cycles.

3 This will be provide a better  
4 framework for debugging the process and  
5 addressing problems that may arise much sooner.  
6 5417.1 specifies 50 percent of all new  
7 cultivation, manufacturing, internet, retailers  
8 (audio interference) be set aside for social  
9 equity. It's laudable to build equity into the  
10 system.

11 However, this should be refined so  
12 that 50 percent requirement does not prevent all  
13 establishments opening if there aren't enough of  
14 the missing operator supply. It also does not  
15 specify if the equity ratio is aggregate citywide  
16 or is at a quadrant or coordinate. 5425 needs  
17 better explanation, possible revision.

18 For alcohol applications, the notices  
19 go to ANCs within 600 feet of where the  
20 establishment is or will be located and any  
21 registered citizen associations. For cannabis,  
22 it's all the ANCs in the ward who are noticed and  
23 allowed to weigh in, reject, and know citizen  
24 associations. The rationale for this in the  
25 corresponding potential for more than one ANC

1 entering into a settlement agreement with a  
2 business must be clarified.

3 Citizens associations frankly will be  
4 outraged to being excluded as parties to the  
5 renewal process is something clearly of concern  
6 to them. While it may prove expeditious to  
7 consolidate all public comment through ANCs,  
8 there are situations where a citizens group held  
9 a dissenting view from their ANC. It's important  
10 that all residents' views are considered as  
11 parties with standing when deciding whether to  
12 approve a business.

13 It also must be explained why all ANCs  
14 in the ward are soliciting. I urge this to be  
15 made the same as for alcohol licensing. The  
16 primacy of the ANC where a business is located  
17 must not be subjected to contradiction or  
18 dilution by other ANCs. Businesses having Safe  
19 Use Treatment Facility and/or summer garden  
20 should be required -- I'm sorry -- should be  
21 required to have someone who has certification  
22 for emergency medical aid present at all times  
23 and open for public use.

24 They would be able to provide  
25 immediate aid such as CPR, using a defibrillator

1 in an emergency until EMS arrives. As you're all  
2 aware, the smell of smoked marijuana has become  
3 pervasive everywhere, even around buildings where  
4 smoking tobacco or cannabis is prohibited.  
5 Borrowing a paradigm from bars well established  
6 may religiously follow the law, they have zero  
7 control over customers once they exit the  
8 premises nor does ABCA have any enforcement  
9 authority. There's nothing stopping someone from  
10 opening a container and lighting up in the street  
11 as police are unlikely to intervene.

12 (Simultaneous speaking.)

13 MR. RUECKGAUER: -- recommend  
14 including a requirement that a no smoking zone  
15 within 25 feet of property is authorized by D.C.  
16 code and that ANCs include this in their  
17 settlement agreements.

18 CHAIRPERSON ANDERSON: All right.

19 (Simultaneous speaking.)

20 CHAIRPERSON ANDERSON: All right.

21 Thank you. Everyone, you can submit your written  
22 comments to ABAC.LEGAL@DC.GOV. You still have an  
23 opportunity to send your written comments to the  
24 agency at ABCA.LEGAL@DC.GOV.

25 Mr. Jayaraman, you can go. And I'll

1 get back to you, Mr. Adams. So all right. Thank  
2 you, Mr. Rueckgauer. Mr. Jayaraman, you go  
3 ahead, please. Please spell and state your name.

4 MR. JAYARAMAN: Thank you for the  
5 opportunity to testify on this important timely  
6 topic this morning. My name is Chander  
7 Jayaraman, and I'm here as an ANC Commissioner  
8 for 6B06 and not on behalf of ANC 6B. I  
9 currently serve as ANC 6B's alcohol beverage  
10 committee and I have held the same position for  
11 six of the past eight years.

12 I'm here today to propose some common  
13 sense recommendations to the proposed rules that  
14 will reduce the adverse impact on public health,  
15 protect our children, and maintain peace, order,  
16 and quiet in our communities. First, let me  
17 start with the enormous amount dry cannabis  
18 purchased by right for personal use each and  
19 every month. Eight ounces, that's half a pound.

20 For Board members who don't know what  
21 eight ounces or half a pound of dry cannabis  
22 looks like, let me show you. This is a two  
23 gallon bag filled with eight ounces of dried law  
24 grass. It's 14 inches tall, 12 inches wide, and  
25 2 inches thick.

1           In my research, I found that you can  
2           make about 450 joints with eight ounces of grass  
3           which if smoked in a month would be the  
4           equivalent to smoking five and a half packs of  
5           marijuana cigarettes a week or 15 a day.  
6           According to the American Lung Association, smoke  
7           from marijuana combustion is shown to contain  
8           many of the same toxins and carcinogens as  
9           tobacco smoke which we all know can damage the  
10          respiratory system. Allowing the sale of eight  
11          ounces of dry cannabis per month coupled with the  
12          right to self-certify would be reckless and  
13          contribute to increased lung cancer among a list  
14          of other adverse health effects.

15                 ABCA has been given the charge the  
16          control the responsible use of cannabis. I  
17          encourage ABCA to strike a balance between  
18          responsible cannabis use and medical need. This  
19          can be achieved by lowering the maximum amount a  
20          person can buy each month to four ounces but  
21          allow for the purchase of additional amounts with  
22          a prescription from a doctor.

23                 My second point is regarding the  
24          availability of a summer garden endorsement for  
25          cannabis retailers. In my view, this is

1 premature and fraught with problems. In ANC 6B,  
2 approximately 70 to 80 percent of businesses on  
3 commercial blocks are adjacent to a residential  
4 property, usually the rear of the premises.

5 Likewise, many of the spaces that can  
6 be used as a summer garden are also located at  
7 the rear of the property. This sets up a no win  
8 situation for both retailers and residents  
9 because a puff garden would be right next to the  
10 people's backyards. Specifically Section 5626.4  
11 only prohibits odor from being detectable on the  
12 interior of the dwelling with the windows closed  
13 but does not protect the right of residential  
14 property owners and families to peaceably enjoy  
15 their backyards and not have to worry about their  
16 children breathing secondhand cannabis smoke.

17 Just this morning, Washington Post  
18 reported on a ruling that neighbors can't allow  
19 their marijuana smoke to affect others with a  
20 judge stating that, quote, the public interest is  
21 best served by eliminating the smoking nuisance  
22 and the toxins as it deposits into the air,  
23 toxins that involuntary smokers have no choice  
24 but to inhale, unquote. I would recommend that  
25 ABCA delay implementation of the summer garden



1 endorsement for cannabis at the present time.  
2 Alternatively, I would recommend that ABCA  
3 prohibit the issuance of a summer garden  
4 endorsement for cannabis where the summer garden  
5 is located adjacent to one or more residential  
6 properties, even if these properties are  
7 separated by a narrow alley.

8 Third, I would like to respectfully  
9 request that the renewal year for cannabis  
10 retailers not fall on the same year as renewals  
11 for restaurants and tavern licenses. As chair of  
12 managing the renewal process for ANC 6B through  
13 two cycles with over 50 restaurants and tavern  
14 licenses. And all this creates a tremendous  
15 amount of work for Commissioners and I suspect  
16 for ABCA staff and ABCA board members as well.

17 Adding the renewal of cannabis  
18 establishments to the same renewal schedule as  
19 restaurants and taverns is, in my opinion, self-  
20 inflicted insanity. Finally, the application  
21 process as described by ABCA is unfair and may  
22 result in a chaotic scramble for retailer  
23 applicants. At a recent training on the proposed  
24 rulemaking, ABCA announced that applications for  
25 retailer cannabis license would open on November

1 1st and licensees would be approved on a first  
2 come, first served basis.

3 This Hunger Games approach would  
4 disenfranchise longer operating cannabis  
5 businesses and result in applicants completing  
6 for line placement by camping outside of the  
7 Reeves Center on October 31st in order to get  
8 ahead of other retailers within 400 feet of their  
9 store. ABCA should consider implementing a more  
10 organized approach that supports retailers who  
11 have been operating quietly in an area for  
12 multiple years. By giving longtime retailers  
13 with the first opportunity to become licenses  
14 would be a more equitable approach and less  
15 destructive to current customers.

16 In a worst case scenario, a well-  
17 established retailer will see their business  
18 shuttered and their investment lost because of  
19 their place in line. On a related note, the  
20 regulations state that 50 percent of all retail  
21 licenses would be issued to equity applications.  
22 Put another way, the number of total retailer  
23 licenses would be capped at twice the number of  
24 equity licenses and then increased on a one-to-  
25 one basis.

1                   So for 100 equity applicants that are  
2 approved, then the maximum number of total  
3 license would be capped at 200 and then only  
4 increase when another equity application is  
5 approved. I ask a rhetorical question of whether  
6 this is what the law and applicant intended.  
7 Surely applicant did not intend for unlicensed  
8 retailers to continue operating with the threat  
9 of being shut down until additional equity  
10 licenses enter the market.

11                   (Simultaneous speaking.)

12                   MR. JAYARAMAN: Again, I would like  
13 thank you for the ABCA Board for holding this  
14 public hearing, and I would be pleased to answer  
15 any questions you may have.

16                   CHAIRPERSON ANDERSON: All right.  
17 Thank you, sir. Mr. Adams, let me see where --

18                   MR. ADAMS: Yes, can you hear me all?

19                   CHAIRPERSON ANDERSON: Yes, I can hear  
20 you, sir. Go ahead.

21                   MR. ADAMS: Great. Thank you for your  
22 patience here. Good morning, everyone. I'm Zach  
23 Adams, Z-A-C-H A-D-A-M-S, ANC for 2B08. And much  
24 like Commissioner Rueckgauer, I am here on behalf  
25 of myself and my SMD, not on behalf of ANC 2B.

1 I cover a chunk of North Dupont Circle  
2 and the west end of U Street. I'd like to thank  
3 ABCA for taking the time to have this meeting and  
4 hear stakeholders including ANCs and for  
5 thoughtfully engaging in this cannabis license  
6 rulemaking process. I'm making three short asks  
7 here.

8 I ask for further harmonization of  
9 cannabis licensure requirements, in particular  
10 the distance requirements between cannabis  
11 locations and schools and between each other.  
12 These licensure requirements -- they cause  
13 legislative burden on ANCs who need to keep them  
14 all straight when negotiating settlement  
15 agreements and informing their constituents. I  
16 ask for there to be an established submission  
17 period for applications so that it's not first  
18 past the post and that the speed at which  
19 applications are submitted does not give an  
20 advantage to any application looking for a  
21 license.

22 I think this will only result in  
23 frustration as businesses are subject to the  
24 whims of the online portal or mail service. For  
25 those of you who participated in the vaccination

1 lottery in D.C. or have participated in any  
2 sneaker drop, you may empathize with this. And  
3 someone participating may give up trying to  
4 submit or feel like the system is unfair if this  
5 is not met.

6 I also lastly ask that criminal  
7 background checks are eliminated fully from  
8 applications, not just for the social equity  
9 applications as I believe that they are  
10 inconsistent with the social equity lens of the  
11 new licensing process. That's it for me. Thank  
12 you all very much and I'm here for questions.

13 CHAIRPERSON ANDERSON: All right.  
14 Thank you, sir. Any questions by any board  
15 members of the three -- I'm sorry, of any of the  
16 persons who testified? Any questions by any  
17 Board members?

18 I don't have any questions at this  
19 moment. But I will advise -- remind all parties  
20 to please send us a copy of their written  
21 testimony to ABCA.LEGAL@DC.GOV. And the comment  
22 period will remain open until -- you have a 30-  
23 day period. You have a 30-day period to  
24 continue.

25 Yeah, I don't have any questions for

1 any of the parties. Just because since I was not  
2 -- the Board wasn't privy to your questions that  
3 we couldn't formulate any questions to ask. But  
4 I know someone talked about the location and  
5 who's going to do the measurement.

6 ABCA will provide the measurement to  
7 all the parties. So the same for alcohol, we're  
8 the one who will provide the measurement with the  
9 distance. So that's something that is taken care  
10 of.

11 And I know Mr. Jayaraman, you talked  
12 about the eight ounces. I think so far you're in  
13 the minority because we have gotten many, many  
14 submissions by patients and others regarding the  
15 eight-ounce limitations. So the Board will be  
16 look at that.

17 But your visual at least for me made  
18 sense because I've never seen eight ounces  
19 myself. But thank you for the visual. All  
20 right. So I want to thank you for your  
21 presentation today. And you're welcome to submit  
22 your written comments to [ABCA.LEGAL.DC.GOV](mailto:ABCA.LEGAL.DC.GOV).  
23 Thank you very much. All right.

24 So let me call the second panel. All  
25 right. Thank you. So the second panel that I'm

1 going to call now is that I'm going to call --  
2 I'm asking Mr. Orellana to please elevate Hannah  
3 Clarke, Meredith Kinner, John McGowan, those  
4 three people I'm asking that they be elevated,  
5 please.

6 MR. ORELLANA: One second.

7 CHAIRPERSON ANDERSON: Thank you.

8 MR. ORELLANA: Apologies, Chairman.

9 Can you repeat that list one more time?

10 CHAIRPERSON ANDERSON: The last person  
11 would be -- I'm sorry -- John McGowen. The  
12 Meredith Kinner and John McGowen from the Kinner  
13 and McGowen Group. And Hannah Clarke from the i-  
14 71 Committee.

15 MR. ORELLANA: For some reason, I  
16 can't elevate Hannah Clarke.

17 CHAIRPERSON ANDERSON: Hannah Clarke.

18 MR. ORELLANA: One second. There we  
19 go.

20 CHAIRPERSON ANDERSON: All right.  
21 Thank you. All right, everyone. So let's start  
22 with Hannah Clarke. I would like everyone to  
23 turn their camera on if they have that ability.

24 All right. Good morning, everyone.  
25 So let's start with you, Ms. Clarke. So can you

1 please identify yourself for the record? And you  
2 have five minutes, please. I can't hear you,  
3 ma'am.

4 MS. CLARKE: Hi, can you hear me now?

5 CHAIRPERSON ANDERSON: Yes, ma'am,  
6 yes.

7 MS. CLARKE: I'm Hannah Clarke. I'm  
8 the executive director for the i-71 Committee.  
9 Do you need me to spell my name?

10 CHAIRPERSON ANDERSON: Yes, ma'am,  
11 please.

12 MS. CLARKE: Yes, sir. H-A-N-N-A-H C-  
13 L-A-R-K-E. Thank you for the attention today.  
14 I'm going to head into my testimony.

15 I want to give first thanks to the  
16 ABCA Board staff and other attendees of today's  
17 public hearing. I'm the executive director of  
18 the i-71 Committee. The i-71 Committee is a  
19 coalition of citizens, industry leaders, and  
20 stakeholders who recommend passing equitable,  
21 fair, and socially conscious cannabis  
22 legislation.

23 We prioritize safe and equitable  
24 access for all. We are excited for the future of  
25 the cannabis industry in D.C. to join the



1 pioneers in a regulated market. We're a diverse  
2 industry reflective of the fabric of this great  
3 city, employing people of color, women, veterans,  
4 disabled, and LGBTQ identifying people.

5 The i-71 Committee has 24 due paying  
6 members who employee D.C. residents, pay D.C.  
7 taxes, host and support charitable events, and  
8 make contributions to local nonprofit  
9 organizations. While ensuring that the members  
10 of our committee operate with the highest  
11 standards and provide safe and quality cannabis  
12 products, the i-71 Committee is working to ensure  
13 D.C. like every jurisdiction has the ability to  
14 make its own decisions around cannabis access and  
15 regulation without interference from U.S.  
16 Congress. The i-71 Committee is thankful to the  
17 ABCA Board, its staff, the D.C. Council, and the  
18 mayor for their collective efforts to create a  
19 more equitable and high functioning cannabis  
20 industry.

21 We believe that the proposed  
22 regulations are a massive step in the right  
23 direction. However, we do share some concerns.  
24 Firstly, it is evident that there are not enough  
25 supply and cultivation in Washington D.C. support

1 to meet the demand that accounts for the total  
2 market value.

3 The current infrastructure lacks the  
4 capacity with the demand for cannabis products.  
5 We have been in communication with licensed  
6 medical operators who agree and echo the same  
7 concern. The shortage poses a challenge for both  
8 existing and potential retailers as they would  
9 struggle to source sufficient cannabis to satisfy  
10 consumer needs.

11 By postpone recent licenses, we can  
12 allow for cultivation operations to expand and  
13 fulfill the market demand adequately. This  
14 ensures the consistent and sustainable supply  
15 chain for retailers leading to a healthier  
16 overall market. The second is business  
17 regulatory environment would be crucial for the  
18 success and longevity of the cannabis market in  
19 Washington, D.C.

20 To foster an environment that  
21 encourages entrepreneurship, innovation, and  
22 investment, regulations must strike a balance  
23 between compliance and flexibility. It is the  
24 committee's opinion that this legislative body  
25 should postpone retail licenses so policy makers

1 can reassess, refine existing regulations to  
2 ensure they are conducive to business growth and  
3 market development. By postponing retail  
4 licenses, policy markets can carefully evaluate  
5 the equity landscape and implement measures to  
6 support and empower existing operators which may  
7 include targeted programs, resources,  
8 partnerships aimed at providing technical  
9 assistance, access to capital and other support  
10 services necessary for their success.

11           Prioritizing equity not only fosters  
12 social justice but also enriches the diversity  
13 and inclusivity of the cannabis market. In  
14 conclusion, I urge this committee to support the  
15 postponement of cannabis retail licenses in  
16 Washington, D.C. By doing so, we can address the  
17 current supply and cultivation of locations,  
18 foster business friendly regulatory environment,  
19 prioritize equity and social equity for existing  
20 operators, and develop regulations based on  
21 unique market indicators.

22           Delaying licensure for retail  
23 businesses allows for a more comprehensive  
24 evaluation of the market dynamics and consumer  
25 preferences. The cannabis industry is rapidly

1 evolving and is essential to gather the data and  
2 insights from existing retail establishments  
3 before introducing players into the market. By  
4 observing and analyzing the performance of  
5 current retail businesses, we can better  
6 understand the demand patterns, market  
7 saturation, and potential areas for growth. This  
8 approach enables policy makers to make informed  
9 decisions, objective decisions that foster a  
10 healthy and competitive marketplace. Thank you.

11 CHAIRPERSON ANDERSON: Thank you, Ms.  
12 Clarke.

13 MS. CLARKE: Of course.

14 CHAIRPERSON ANDERSON: Ms. Kinner, can  
15 you identify yourself for the record, please?

16 MS. KINNER: Yes, thank you. I'm  
17 Meredith Kinner. I am an attorney at Kinner and  
18 McGowan. And actually my colleague, John  
19 McGowan, is going to be speaking on behalf of our  
20 firm.

21 CHAIRPERSON ANDERSON: All right,  
22 fine. Go ahead, Mr. McGowan. Can you please  
23 identify yourself for the record, please?

24 MR. MCGOWAN: It's John McGowan. I'm  
25 an attorney in D.C. with Kinner & McGowan. May I

1 begin testimony?

2 CHAIRPERSON ANDERSON: Sure, go ahead,  
3 sir. And I'll give you some more time since I  
4 had both of you separately. So go ahead.

5 MR. MCGOWAN: Thank you so much.  
6 Yeah, thank you for the opportunity to testify  
7 today on the Medial Cannabis Emergency and  
8 Proposed Rulemaking. We're submitting this  
9 comment on behalf of our clients and other  
10 industry stakeholders that plan to apply for  
11 medical cannabis license with ABCA throughout the  
12 year in 2023.

13 Our law firm, Kinner & McGowan, was  
14 established in the District in 2015 with a  
15 primary practice area focused on cannabis law.  
16 Since inception, we have witnessed, like, the  
17 evolution of the gray market firsthand, from pop-  
18 up shops to brick and mortars and e-commerce  
19 delivery companies. In our eight years of  
20 practice, we've had the opportunity to counsel  
21 with a significant number of unlicensed  
22 operators, i.e., i-71 operators and also other  
23 ancillary stakeholders in the District's gray  
24 market.

25 We believe this experience gives us a

1 unique perspective on this issue and insight on  
2 how ABCA can amend the proposed rules to make  
3 D.C.'s medical cannabis market practically more  
4 inclusive. We do commend ABCA for envisioning an  
5 expanded program that promotes social equity and  
6 provides some kind of mechanism for eligible  
7 unregulated operators to actually become  
8 licensees in the District. However, as currently  
9 drafted, the proposed rules will significantly  
10 limit the number of social equity applicants that  
11 will actually be able to apply and qualify and  
12 fails to provide an actual pathway to licensure  
13 for the majority of otherwise qualified  
14 unlicensed operators that will be applying.

15 Now we do recognize that the ABC  
16 Board's authority is regulatory, not statutory,  
17 and that amending the D.C. code provisions are in  
18 the purview of the council. However, ABCA is  
19 ultimately responsible for the administration of  
20 the program and does have the authority to amend  
21 the proposed rules to account for certain  
22 problems created by the statutory language. The  
23 following comments are intended to propose a  
24 variety of ways ABCA could amend the proposed  
25 rules to make the regulated cannabis market more

1 inclusive for all applicants, including  
2 unlicensed operator applicants.

3 First, the criteria for determining an  
4 applicant's social equity status as far too  
5 narrow and should be expanded to be more  
6 inclusive. Social equity status is key to  
7 becoming licensed this year because social equity  
8 licenses are definitively uncapped. As such, the  
9 criteria for social equity should be expanded to  
10 include more prongs and encompass more social  
11 equity applicants.

12 The definition of social equity as  
13 proposed in the rules represents a drastic  
14 departure from social equity measures that have  
15 been implemented in other jurisdictions. The  
16 goal of an effective social equity program in the  
17 context of cannabis, medical cannabis, must be  
18 inclusion, must create opportunities for  
19 individuals impacted by the criminalization of  
20 cannabis to enter the legal cannabis market as  
21 beneficial owners. More broadly, social equity  
22 programs are intended to create pathways for  
23 economically disadvantaged communities to benefit  
24 from legalized cannabis through employment quotas  
25 for all licensees and community reinvestment

1 initiatives.

2           These dual social equity goals are  
3 accomplished by focusing the criteria both on  
4 applicant ownership as well as applicant  
5 employees and contractors. Second, if applicant  
6 does not expand the social equity criteria, they  
7 should amend the criteria to allow applicants to  
8 satisfy one prong instead of two in order to  
9 qualify for social equity status. The proposed  
10 rules require an applicant to satisfy two or more  
11 of the social equity criteria proposed.

12           Amending the rule to require an  
13 applicant to satisfy only one or more of the  
14 criteria would increase the number of applicants  
15 that would be able to actually qualify for social  
16 equity status. A one-prong approach also would  
17 in term have a trickle-down effect across the  
18 entire spectrum of application in all subsequent  
19 open application periods. Specifically, it would  
20 affect nonsocial equity applicants because the  
21 number of nonsocial equity licenses that ABCA can  
22 award including unlicensed operators is  
23 contingent on the number of social equity  
24 licenses that have already been awarded.

25           It stands to reason that if an



1 applicant can satisfy one of the three prongs for  
2 social equity, they should reasonably satisfy any  
3 social equity applicant standard that the council  
4 envisioned. Further, the one-prong approach will  
5 not diminish the council's intention of promoting  
6 a fair and equitable program. Third, the 50  
7 percent social equity set-aside should not be  
8 applied to unlicensed operators in the November  
9 1st, 2023 open application period.

10 The proposed rules apply the set-aside  
11 to all licensees. However, this should not be  
12 applied to the unlicensed operators or the rules  
13 should be amended to apply the social equity set-  
14 asides specifically to applicants that apply in  
15 the 2024 nonsocial equity application period. By  
16 limiting the 50 percent social equity set-aside  
17 to future applicants only, ABCA could satisfy the  
18 statutory requirement for the set-aside while  
19 still offering an uncapped number of licenses to  
20 qualifying unlicensed operators as it has been  
21 suggesting throughout its guidance.

22 The extremely restrictive criteria for  
23 social equity coupled with the 50 percent set-  
24 aside will practically speaking when this all  
25 plays out prevent the majority of unlicensed

1 operators from transitioning to the medical  
2 cannabis market. Denying these operators that  
3 otherwise meet the statutory qualifications for a  
4 license will have ramifications frankly on the  
5 viability of the program based on supply and  
6 demand issues and undermine the council's goal of  
7 transitioning good faith business owners from the  
8 gray to the regulated market. Another issue with  
9 this is there is no way to determine the number  
10 of licenses that will be set-aside or available  
11 for unlicensed operator applicants during the  
12 November 1st period until after the application  
13 period has passed.

14 This is because ABCA is not offering  
15 social equity retail licenses until 2024. But  
16 it's offering retail licenses for unlicensed  
17 operators in 2023. This disconnects and create a  
18 situation where applicants for unlicensed  
19 operators licenses that otherwise meet all the  
20 statutory regulatory requirements for licensure  
21 will be left waiting for an indefinite time  
22 period for ABCA to determine if it can license  
23 nonsocial equity applicants during the actual  
24 period.

25 Many applicants while they're waiting

1 will likely be incurring significant expenses  
2 such as paying rent for commercial property and  
3 also the 8,000-dollar non-refundable application  
4 fee while waiting for ABCA to determine the set-  
5 aside limits on licenses. This could also by  
6 capping the number of unlicensed operators by  
7 applying the set-aside to them could also lead to  
8 unintended consequences for the program. This  
9 means effectively that the unlicensed operators'  
10 licenses will be capped.

11 And this critical fact conflicts with  
12 multiple representations made by ABCA that  
13 licenses are uncapped for unlicensed operators.  
14 ABCA has provided guidance for unlicensed  
15 operators or suggests that applications submitted  
16 during the application period will be reviewed on  
17 a rolling basis. However, practically speaking  
18 as I just mentioned, there will be no way as the  
19 proposed rule suggests as now for ABCA to process  
20 applications on a rolling basis while also having  
21 to wait until the next until the next application  
22 process to determine what the license cap is.

23 It may just be, like, we accept your  
24 application. Now you're in a holding pattern  
25 until we figure out what the numbers are until

1 next year. The practical implications of ABCA  
2 inviting qualified unlicensed operators to  
3 transition to the regulated market only to deny  
4 the majority of these operators the opportunity  
5 to enter the market are significant and will  
6 disrupt several small business centers in the  
7 District. This was not what the council  
8 intended.

9           There's a popular perception we have  
10 heard among unlicensed operators that the  
11 council's effort to license and regulate the gray  
12 market is really a de facto Venus flytrap, right?  
13 It's designed to lure them in to the regulatory  
14 ambit only to deny them and eviscerate their  
15 livelihood and the real opportunity to become  
16 licensed, or worse, not actually having a license  
17 for them to actually obtain. This perception is  
18 not unfounded.

19           ABCA has repeatedly represented that  
20 similar to liquor licenses, licenses for  
21 unlicensed operators will be noncompetitive and  
22 uncapped. But the notion of an uncapped number  
23 of licenses also ostensibly eliminates the  
24 significant financial risk associated with a glut  
25 of applications applying for a very limited

1 number of licenses. Finally, the 50 percent  
2 social equity set aside is also problematic  
3 because it does not account for a scenario where  
4 there are no social equity applicants that apply  
5 in one or more categories.

6 For instance, there's currently an  
7 application timeline going on right -- time  
8 period now. If there are no social equity  
9 applicants that apply the current social equity  
10 application window from May 1st to June 29th,  
11 2023, there will be no new cultivator  
12 manufacturer licenses available for the general  
13 public making the open licensing application  
14 period for nonsocial equity manufacturer and  
15 cultivation licenses that going to be available  
16 to the public in August effectively moot because  
17 there will be zero available.

18 CHAIRPERSON ANDERSON: Mr. McGowan,  
19 thank you very much for your testimony today,  
20 sir. I remind you that you have until June 21st  
21 to submit comments -- your written comments to  
22 ABCA.LEGAL@DC.GOV. All right.

23 MR. MCGOWAN: Thank you for your time.

24 CHAIRPERSON ANDERSON: Thank you. Any  
25 questions by any Board members of any of the

1 witnesses who testified this morning?

2 MEMBER GRANDIS: Mr. Chairman?

3 CHAIRPERSON ANDERSON: Yes, Mr.  
4 Grandis. Go ahead.

5 MEMBER GRANDIS: Thank you. Mr.  
6 McGowan, thank you for taking time out of your  
7 work schedule to provide testimony and written  
8 testimony today. We appreciate the guidance that  
9 the public can give us, so thank you for that.

10 In reading your testimony, I may be  
11 confused. And that's easy because this is a  
12 subject that we all are learning and working on  
13 thing. But is it the law firm's perspective that  
14 one of the ways to be considered a social equity  
15 applicant is that they've had a conviction? And  
16 if they did not have a conviction, they would not  
17 be eligible under the program we're trying to  
18 establish?

19 MS. KINNER: I can actually speak to  
20 that if that would be okay, Mr. Grandis. So the  
21 regulatory -- the proposed rules say that to  
22 qualify for the second prong of the social equity  
23 criteria, so that's the qualifying family member  
24 prong, that family member has to have been  
25 incarcerated due to a conviction. And we

1       corresponded with ABCA's general counsel about  
2       this.

3                   And they confirmed that, yes, in fact,  
4       that qualifying family member, they have to have  
5       been incarcerated due to a conviction. It cannot  
6       be because they were in jail overnight. It  
7       cannot be because they were in jail leading up to  
8       trial which was eventually dismissed. It has to  
9       be due to a conviction. Does that answer your  
10      question?

11                   MEMBER GRANDIS: Yeah. Ms. Kinner, am  
12      I saying your name close enough? Ms. Kinner, is  
13      that correct?

14                   MS. KINNER: I'm sorry. I can't hear  
15      you.

16                   MEMBER GRANDIS: Ms. Kinner?

17                   MS. KINNER: Oh, I'm sorry. I  
18      couldn't hear you. Can you say that again?

19                   MEMBER GRANDIS: Can you hear me now?

20                   MS. KINNER: Yes, I can. My fault.  
21      I'm very sorry.

22                   MEMBER GRANDIS: That's cool. So your  
23      last name is Kinner. I hope I'm pronouncing it  
24      somewhat --

25                   MS. KINNER: Kinner.

1 MEMBER GRANDIS: -- correct.

2 MS. KINNER: Kinner, yes, Meredith  
3 Kinner.

4 MEMBER GRANDIS: Okay. Thank you for  
5 your perspective. We will look into that to the  
6 understanding you have to make sure that what is  
7 intended to be in the statutory and regulatory  
8 provisions accurately match what the law that was  
9 adopted says. So thank you for pointing that  
10 out. Let me ask either one of you. Have you  
11 counseled your clients who I think you say would  
12 fall in the current i-71 provision that after  
13 that provision sunsets that they could no longer  
14 be for sale or gifting cannabis?

15 MS. KINNER: Oh, yes.

16 MEMBER GRANDIS: And your firm is  
17 supportive of that requirement?

18 MS. KINNER: Yes. I mean, I think if  
19 there is a good faith attempt and there is a good  
20 faith -- more than attempt. If there is a good  
21 faith effort as John stated in our comment to  
22 actually allow -- this is an opportunity to  
23 envision that I think if they're given a fair  
24 opportunity, they need to comply with the law  
25 once that safe harbor provision sunsets. We've



1 counseled our clients to that effect.

2 MEMBER GRANDIS: But this is what the  
3 government is trying to do is handle a privilege,  
4 not a right --

5 MS. KINNER: Of course.

6 MEMBER GRANDIS: -- correct?

7 MS. KINNER: No, of course. It's if  
8 they otherwise meet statutory qualifications and  
9 if the social equity set-aside that's preventing  
10 them from becoming licensed, that is what we  
11 think could create a problem. I mean, we're  
12 referring to -- when I'm speaking of people who  
13 can go through that and become licensed, I'm  
14 speaking of otherwise qualified i-71 applicants.

15 MEMBER GRANDIS: So Ms. Kinner, so  
16 this is theoretical. So it's possible that there  
17 may be a disagreement. And if I could use that  
18 concept between what the government is trying to  
19 do which is to regulate and not have the Wild  
20 West, there could be a situation where you all  
21 would advise your clients to go back to counsel  
22 to extend.

23 And this hypothetical because quite  
24 frankly, it has been a concern with our legal  
25 market and how to make sure our legal market is

1 successful. So just know that we appreciate the  
2 fact that you are counseling your clients, that  
3 there is a sunset on this at this time. Ms.  
4 Clarke? Hello, Ms. Clarke? Can you hear me?

5 MS. CLARKE: Yes, hello.

6 MEMBER GRANDIS: Are you a resident of  
7 D.C.?

8 MS. CLARKE: As of 2023, I am in  
9 Arlington County. For the last three years, I  
10 have been in Ward 2.

11 MEMBER GRANDIS: And I think you  
12 mentioned in your testimony something about  
13 taxes. I think you said that if I understood  
14 that you are an executive director of an entity  
15 called the i-71 Committee.

16 MS. CLARKE: Yes.

17 MEMBER GRANDIS: So has taxes been  
18 determined? How do you determine taxes?

19 MS. CLARKE: Business taxes --

20 MEMBER GRANDIS: I'm sorry?

21 MS. CLARKE: There are sales tax,  
22 business tax, payroll tax. A lot of these i-71  
23 businesses who are trying to be as compliant as  
24 possible to prepare themselves into this  
25 regulated market, they have documentation, like,

1 Certificate of Clean Hands or Certificate of Good  
2 Standing. So they don't owe the District more  
3 than 100 dollars. They --

4 MEMBER GRANDIS: But the taxes, what  
5 is it based on? My understanding that a number  
6 of these retailers are gifting and not selling.

7 MS. CLARKE: So part of the gifting  
8 process is to have tangible goods and services.  
9 So those technically are what sales tax is being  
10 applied to.

11 MEMBER GRANDIS: Okay. Thank you.  
12 And do you know as part of being a member of this  
13 171 committee that's a retailer, do they test  
14 their products that they are gifting or selling?

15 MS. CLARKE: There are avenues in  
16 which specific retailers have the ability to  
17 test. But the District does not have protocol  
18 for these stores at the moment, although we are  
19 continuing working to create some sort of  
20 collaboration between future licensed businesses  
21 and opening new testing facilities.

22 MEMBER GRANDIS: And are your members  
23 prepared to shut down if they do not qualify for  
24 a license under the current provisions for each  
25 social equity of the other licensing

1 opportunities within this 300 and so many days?  
2 Are they prepared to stop gifting or selling  
3 cannabis products?

4 MS. CLARKE: The understanding of the  
5 committee is that once they either are approved  
6 for a conditional license or approved for a  
7 retailer in a retailer cultivation manufacture  
8 license, there's a period of time where they will  
9 have to shutter operations on top of that. They  
10 also understand that there is a sunset period  
11 within that safety harbor.

12 MEMBER GRANDIS: And your committee  
13 understands that once they are licensed that they  
14 have to purchase the cannabis products from our  
15 cultivating centers?

16 MS. CLARKE: Yes, they are. And  
17 actually, one of our largest focuses is on  
18 providing support for the current cultivation  
19 facilities in the District, either expanding  
20 their current operating processes or focusing  
21 primarily on adding new cultivation licenses, new  
22 manufacturing licenses which will bring more  
23 supply to the i-71 demand that they've been  
24 shouldering for the last eight, ten years.

25 MEMBER GRANDIS: Ms. Clarke, I want to

1 thank you and I want to thank the law firm for  
2 the time of answering my concerns. I want to  
3 thank you all very much.

4 (Simultaneous speaking.)

5 CHAIRPERSON ANDERSON: Thank you. All  
6 right. Thank you very much. I thank everyone  
7 for their participation this morning. And just  
8 want to remind you that you can send your written  
9 testimony to ABCA.LEGAL@DC.GOV. You have until  
10 June 21st to send comments for this hearing, or  
11 you can -- once regulations are published, you  
12 have 30 days after to do that. But thank you  
13 very much for your presentation this morning.

14 So let me call the next set of  
15 witnesses. So I'm calling -- so Mr. Orellana,  
16 can you please elevate Antione Pritchett, Sr.,  
17 Antione Pritchett, II, Rabbi James Kahn, Rabbi  
18 Jeffrey Kahn, Stephanie Kahn, and Joshua Kahn.  
19 Can you please elevate them?

20 MR. ORELLANA: Apologies, Chairman.  
21 Was the last person Donald Temple?

22 CHAIRPERSON ANDERSON: No, no. I'm  
23 not calling him into this panel. Joshua Kahn is  
24 the last person. So everyone from Takoma  
25 Wellness and from Renee and Andria Health, yes.

1 MR. ORELLANA: Okay. They should be  
2 elevated.

3 MR. PRITCHETT, II: There should be  
4 another Antione Pritchett, Sr. that should've  
5 been elevated. I'm the second.

6 CHAIRPERSON ANDERSON: Right. Yes, I  
7 did call Antione Pritchett, Sr. and Antione  
8 Pritchett, II.

9 MR. PRITCHETT, II: Thank you, Mr.  
10 Chairman.

11 CHAIRPERSON ANDERSON: So do we have  
12 everyone here now? All right. So let me state -  
13 - sorry. Good morning, everyone. So let me  
14 start with Mr. Antione Pritchett, Sr.

15 Good morning, sir. Good to see you  
16 again. So can you please start by spelling and  
17 stating your name? Not -- I'm going with -- I'm  
18 sorry. Let me see.

19 I'm going down the list. I'm going to  
20 go with --oh, I'm going with Mr. Pritchett, Sr.  
21 All right. So I guess that's a person who's  
22 about to speak. Good morning.

23 MR. PRITCHETT, SR.: Good morning,  
24 sir.

25 CHAIRPERSON ANDERSON: Mr. Pritchett,

1 Sr. can start.

2 MR. PRITCHETT, SR.: Good morning,  
3 sir. How are you?

4 CHAIRPERSON ANDERSON: I'm well,  
5 thanks. Go ahead. You have five minutes.

6 MR. PRITCHETT, SR.: Thank you. Good  
7 morning to the wonderful members of the Board and  
8 my fellow stakeholders this morning willing to  
9 listen to a person who had a little experience in  
10 the regulated market. My name is Antione  
11 Pritchett, Sr. and I hope to one day soon be able  
12 to help my son and his business partners, launch  
13 Renee and Andria Health in D.C. as the COO.

14 I will not bore you with credentials  
15 but simply say I've been there, done that, and  
16 got the t-shirt, in D.C. and Maryland. What I  
17 would like to speak about are parts of the  
18 legislation as it currently exists and some  
19 things that are not in there but could be. Most  
20 importantly, I want to talk about how the  
21 legislators, the regulators, and the operators  
22 can work together to make the D.C. cannabis  
23 market the bellwether for the country.

24 Teamwork makes the dream work. When  
25 it comes to a regulated market like cannabis,

1 that cannot be any truer. The market is  
2 comprised of legislators, regulators, and  
3 operators.

4 So much of what makes a market  
5 successful is the cooperation amongst all the  
6 oars in the ships that has regulated cannabis.  
7 It was originally tossed around that there would  
8 be an advisory board that would include industry  
9 experts, industry operators, regulators, and  
10 legislators. I would like to recommend -- we put  
11 a panel together to talk about what makes sense  
12 and what doesn't make sense with operator input.

13 For instance, if a batch fails testing  
14 which is covered by Section 6600, then there are  
15 no methods of recourse or remediation. No one is  
16 perfect including testing labs and cultivators.  
17 So there should be a method of retest  
18 remediation.

19 By not including language that allows  
20 for retest remediation, you might be dooming  
21 smaller growers who don't have the volume of  
22 flowers to withstand the loss of an entire  
23 harvest. Considering that cannabis businesses as  
24 they stand right now do not have bankruptcy  
25 protection, this could spell the end for a



1 smaller grower like a social equity applicant.  
2 Allowing for retest and remediation through  
3 processing would enable a cultivator to at the  
4 very least recoup some of the expenses of growing  
5 that harvest.

6 Since adulterated was specifically  
7 spelled out in the legislation, how it can be  
8 retested and remediated needs to be spelled out  
9 as well or simply remove the words unfit for use  
10 and then spell out acceptable remediation  
11 methods. The specifics of how and why this is  
12 something that an advisory panel would tackle. A  
13 social equity advisory board would work with  
14 current social equity applicants to figure out  
15 what their hurdles are so that with each  
16 iteration or amendment to the program, it gets  
17 even stronger.

18 And an advisory panel would help to  
19 drive this. This will give legislators and  
20 regulators an opportunity to hear the points of  
21 pain when standing a cannabis business up from a  
22 social equity perspective, of course, the most  
23 crucial of which being raising capital. Unlike  
24 other businesses that have access to traditional  
25 lending sources, most cannabis businesses are

1 launched by trading equity for capital.

2           Unfortunately, there's nothing in the  
3 bill that makes sure to take this issue to  
4 account when helping social equity applicants to  
5 be successful and still lawful. As the program  
6 moves forward, this needs to be addressed. And  
7 my hope is that there will be some emergency  
8 legislation to account for capitalization and how  
9 it can be accomplished in the current legal  
10 framework for cannabis business, mainly an  
11 amendment that deals with the capitalization  
12 hurdle.

13           Bringing all the oars together with an  
14 advisory board to better inform a policy should  
15 be something that D.C. would be looking to be the  
16 bellwether for. Creating a social equity board  
17 to flesh out the details for social equity  
18 applicants and best practices to help them be  
19 successful. Enacting legislation that accounts  
20 for the way a cannabis business is capitalized  
21 will help to better set a social equity applicant  
22 up for success.

23           Creating regulations that protect the  
24 public and promote good business practices can  
25 only be accomplished by rowing the regulated

1 cannabis boats with all the oars working  
2 together. Hearing from operators help to inform  
3 what regulations do and how they affect their  
4 business. But working together with operators, a  
5 regulator becomes someone that the operator looks  
6 to for guidance.

7 But without the input of operators,  
8 some regulations don't provide for a safe or a  
9 better product. Just creates an additional cost  
10 for doing business. I would ask as we move  
11 forward, there's more communication with the  
12 current operators, the current licensees, and  
13 that we concentrate on rowing the cannabis ship  
14 in the right direction.

15 So much is riding on these success of  
16 this program. And we all owe our very best  
17 efforts and voices to ensuring that D.C. is  
18 poised for a market explosion and market  
19 evolution. And I would recommend that we get the  
20 oars together in the form of advisory boards so  
21 we row D.C. cannabis boat towards success instead  
22 of possibly rowing in a circle. I would like to  
23 thank the Board for their time and consideration  
24 this morning and looking forward to helping row  
25 D.C. towards being the bellwether for cannabis in

1 this county.

2 CHAIRPERSON ANDERSON: Thank you, Mr.  
3 Pritchett, Sr.

4 MR. PRITCHETT, SR.: Thank you, sir.

5 CHAIRPERSON ANDERSON: All right. Mr.  
6 Pritchett, II. Go ahead, sir.

7 MR. PRITCHETT, II: All right. Good  
8 morning, Chairperson as well as to the ABC Board  
9 and my fellow stakeholders. I want to thank you.  
10 My name is A-N-T-I-O-N-E P-R-I-T-C-H-E-T-T.  
11 Suffix is Roman numeral II. And I'm the CEO of  
12 Renee and Andria Health, the first medical  
13 cannabis CBE to be approved for a license in  
14 Washington, D.C.

15 We believe that the newest regulations  
16 are a step in the right direction. But as we've  
17 already submitted written comments to ABCA and  
18 Antione Sr. has touched on a few of our concerns,  
19 I'd like to shift the discussion with my  
20 testimony today. It is my professional opinion  
21 that the shortcomings of the emergency  
22 regulations are merely symptomatic of the root  
23 cause of our current objections as well as the  
24 source of many of the challenges we face not just  
25 in the District but in the industry as a whole,

1 the lack of adequate, proactive, and clear  
2 communication and collaboration between those who  
3 regulate the businesses and those who run them.

4 So often in this industry, policy is  
5 enacted without consulting subject matter experts  
6 on how to best accomplish the goal of effective  
7 regulation and the industry professionals,  
8 business owners, and the public are left to deal  
9 with the fallout. The role of government in a  
10 capitalist economy as defined by the  
11 international monetary fund is to maintain an  
12 orderly environment that facilitates proper  
13 functioning of markets. And for the government  
14 to accomplish this objective, it requires they  
15 meet industry in the middle, establishing opening  
16 channels of communication between the regulators  
17 and the regulated.

18 This is why every other industry in  
19 the United States has a seat at the table when  
20 policy is being made. Yet somehow despite the  
21 unparalleled over-regulation, taxation, and  
22 complexity of the cannabis industry, we are still  
23 the only industry that does not have a seat at  
24 that table. These newest emergency regulations  
25 are only one example of the many symptoms of the

1 regulatory dysfunction that current plagues our  
2 industry throughout the country.

3           Every other state has taken the same  
4 anti-business approach to regulating cannabis.  
5 And it has backfired each time, largely to the  
6 detriment of social equity operators like myself.  
7 The smaller the operator, the larger the risks  
8 associated with operating a cannabis business.

9           And I think the Board would agree that  
10 inadvertently erecting additional barriers to  
11 success is neither the goal nor the function of  
12 government. The only benefactors of poorly  
13 crafted regulations are those with the resources  
14 and money to withstand the unnecessarily elevated  
15 costs of doing business, in other words, multi-  
16 state operators. The more we are regulated  
17 without making social equity licensees a  
18 meaningful part of the conversation, the more  
19 regulators will contribute to the shuttering of  
20 those social equity businesses and the thriving  
21 of corporate giants and conglomerates whose chief  
22 goals is to eliminate competition.

23           You'd be essentially doing their job  
24 for them while harming the people you claim to  
25 champion, and no one wants that. So let me be

1 clear. I'm not here to lambast ABCA or the Board  
2 but to illustrate the gravity of this  
3 unprecedented opportunity which will not come  
4 again.

5 We will not have another chance to  
6 develop this market. And if done improperly, the  
7 consequences will be dire for many vulnerable  
8 people. With the District's cannabis market  
9 entering a new phase of development under ABCA,  
10 it requires that we adopt a new approach to how  
11 we accomplish our common goals.

12 Those goals being to establish and  
13 grow a stable medical cannabis market which  
14 provides patients with safe, high quality  
15 medicine and ample choice, to provide real  
16 opportunities for social equity applicants in the  
17 District to create generational wealth, and to  
18 help undo the damage done by the war on drugs,  
19 and to make Washington D.C. the international  
20 benchmark for what a cannabis market and a social  
21 equity program can be when regulation is rolled  
22 out and executed properly. I can tell you that  
23 in the absence of meaningful conversation, the  
24 stated goals of the Board will be undermined and  
25 the outcome of the D.C. medical cannabis market

1 will likely echo that of other more developed  
2 markets where social equity businesses will  
3 largely fail. And without bankruptcy protection,  
4 people's lives will be destroyed.

5 And the only ones left standing at the  
6 end will be profiteering multi-state operators.  
7 Therefore, I implore any and everyone at the D.C.  
8 counsel, ABCA, the Board, DSLBD, and all  
9 Password other governmental stakeholders to speak  
10 with myself and other industry experts on how to  
11 avert this crisis and take a stand for their  
12 standards which we all espouse: diversity,  
13 equity, and inclusion. Let us work together to  
14 create what we all envision for Washington, D.C.  
15 and its residents, a thriving medical cannabis  
16 market which provides patients with consistent  
17 relief and Black and Brown entrepreneurs in our  
18 nation's capital with unprecedented opportunity.

19 To accomplish an unprecedented goal,  
20 unprecedented measures are necessary. And to  
21 that aim, my recommendation to facilitate this  
22 meaningful conversation is to create a social  
23 equity advisory commission as Antione Sr. alluded  
24 to, chaired by stakeholders such as subject  
25 matter experts, social equity business owners,



1 and members of the public. I am open to any and  
2 all dialogue necessary to realize this  
3 recommendation and welcome all collaborators who  
4 share the same values and goals. Thank you for  
5 your time.

6 CHAIRPERSON ANDERSON: Thank you, Mr.  
7 Pritchett, II. All right. So let's have Rabbi  
8 James Kahn.

9 RABBI JAMES KAHN: Thank you.  
10 Chairman Anderson --

11 RABBI JAMES KAHN: Good morning --  
12 good afternoon, sir. Go ahead.

13 RABBI JAMES KAHN: Good afternoon,  
14 Chairman Anderson and distinguished Board  
15 members. My name is Rabbi James Kahn. And in  
16 2013, my family opened Takoma Wellness Center, a  
17 D.C. owned independent mom-and-pop medical  
18 cannabis dispensary which is now home to more  
19 than 55 full-time staff members, mostly D.C.  
20 residents.

21 As you know, the cannabis industry is  
22 facing immense challenges. Onerous tax laws,  
23 banking restrictions, cumbersome regulations have  
24 all combined along with an over-saturation of  
25 licenses and unchecked competition from the

1 legacy market. And it's proven too much, even  
2 for big businesses.

3 A recent report by Whitney Economics  
4 studied more than 400 licensed dispensaries  
5 around the country. Only 26 percent had turned a  
6 profit in 2022. This is not sustainable,  
7 especially for small businesses.

8 To make matters worse, cannabis  
9 entrepreneurs cannot access traditional sources  
10 of capital, making it difficult to weather even  
11 normal market downturns and leaving us vulnerable  
12 to predatory lending practices. And as Antione,  
13 Sr. mentioned, we also lack the protection  
14 afforded by federal bankruptcy laws, leaving too  
15 many struggling business owners, especially those  
16 of social equity applicants and license holders  
17 saddled with the nightmare of generational debt,  
18 not the dream of generational wealth. Far too  
19 many have been and will continue to be forced to  
20 sell as distressed assets purchased by one of a  
21 handful of uber-wealthy corporations destined to  
22 monopolize our industry.

23 Companies with pockets deep enough to  
24 endure cannabis' slim margins and immense tax  
25 obligations capable of riding out the storm. Now

1 I'm not here to depress but to highlight the  
2 power of regulations, to highlight your power as  
3 regulators. Over the past decade, I've watched  
4 as the District's cannabis regulations have  
5 evolved in ways that have strengthened D.C.'s  
6 cannabis license holders, first by allowing  
7 reciprocity with other states, then by increasing  
8 purchase allotments and finally through self-  
9 certification.

10 You have a lot of new licenses only  
11 when demand existed and when supply was in place.  
12 These actions have allowed D.C.'s cannabis market  
13 to endure, even in the face of a lot of  
14 challenges and have kept D.C.'s original group of  
15 cannabis license holders, one of the most diverse  
16 in the nation, in control of their businesses and  
17 largely have kept large multi-state operators  
18 out. Unfortunately, many of those regulatory  
19 protections are set to disappear.

20 The Medical Cannabis Act of 2022 puts  
21 an end to D.C.'s license caps, opening the door  
22 to market saturation, price compression, and  
23 further divvying up an already small market.  
24 Maryland's Adult Use Program will make the  
25 situation even more challenging, offering our

1 customers access to cannabis without forms or  
2 fees. To continue to thrive, D.C. once again  
3 needs your help and needs its regulators to help  
4 bolster our industry, not to diminish it.

5 One such regulation already exists,  
6 the expansion of ABCA's nonresident visitor  
7 passes to include both short and long-term  
8 options at discounted rates. However, ABCA's  
9 decision to wait to institute that change until  
10 October 1st is a missed opportunity with real  
11 world implications. We have seen patients  
12 reluctant to purchase monthly passes, knowing  
13 more economic options are coming in October.

14 And patients that purchase them must  
15 be convinced to do so again every 30 days. This  
16 is no easy feat with so much competition  
17 surrounding us. In short, this decision is  
18 costing stores critical income and costing D.C.  
19 lost tax revenue.

20 Please reconsider this and allow us to  
21 implement that change as soon as possible. And  
22 please consider the other changes that will be  
23 requested by my colleagues today. Let's not wait  
24 for D.C.'s program to decline and for businesses  
25 to close or to be sold to large operators before

1 we act. I am proud of the District's program,  
2 and I want to thank you for all you've done to  
3 make that the case. Thank you.

4 CHAIRPERSON ANDERSON: Thank you, sir.  
5 So we'll have Rabbi Jeffrey Kahn speak. Rabbi  
6 Kahn, Jeffrey Kahn?

7 RABBI JEFFREY KAHN: Yes, good  
8 afternoon, Chairman Anderson and members of the  
9 ABCA Board. I am Rabbi Jeffrey Kahn, a Ward 4  
10 resident and business owner. My family and I  
11 founded D.C.'s very first medical cannabis  
12 dispensary, Takoma Wellness Center, in 2013 after  
13 participating in the application process form  
14 2011.

15 We're now celebrating our tenth  
16 anniversary of serving the public. Today, I want  
17 to call your attention to language in Section  
18 301.1 of the regulations, the maximum amount of  
19 medical cannabis concentrates a qualifying  
20 patient or a caregiver may possess or purchase  
21 within a 30-day period which will be reduced from  
22 eight ounces to eight grams. There are several  
23 reasons why some medical cannabis consumers may  
24 require high dose cannabis products to achieve  
25 significant benefits, as much as eight ounces a

1 month.

2                   Medical conditions, certain medical  
3 conditions require higher doses of cannabis to  
4 effectively manage symptoms, for example,  
5 patients with severe chronic pain, multiple  
6 sclerosis. Cancer-related pain may find that  
7 lower doses are insufficient. Tolerance  
8 development, cannabis consumers develop a  
9 tolerance over time, requiring higher doses to  
10 achieve the desired effect.

11                   Individual psychology, every person's  
12 psychology is unique -- physiology is unique,  
13 sorry. And some individuals may require higher  
14 doses to experience the desired therapeutic  
15 effects. Treatment of resistance, in some cases,  
16 individuals may not respond adequately to lower  
17 doses.

18                   This can occur with certain medical  
19 conditions such as epilepsy or severe nausea  
20 associated with chemotherapy. And cost  
21 inconvenience, for individuals who consume  
22 cannabis regularly, using high dose products can  
23 be more cost effective and convenient. Higher  
24 potency means smaller amounts are needed,  
25 reducing overall consumption and cost in the long

1 run.

2 This can be particularly beneficial  
3 for patients who rely on cannabis for which there  
4 was no insurance or any other kind of financial  
5 reimbursement. Since 2015, we have worked really  
6 closely with counsel, our regulators both at the  
7 Department of Health and ABRA and now ABCA to  
8 increase the amount of concentrates available to  
9 eight ounces per month. That amount now meets  
10 the needs of our patients.

11 We don't have any issues. Please  
12 don't force our patients to the unregulated,  
13 untested market to get the meds they need now and  
14 we now supply them. We fixed this problem once.  
15 Please don't take away the right of D.C.'s  
16 sickest patients from legally purchasing the  
17 medicine they need. Thanks so much.

18 CHAIRPERSON ANDERSON: Thank you,  
19 Rabbi Khan. Do we have Stephanie Kahn?

20 MS. KAHN: -- very much.

21 CHAIRPERSON ANDERSON: I can't hear  
22 you, ma'am. Okay. Go ahead now.

23 MS. KAHN: Thank you. Good afternoon,  
24 Chairperson Anderson and distinguished Board  
25 members. I'm Stephanie Kahn. And you've heard,

1 my family and I have owned and operated Takoma  
2 Wellness Center for the past ten years.

3 I will be addressing one of the  
4 concerns we have with the current practice. I  
5 spend many hours a week helping patients navigate  
6 D.C.'s medical cannabis program. And I see the  
7 barriers to patient access that continue despite  
8 the many improvements that ABCA has made.

9 Too often, patients are unable to  
10 contact ABCA to work out problems because the  
11 office is closed, even though the dispensaries  
12 are open. We certainly do not expect you to work  
13 the same hours as dispensaries. But it is vital  
14 to have a workaround to allow patients who have  
15 difficulties obtaining a registration or self-  
16 certification to obtain their medication without  
17 waiting 24 to 72 hours until your office is open.

18 We request that either ABCA provide us  
19 with a list of numbers that can be allocated to  
20 these patients or that we can use their drivers'  
21 license numbers as their patient ID number as  
22 many other states do now. Allowing a workaround  
23 for medical cannabis would address this issue by  
24 enabling patients to obtain their medication in  
25 situations where they would otherwise be unable



1 to do so. During this last quarter, we've had 50  
2 patients come to us after applying for either  
3 self-certification or a non-resident visit or  
4 pass and receive neither registration nor payment  
5 link.

6 These individuals did not know if  
7 their application had been received or if they  
8 had made errors. They had no idea that if they  
9 had made errors, what those errors were or how to  
10 fix them other than to submit another application  
11 which is discouraged on the ABCA website. Many  
12 of the patients have tried to contact ABCA on  
13 their own but did not receive a response.

14 We contact ABCA on their behalf.  
15 However, 30 percent of these problems come after  
16 working hours or during weekends and holidays.  
17 And the current climate of hundreds of illicit  
18 dispensaries and some with Maryland opening a  
19 recreational program on July 1st. These patients  
20 can easily choose to go to a dispensary without  
21 restrictions, limitations, or charges.

22 We've asked numerous times for a  
23 workarround, but none has been granted. Many of  
24 the patients currently leave and go elsewhere  
25 now, and more will do so once Maryland opens up.

1 This currently affects patient satisfaction or  
2 patients blame us.

3 And we have received numerous bad  
4 reviews regarding this practice and will soon  
5 severely impact all of the licensed businesses.  
6 ABCA has worked tirelessly to ensure the D.C.  
7 medical cannabis program is a success. And we  
8 know that is your goal. Please provide us with  
9 either a list of patient numbers to be allocated  
10 or allow us to use drivers' license numbers as a  
11 workaround so that we don't continue to lose  
12 patients due to glitches and the certification  
13 process. Thank you very much for your time, your  
14 work, and your consideration.

15 CHAIRPERSON ANDERSON: Thank you, Ms.  
16 Kahn. And Joshua Kahn?

17 MR. JOSHUA KAHN: Yes. Hi, I'm Joshua  
18 Kahn, co-owner and operator of Takoma Wellness  
19 Center. I'm here to express our strong  
20 opposition to the proposed limitation on patient  
21 concentrate purchases in our medical cannabis  
22 program. Concentrates such as oils, tinctures,  
23 and edibles offer an alternative method of  
24 consumption that can be easier on patients who  
25 may have difficulty smoking or vaporizing

1 cannabis flower.

2           Imposing limitations on these products  
3 can severely impact their quality of life and  
4 push them towards more expensive and less  
5 effective pharmaceutical alternatives. For  
6 example, many patients battling progressive forms  
7 of cancer turn to RSO or Rick Simpson Oil. There  
8 have been promising reports that attest to RSO's  
9 efficacy such as severely decreasing the leukemic  
10 blast cell count in a 14-year-old terminal  
11 patient with no toxic side effects, for example.

12           Anecdotally, RSO has helped patients  
13 manage conditions such as MS, epilepsy, cancer,  
14 insomnia, chronic pain, and asthma amongst many  
15 others. However, the recommended dosing of RSO  
16 with those battling progressive forms of cancer  
17 is to ingest 20 grams of oil a month over a  
18 three-month period. These regulations would  
19 prevent patients from being able to obtain such  
20 medicine, limiting them to solely eight grams of  
21 concentrated oil per 30 days.

22           These new regulations would also  
23 unnecessarily prevent patients from easily  
24 purchasing CBD oils, CBD dominant vape  
25 cartridges, and CBD dominant concentrations as it

1 will vastly reduce the amount of flower products  
2 they'll be able to purchase. For example, a  
3 patient would now only be able to purchase -- if  
4 these regulations pass, a patient would only be  
5 able to purchase eight one-gram CBD dominant oil  
6 cartridges which contain only ten milligrams of  
7 THC in each, equaling 80 milligrams within 30  
8 days. Or they could purchase eight ounces of  
9 flower that's testing at 33 percent THC which  
10 would equate close to 74,000 milligrams of THC  
11 within 30 days.

12 By restricting concentrate purchases,  
13 we may inadvertently force patients to consume  
14 larger quantities of less concentrated forms,  
15 leading to potential over-consumption of unwanted  
16 side effects. For the patients who are unable to  
17 obtained the required dosage from legal channels  
18 may go to the illicit market, putting themselves  
19 at risk, and undermining the entire point of this  
20 well-regulated program. The proposed regulations  
21 state Colorado's regulations as a blueprint for  
22 these changes to our program.

23 However, Colorado limits are eight  
24 grams of concentrate per day, not 30 days, and  
25 allows for exemptions for patients that travel

1 far to purchase which is the majority of our  
2 patients as they're out of state. I would like  
3 to again emphasize medical patients in Colorado  
4 can purchase eight grams of concentrates per day,  
5 not per 30-days. A Colorado patient can purchase  
6 240 grams of concentrates within a 30-day time  
7 period.

8 A D.C. patient starting October 3rd,  
9 will be able to purchase 8. A Colorado patient  
10 can purchase 2 ounces of flower a day equaling 60  
11 ounces in 30 days. A D.C. patient, 8 ounces in  
12 30 days.

13 Most importantly starting July 1st,  
14 anyone can legally purchase up to 12 grams of  
15 concentrates per visit in Maryland. D.C.  
16 patients, 8 grams in 30 days. Lastly, last month  
17 alone, 25 percent of D.C.'s regulated cannabis  
18 revenue came from concentrate sales.

19 Our sales will drop and the ability to  
20 attract new patients will be undermined by  
21 regulations that seek to fix a problem that does  
22 not exist. Please leave the purchase limits  
23 alone. Our patients are counting on all of us.

24 And lastly, I also would like to just  
25 mention again July 1st anyone will be able to

1 purchase adult use cannabis in Maryland about  
2 pain for any sort of visitor pass. They'll be  
3 paying a nine percent sales tax, only three  
4 percent higher than D.C.'s sales tax on medicine.  
5 We desperately need an ability to provide visitor  
6 passes that are not 30 days, that do not cost 30  
7 dollars.

8 We need to be able to capture these  
9 patients now before they're able to purchase in  
10 Maryland without any sort of fee. We ask that we  
11 speed up the time frame of the implementation of  
12 these new categories or at the very least allow  
13 patients that do have a visitor's pass to use  
14 that visitor pass until October so we don't have  
15 to beg and plead these patients to still visit  
16 our program when they again can just simply go  
17 into Maryland with no fee for a visitor's pass.  
18 Thank you very much for your time and your  
19 consideration.

20 CHAIRPERSON ANDERSON: All right.  
21 Thank you, sir. I see everyone has testified.  
22 As I had stated in my opinion, the Board has  
23 heard from the patients and the industry. And we  
24 will revisit the eight ounce.

25 So be assured that that will be

1 revisited as part of the review process. And if  
2 the Board makes no changes to any other provision  
3 in the regulation, there will be a change in that  
4 specific one. So rest assured that we have  
5 gotten lots of comments and we've heard loud and  
6 clearly and that that is an issue that we should  
7 revisit. And we've heard and we will revisit  
8 that issue. Yes, Mr. Short?

9 MEMBER SHORT: Concur with your  
10 statement wholeheartedly. And I think that I've  
11 heard from this panel some very interesting  
12 information. And I'm enlightened and encouraged  
13 that our Board now will be able to make some  
14 decisions based on the information that we've  
15 received and from these three panels today.  
16 Thank you very much, Mr. Chair.

17 CHAIRPERSON ANDERSON: All right.  
18 Thank you, Mr. Short. I have some questions that  
19 I believe I want to ask you, Mr. Pritchett. We  
20 did receive your previous -- your written  
21 comments.

22 And so there are just some questions  
23 I want to ask you. You had indicated that the  
24 rules should contain remediation procedures if a  
25 product is found to be adulterated. Are there

1 examples of the jurisdiction, whether in the U.S.  
2 or abroad, that allows for or has procedures for  
3 this? Are you aware of any?

4 MR. PRITCHETT, SR.: Yes, Chairman.  
5 Maryland has specific requirements for retesting,  
6 so and Maryland lays it out very clearly.  
7 Depending on what the -- what your failure is  
8 for, you are allowed remediation of sorts. There  
9 is only one failure that you get -- that you get  
10 no remediation for.

11 The only thing that you do not get any  
12 remediation for is salmonella. Everything other  
13 than that, what you are allowed to do is if it  
14 fails test the first time, you can retest it. If  
15 it fails a second time, then you either have to  
16 destroy it or it has to be remediated.  
17 Remediation means simply processing that through  
18 someone who is a processor, or if you have a  
19 processing license yourself, by doing -- creating  
20 concentrates and things of that nature from that  
21 same material.

22 CHAIRPERSON ANDERSON: All right.  
23 Thank you. Now, another question, if the Board  
24 allows the testing for the product, if it's in  
25 finished form, doesn't this create a gap where



1 the product could be contaminated or adulterated?

2 MR. PRITCHETT, SR.: That's a good  
3 question. What happens is when that -- when the  
4 flower goes out for testing, no one enters or  
5 touches that sample until we get the results  
6 back. And the reason why is if you were to do  
7 anything except for keeping it in the perfect  
8 environment, you could alter it.

9 For example, if you are -- you have  
10 someone who doesn't practice great hygiene, you  
11 could actually have someone who could adulterate  
12 that product. That's why it's very important  
13 that you have SOPs in place that no product is  
14 ever touched without the proper PPE. Things like  
15 that will reduce that possibility, but also when  
16 a batch is out for testing, the access to that  
17 batch is very limited to the GM and normally the  
18 person responsible for the testing.

19 CHAIRPERSON ANDERSON: So if I'm  
20 facing the cultivator or manufacturer, aren't  
21 they responsible to ensure that a product is safe  
22 at the time of delivery to the consumer or  
23 transfer to another licensee?

24 MR. PRITCHETT, SR.: They are indeed.

25 CHAIRPERSON ANDERSON: So there is

1 another question about IP. So can concerns about  
2 IP be handled by a contract or specific  
3 confidentiality requirements in the regulation  
4 for testing labs?

5 MR. PRITCHETT, SR.: Yes. So one of  
6 the things that really makes a difference is  
7 depending on what a craft grower would be looking  
8 to do, we would consider ourselves a craft  
9 grower. So there are very specific things, what  
10 we would like to call the secret sauce, in the  
11 way that we would actually use it to create our  
12 end product.

13 Giving that and making that allowable  
14 for anyone to see, like a testing lab or  
15 something like that, I wouldn't say that they  
16 wouldn't collude with a competitor and pass that  
17 information off, but one thing you can agree,  
18 Chairman, is more people become successful.  
19 People try to look and find out why they are  
20 successful.

21 So if that is part of our success, you  
22 can believe that that will be something that  
23 would be a very sought-after item. So us being  
24 able to do that and not reveal that portion of  
25 it, it makes it safe for us to make sure that

1 nobody is going to be copying what we're doing.  
2 And because of how competitive this market is,  
3 how you fertigate and what you're going to use  
4 can change your end product, which gives you a  
5 unique selling proposition, which allows you to  
6 be successful in the market.

7 CHAIRPERSON ANDERSON: All right. You  
8 also indicated that you prefer that licensees  
9 file nutrient management plans. Nevertheless,  
10 D.C. Code Section 7-16 7-1671.5, .05, requires  
11 testing labs to provide a report regarding the  
12 presence and concentration of fertilizers or  
13 other nutrients.

14 Do you disagree that such a proposal  
15 would likely require a legislative change?

16 MR. PRITCHETT, SR.: That's correct.  
17 Because the way it's set up right now, everything  
18 that -- so residual solvents, mild toxins, heavy  
19 metals, all of that is part of the testing  
20 strategy that's laid out in regulations.

21 So if you were to use something like  
22 DDT or another growth regulator, that would show  
23 up on your testing, because those are all things  
24 that we're going to be certain -- that you are --  
25 that are set as parameters for the testing for

1 D.C.

2 CHAIRPERSON ANDERSON: This was one of  
3 the problems when you -- when you guys provided  
4 written testimony. Then everyone will have an  
5 opportunity to read it and then have questions to  
6 ask, so

7 MR. PRITCHETT, SR.: I love it.

8 CHAIRPERSON ANDERSON: But I -- but so  
9 far you have been on point in responding to the  
10 some of the concerns that -- or some of the  
11 questions that at least the agency has regarding  
12 some of the recommendations.

13 So you also indicate that leaf tissue  
14 samples

15 MR. PRITCHETT, SR.: Leave tissue  
16 samples.

17 CHAIRPERSON ANDERSON: I'm sorry?

18 MR. PRITCHETT, SR.: Leaf tissue  
19 samples.

20 CHAIRPERSON ANDERSON: Right. You  
21 said that that's too expensive. However, D.C.  
22 Official Code Section 1671.05 requires the  
23 testing lab to provide a report regarding the  
24 presence and concentration of fertilizers or  
25 other nutrients.

1                   Is there an alternative means of  
2 complying with this requirement that can be  
3 implemented by regulation?

4                   MR. PRITCHETT, SR.: Well, you already  
5 have those means in place by having a testing  
6 facility that is going to be testing for residual  
7 solvents, heavy metals, mild toxins. Those --  
8 and there are a list of banned substances that of  
9 course would show up with your current testing  
10 parameters. You wouldn't have to do anything  
11 different.

12                   If the Board were to look for a reason  
13 to create a leaf sample and have people do leaf  
14 tissue tests, I would implore the Board that if  
15 they were doing that they would be doing that for  
16 our benefit to try to eliminate the hop latent  
17 viroid, which has struck almost every other  
18 market and exists in 90 percent of the facilities  
19 in California. That is something that could  
20 hinder the industry as a whole.

21                   That is something that I would be all  
22 for, but changing it just so you can note the  
23 nutrients. A test like that -- for example, a  
24 hop latent viroid test -- those test kits run  
25 anywhere from \$7 to \$8 a test kit.

1           So when you're talking about testing  
2 each time with those leaf tissue samples, there  
3 is no specific guidance on how many plants are a  
4 part of that leaf tissue sample, how many times  
5 you need to do it. Do you need to do it in every  
6 single phase? Because of course in every single  
7 phase the nutrient combination that will be  
8 present in that plant will be different.

9           So earlier on you're going to have  
10 more nitrogen. Later on you're going to have  
11 more phosphorous. So the question would be, what  
12 are the parameters? Is it a wide scale? And  
13 for, Chairman, we're getting into those bushes  
14 for something that's already taken care of in  
15 your normal testing procedure. It just creates  
16 another burdensome cost for the business rather  
17 than creating product safety for the patient.

18           CHAIRPERSON ANDERSON: All right. So  
19 regarding flower, is there a state with a better  
20 means of comparing flower's concentrates in other  
21 products?

22           MR. PRITCHETT, SR.: Is there a state  
23 that I -- I -- do you mean in terms of looking at  
24 their total allotments?

25           CHAIRPERSON ANDERSON: No. Just

1 comparing -- I think comparing the quality of  
2 flower concentrates in other products. Is there  
3 a state that you're saying would say, okay, if  
4 you want to mimic, this is a state you can look  
5 at to see what's offered?

6 MR. PRITCHETT, SR.: So there are  
7 several on -- and it depends on which particular  
8 front you're talking about. But in terms of  
9 flower, I can tell you that Massachusetts has one  
10 of the most restrictive policies in which you are  
11 having in Massachusetts is you are having the  
12 exodus of a lot of the big players just because  
13 Massachusetts they never spoke with the  
14 operators.

15 So the requirements that they put in  
16 made it a very, very, very narrow scope by which  
17 you could be successful. So because of that, a  
18 lot of the people who invested millions of  
19 dollars are leaving that market simply because  
20 it's too hard.

21 On the opposite side you have  
22 California, where it may not be as stout as I  
23 think it could be. They are getting much better  
24 at how they are applying the rules and regulation  
25 for your flower quality. For me, for my money,

1 right now it would be somewhere, if I have to  
2 choose one, it would be Colorado, simply because  
3 of the quality of flower they actually produce.

4 I would stay away from Oregon, simply  
5 because of the adulterated market in Oregon and  
6 the fact that they are doing about 500 percent of  
7 what's supposed to be grown for the people in  
8 that area. So there are a lot of shortcuts taken  
9 because they know that that product is going to  
10 end up in the black market.

11 So, Chairman, if I were to say, I  
12 would look at Colorado, and I would also look at  
13 Maryland, look at some of the testing  
14 requirements and features and flower quality  
15 requirements they have there.

16 CHAIRPERSON ANDERSON: You also talked  
17 about security plans, and you're aware that  
18 security plans can be amended at 54 -- 15.4.  
19 Does that address your concern?

20 MR. PRITCHETT, SR.: That does.

21 CHAIRPERSON ANDERSON: And there is a  
22 rule that eliminate all plans except for security  
23 plan. Does that -- would this be sufficient for  
24 you?

25 MR. PRITCHETT, SR.: I'm going to let



1 the -- I'm going to let the big boss answer that  
2 question. I'm the weeds person. I'm into the  
3 deep details. The more grand, open concept, is  
4 more Junior. So, please, sir, please answer that  
5 question for him.

6 MR. PRITCHETT, II: Clarify the  
7 question for me, Chairperson.

8 CHAIRPERSON ANDERSON: No. There was  
9 a -- this is your comments. The rule eliminates  
10 all plans except for security plans. So that's  
11 the only plan that you have to have is a security  
12 plan. So I'm saying, is it sufficient to address  
13 your concern?

14 MR. PRITCHETT, II: So I would say no,  
15 simply because one of the things that you see,  
16 especially in an uncapped market where licenses  
17 -- the process is no longer competitive -- is  
18 that you find people who may not otherwise be  
19 qualified or have the resources to stand the  
20 business up, to do it effectively and to serve  
21 the patients in that district, or in this  
22 district specifically, become a part of that  
23 market and that runs significant risks, right, to  
24 -- not only to the public but also to themselves  
25 as business owners.

1           So I do think that it's imperative  
2           that it not just be security plans. I know that  
3           you're aware of our application process. It  
4           could also contain business plans, architecture  
5           plans, right? There are so many different facets  
6           of this business that need to be accounted for,  
7           and the -- I think I am in favor of lowering  
8           barriers to entry, but not of lowering the  
9           standard of that entrants.

10           And, for me, there needs to be an  
11           additional qualification, not just of a security  
12           plan, but also of a business plan to be included,  
13           and I would also say a cultivation plan, because  
14           if you're going to have people who are generating  
15           the product that's going to end up in this  
16           market, you want to ensure that what they are  
17           putting in that product, although there will be  
18           independent testing, there are still avenues by  
19           which that product can be adulterated.

20           So we want to make sure that we're  
21           getting qualified people into the marketplace and  
22           not just getting bodies in, because those are two  
23           different things, and I think quality matters  
24           much more than quantity does.

25           So to answer your question,

1 Chairperson, I think that security plans are  
2 necessary, but there should definitely be more  
3 required in terms of the plans required when  
4 applying.

5 CHAIRPERSON ANDERSON: All right. And  
6 so regarding 7-1671.03, 7-1671.03 limits by law  
7 where medical cannabis may be used and does not  
8 appear to allow medical use at a licensed  
9 facility even for employees.

10 Do you disagree with this reading of  
11 the law, or such a change would require a  
12 legislative change?

13 MR. PRITCHETT, SR.: So I'll jump on  
14 that one. So most -- most employees that you  
15 find within the medical cannabis industry,  
16 somewhere between 60 and 80 percent of the  
17 employees are medical cannabis patients  
18 themselves.

19 And they have this medication where  
20 they are supposed to be able to administer this  
21 medication to help what -- keep them in whatever  
22 state it may be to allow them to function, not  
23 making some kind of allowance for that. That's  
24 tantamount to having a child that's at school  
25 that has a medical condition, and you're deciding

1 they can't have it because you don't want them to  
2 have it while they're doing -- while they're at  
3 school.

4 We've seen time and time again how  
5 that has been overruled, and now cannabis can be  
6 administered to children while they are at  
7 school. The idea that an adult cannot administer  
8 their cannabis while they're at work is something  
9 that creates a hindrance, because as I said, a  
10 large portion of participants within the medical  
11 cannabis industry are medical cannabis patients  
12 themselves.

13 And I don't know if you have ever  
14 looked at what a wage scale is for most entry  
15 jobs -- entry level jobs in medical cannabis, but  
16 it doesn't pay a whole lot. People are here  
17 because they love what they do and they love to  
18 be able to help people and they know how  
19 impactful and positive cannabis can be.

20 So not allowing them to be able to do  
21 that, to medicate themselves, it could create a  
22 situation.

23 CHAIRPERSON ANDERSON: And I guess  
24 what I'm asking is, wouldn't this then require a  
25 change in the law, the regulation? So that's

1 what we're trying to clarify.

2 MR. PRITCHETT, SR.: Well, it could.  
3 But because the change in regulations that are  
4 within your purview, which this is -- and it  
5 would be for the betterment of the industry,  
6 which is within your power, that would be how you  
7 would make that change instead of it having to be  
8 legislated, because you, as the regulator, you  
9 could say, "Hey, this is -- would have a negative  
10 impact on the industry as it is written, and you  
11 can change it if" -- maybe I misunderstood that,  
12 but I thought that that was something that was  
13 within your power and your purview to make that  
14 type of change if the legislation puts an undue  
15 or unfair burden on the industry that you're  
16 regulating.

17 CHAIRPERSON ANDERSON: That's fine.  
18 All right. We'll look at it.

19 And the final question is regarding --  
20 it's regarding social equity. So the social  
21 equity program of course is established by  
22 statute. So what change would you require to  
23 allow your business to participate?

24 I know that we had had a public  
25 hearing before, so is it what we had in the

1 public hearing, or is it something different?

2 MR. PRITCHETT, II: Great question.  
3 Great question, Chairperson. So what would allow  
4 us to participate would be -- I think what's  
5 necessary is an inclusion in the parameters of  
6 that bill. I think what it currently does or in  
7 the current statute we are excluded and  
8 sequestered into what is effectively a gray area  
9 in the regulation.

10 And so I think to that point it may  
11 require a legislative change, and that's  
12 something that we are open to working with the  
13 Board and would really appreciate and welcome the  
14 Board's help in making that happen, as I'm sure  
15 you recognize that the challenges that are being  
16 faced, as we had our discussion in the hearing  
17 prior to today regarding some of those  
18 challenges.

19 So I think that getting the Board's  
20 support on those little legislative changes and  
21 to make those happen, to make sure that not only  
22 ourselves but every other social equity applicant  
23 that follows does not end up in that same  
24 legislative gray area. It is incredibly  
25 important, and it's something that we are

1 continuing to pursue.

2           And the last thing I want to say,  
3 because I know that you said this is your last  
4 question, is that I sincerely appreciate all of  
5 the Board's questions on our written comments.  
6 We did spend quite a bit of time combing through  
7 the regulations and providing those, because it's  
8 very meaningful for us and we see the value in  
9 spending time having these conversations and  
10 providing that feedback.

11           And that's exactly the nature and this  
12 -- the past 10 minutes is the -- exactly the  
13 nature of the Social Equity Advisory Board that  
14 we are proposing, because as you can see, there  
15 has been a ton of clarification and industry  
16 subject matter expertise that has been lended to  
17 this discussion that is going to allow us to have  
18 informed policy moving forward.

19           So I think everyone on the call and on  
20 the Board would agree that this has been fruitful  
21 and productive and we would absolutely love to  
22 see it continue, and I think it would be a  
23 travesty not to put something permanent in place  
24 to ensure that these discussions continue,  
25 because as we know, the regulations are going to

1 continue to change as the market develops, so  
2 let's make sure that we have the right  
3 discussions prior to those regulations becoming  
4 enacted and enforced to make sure that all of the  
5 consequences, both anticipated and unanticipated,  
6 can be accounted for and dealt with prior to  
7 those -- you know, that fallout occurring.

8 So, once again, I appreciate the  
9 Board's time. I appreciate the discussion and  
10 the questions. It has incredibly meaningful, and  
11 thank you for your time.

12 CHAIRPERSON ANDERSON: And just -- all  
13 right. Thank you. I want to -- I just want to  
14 inform the public. I'm asking questions. I know  
15 every -- I give the other Board members an  
16 opportunity to ask questions, but I am asking  
17 questions based on written -- written comments  
18 that the agency received.

19 So since I -- since we received  
20 written comments, the Board members can review  
21 those written comments and have fruitful  
22 questions to ask. I don't want to sit here and  
23 just -- off the bat just ask questions. If I saw  
24 a comment saying that why is it that questions  
25 are being asked, well, questions are being asked



1 because we got written comments that were  
2 provided previously and so, therefore, I have had  
3 an opportunity to review them. And so,  
4 therefore, I can ask questions based on the  
5 comments.

6 I do not want to ask questions off the  
7 fly based on -- based on just someone just  
8 testifying and just ask a question off the fly  
9 that -- and that's one of the reasons I have not  
10 asked questions.

11 But the only question I'm going to  
12 ask, Ms. Kahn, you had mentioned the fact --  
13 Mrs. Kahn, you had mentioned the fact about the  
14 problems that you're having or your  
15 customers/clients were having with the  
16 application.

17 Now, I have been telling folks that,  
18 no, you can go online, apply right now, and  
19 you'll get a card. So what is the problem that  
20 your customers are facing?

21 MS. KAHN: Our patients are going  
22 online, and most of the time the majority of them  
23 are able immediately to get a payment link and to  
24 pay and get their registration. But as I said,  
25 over the past quarter, 50 of them have received

1 nothing. And some of that is because of patient  
2 error. They either didn't complete it, or they  
3 completed it with information with the wrong  
4 email address, whatever. But they get no  
5 response, so they don't know what to do.

6 On the web -- on your website it does  
7 say, "Please don't submit a second application."  
8 Many of them have done that because they don't  
9 know what else to do. And then they don't get a  
10 response.

11 So what I do is I contact the ABCA  
12 offices, and your staff has been for the most  
13 part very, very timely, because often they are  
14 waiting outside, and help -- and help guide them  
15 through. But because there is -- they get  
16 confused, not everybody is -- many of our  
17 patients actually are not computer literate, and  
18 they don't understand what to do, so they contact  
19 us.

20 But 30 percent of the problems that we  
21 had over this past quarter came after hours, and  
22 obviously you can't -- you know, you can't staff  
23 your offices 24/7, I mean, or whatever our -- for  
24 our hours. But if we could have a workaround, if  
25 we could have some kind of number that we could

1 enter into metric system, so that they would be  
2 able to purchase -- because we're not -- you're  
3 just asking for their information. We have that.  
4 And then they could have that patient identifier.  
5 And then once working hours have resumed, then  
6 you would be able to get more information from  
7 them.

8 But because now they're either waiting  
9 -- we've had people wait an hour and then in  
10 anger leave, while I've been trying to contact  
11 people, or they just leave and say forget it, and  
12 they then -- right now they go a couple blocks  
13 away to the next illicit dispensary and nobody  
14 asks them anything. And starting July 1st, they  
15 are going to be able to go two blocks away from  
16 where we are and go without a problem.

17 So it causes -- and then we get nasty  
18 reviews, and it's not our fault.

19 MR. KAHN: I just wanted -- just to  
20 interject. Some of the

21 CHAIRPERSON ANDERSON: I'm sorry. I'm  
22 sorry, Mr. Kahn. You need to identify yourself  
23 for the record, so -- remember, we have a court  
24 reporter, so identify yourself, please.

25 MR. KAHN: Joshua Kahn, Takoma

1 Wellness Center, and I just want to interject on  
2 what my mom was saying regarding why it's  
3 happening. It often happens with certain email  
4 addresses. You know, when someone comes and  
5 registers using a hotmail email account, it might  
6 not -- they might not get that response so  
7 quickly as opposed to a gmail account.

8 Sometimes the system has crashed. The  
9 registry with ABCA, simply they just get a blank  
10 screen. So there has been a few days where for  
11 about an hour a few different times someone will  
12 register and just receive a blank screen. But  
13 the biggest issue is when a patient applies for a  
14 second -- for a second visitor card after the  
15 first one has expired, if they accidentally use  
16 the original payment link to pay for their second  
17 visitor's pass, it will get stuck in limbo  
18 because they need to use their -- a new payment  
19 link.

20 But it's not really written on the  
21 website, anything about this, and we often have  
22 people come to us after submitting their payment  
23 on the original payment link and they have heard  
24 nothing. So they come to us asking for help, and  
25 we hope that they come to us before 4:00 p.m.,

1 not on a weekend.

2 CHAIRPERSON ANDERSON: All right.

3 Thank you.

4 Any questions by any Board members  
5 before I move on to another panel?

6 All right. Thank you very much for  
7 your comments today. Again, written comments can  
8 be submitted on or before July -- I'm sorry, on  
9 or before July 20 -- I'm sorry, on or before  
10 July 21st at -- I'm sorry, June 21st, on or  
11 before June 21st, to [abca.legal@dc.gov](mailto:abca.legal@dc.gov) or after  
12 -- or once we have published the new regulation,  
13 then you'll have 30 days to do that.

14 So thank you very much for your  
15 appearance and testimony today. All right.  
16 Thank you very much.

17 So let me call the next panel. All  
18 right. So the next panel that I'm going to call  
19 is the Generation -- Generational Equity  
20 Movement. So Donald Temple, Mackenzie Manns, Kim  
21 Johnson, William Harris, and Lorenzo Bellamy.  
22 They're from Generation -- Generational Equity  
23 Movement. They're the folks I'm going to ask to  
24 be elevated.

25 And we're going to be off the record.

1 Give me -- I'll be off the record for about two  
2 minutes, please. Okay? I'll be off the record  
3 for two minutes. But please elevate those  
4 parties.

5 (Whereupon, the above-entitled matter  
6 went off the record at 1:02 p.m. and resumed at  
7 1:04 p.m.)

8 CHAIRPERSON ANDERSON: All right.  
9 Well, we're back on the record.

10 MR. ORELLANA: Those who are in  
11 attendance have been elevated, Chairman.

12 CHAIRPERSON ANDERSON: All right.  
13 Thank you.

14 Let me make sure that we have a  
15 quorum. We need at least -- a quorum for the  
16 agency is three Board members. We need to make  
17 sure at least three Board members are online.

18 So I do see three Board members  
19 online, so we do have a quorum.

20 All right. Now, I -- all right. Let  
21 me see. I -- and let me see who -- so let me  
22 just ask a question, Mr. -- either Mr. Mackenzie  
23 or Ms. Manns. Is everyone from your group, are  
24 they online, or are we missing anyone?

25 MS. MANNNS: Everyone is online. There

1 has been a change, Mr. Chairman. And Kim  
2 Johnson, Williams Harris, and Donald Temple are  
3 no longer testifying today.

4 CHAIRPERSON ANDERSON: Okay. Fine.  
5 I know that there was a change, but then I was --  
6 I thought -- all right. That's fine.

7 All right. So who wants to go first?

8 MS. MANNS: I'll go first. And then  
9 my colleague, Mr. Bellamy, can go after me.

10 CHAIRPERSON ANDERSON: Okay. Fine.  
11 So please identify yourself on the record, and  
12 then you can -- I'll start the timer.

13 MS. MANNS: Absolutely. My name is  
14 Mackenzie Manns, and I'm testifying on behalf of  
15 Generational Equity Movement.

16 CHAIRPERSON ANDERSON: Go ahead,  
17 ma'am.

18 MS. MANNS: Good afternoon, Chair, and  
19 Board members. Generational Equity Movement is  
20 an advocacy coalition has been successfully  
21 advocating on behalf of black-owned cannabis  
22 shops since 2019. We've organized the community  
23 twice to beat back emergency legislation that  
24 threatened to shut us down, and we've worked  
25 closely with council over last year to create the

1 law that is now in place.

2 We largely applaud the regulations  
3 that we're talking about today. We know that  
4 they represent a pared-down version of what was  
5 recently in place, and they create low barriers  
6 to access for a lot of the applicants. Although  
7 we definitely are frustrated with the social  
8 equity set aside, we understand that that issue  
9 needs to be taken up with council and not with  
10 you. And my colleague will speak more to this.

11 So we do -- really just wanted to say  
12 thank you for all the work that you put into  
13 these regulations, and we're excited for our  
14 continued communication as we watch this process  
15 play out.

16 CHAIRPERSON ANDERSON: Okay. So --  
17 all right. Let me start -- hold on. So you're  
18 going to now testify, Mr. Bellamy? Please  
19 identify yourself for the record.

20 MR. BELLAMY: Yes, Mr. Chairman.  
21 Thank you. My name is Lorenzo Bellamy, L-O-R-E-  
22 N-Z-O, Bellamy, B-E double L A-M-Y. And I am a  
23 consultant for Generational Equity Movement here  
24 to just talk very briefly about these proposed  
25 emergency regulations.



1 I want to commend you, Mr. Chairman,  
2 for in the beginning talking about the eight-  
3 ounce issue and that you all will be revisiting  
4 that. We hope that you will also consider  
5 revisiting the social equity definition. And  
6 there has been a lot of commentary on that, and  
7 so I've testified in many -- many hearings,  
8 different bodies.

9 And when you have someone in a group  
10 of folks who have testified on the same issue and  
11 pretty much are going to reiterate -- or I would  
12 be reiterating what they have already said -- the  
13 thing I would say at this point would be "Me,  
14 too."

15 So everything -- I would say that the  
16 -- Mr. Pritchett and -- Senior, the II, as well  
17 as Mr. McGowan and Ms. Kinner, when they were  
18 talking about the social equity piece, we are  
19 100 percent -- well, 99 percent with them on that  
20 and agree and hope that there will be changes  
21 made.

22 We also recognize that this is  
23 probably an issue for council, and we are  
24 reaching out and have reached out to council as  
25 recently as this morning to express our concerns

1 about the social equity piece, and hope that that  
2 can be expanded as well.

3 We also think that you, Mr. Chairman,  
4 and your colleagues on the Board can play a role  
5 on the social equity definition and expansion of  
6 it as well. And so we are asking that you would  
7 assist us and the staff at ABCA to reach out to  
8 the council. I think they are prepared to hear  
9 from you about how they can make changes through  
10 emergency legislation to the definition of social  
11 equity. We want that to be expanded and not  
12 limited as we see it in its current form.

13 There is also the possibility as well,  
14 Mr. Chairman, of even reaching out to the Mayor  
15 herself and the administration and maybe seek  
16 emergency -- executive order, excuse me, and make  
17 the change that way.

18 So I want to briefly just mention some  
19 -- some folks have been talking about Maryland.  
20 Maryland has, in my opinion, a more expansive  
21 definition of social equity. We think that is  
22 more inclusive. It doesn't limit it to, you  
23 know, simply being incarcerated, and I know  
24 Mr. McGowan mentioned maybe just looking at one  
25 of the criteria as opposed to two, and that would

1 be a potential solution.

2 But we also think by expanding it to  
3 include some of the language that is published  
4 and will become effective July 1, we think that  
5 that is a good example of how to encompass and  
6 embrace social equity.

7 We also think that -- it was mentioned  
8 about a Social Equity Advisory Board. We think  
9 that's a good idea, as long as we can make sure  
10 that for my clients who are unlicensed right now  
11 that any delay in improving social equity  
12 applicants does not run afoul of the timeline  
13 that we would have to apply.

14 I think Commissioner -- I don't think  
15 he's on -- yes, Commissioner Grandis mentioned,  
16 you know, we are aware that this a privilege, not  
17 a right. But we think that, you know, we are in  
18 good faith trying to be good actors here and hope  
19 that this Commission and potentially the council  
20 would be good actors as well to extend courtesy  
21 and grace to us to extend or at least not allow  
22 us to bump up against the safe harbor provision  
23 that will be -- that will terminate.

24 So we will be submitting comments,  
25 Mr. Chairman, following up on our testimony.

1 We're also reaching out to the council to see the  
2 appetite that it would have, some specific  
3 members of the council, who have indicated during  
4 the hearing last year and early this year that  
5 they would potentially seek emergency legislation  
6 if things look like they weren't working. And  
7 from what I'm hearing today, and from what you  
8 all are hearing today, things are not working,  
9 and potentially, you know, need some fixes. And  
10 I think you've identified some of those.

11 Many of the panelists have already  
12 talked about that, and I think there's going to  
13 be more panelists who will be bringing up some of  
14 the similar issues as well.

15 So I'm going to save you 57 seconds  
16 here. Man, five minutes goes by fast. I thought  
17 I would only be on for like a minute or two.  
18 But, anyway, I appreciate you hearing us, and I  
19 look forward to working with you and also keeping  
20 you informed about our conversations and efforts  
21 with the council.

22 Thank you very much.

23 CHAIRPERSON ANDERSON: All right.

24 Thank you, Mr. Bellamy. As you are aware, the  
25 social equity is a statute that has to be

1 addressed by the council. And I have been going  
2 to several conferences and trying to find out  
3 myself if there are states that have a -- what  
4 would -- a workable social equity program. Are  
5 there any states out there that have the programs  
6 that you could recommend? Because I -- in my --  
7 I have gone to several conferences, and I was  
8 recently in Europe. I went -- I participated in  
9 a conference -- a symposium -- the cannabis  
10 regulators of color symposium. I went to that in  
11 New York.

12 And just getting -- there were a lot  
13 of different states that were there, and I'm just  
14 -- I'm trying to find out. Does a state -- what  
15 state out there has a social equity program that  
16 works, that actually works, or that you'd  
17 recommend that this is something that needs to be  
18 -- that should be followed. And if the Board is  
19 going to recommend to the council to say, "Look  
20 at what they -- this is what the state has done.  
21 Look at this state."

22 MR. BELLAMY: Right. Mackenzie I  
23 think has the answer to that, Mr. Chairman.

24 Go ahead, Mackenzie, if you don't  
25 mind.

1 MS. MANNS: Yes. Mackenzie talking --  
2 sorry -- for the record. New Jersey is a great  
3 resource that we should be looking at. What they  
4 have is like a three-tiered system, and so they  
5 have an ongoing rolling basis for social equity  
6 prioritization. However, there is no social  
7 equity applicants in the queue, and they move to  
8 economically disadvantaged individuals, and then  
9 they move down another tier to impact zone  
10 individuals.

11 And so it really rounds out people who  
12 have been affected by the war on drugs in  
13 multiple different ways, and ensures that there  
14 is preference given to all of those individuals.  
15 I think that would be a state that you should  
16 look to for advice or answers on what we could  
17 emulate, as well as Mr. Bellamy said Maryland.

18 I think Maryland has got a great  
19 definition, and their law is really amazing  
20 because they baked in a lot of time for the Board  
21 to go back and make sure that the first round of  
22 licensings accomplish the intent and the spirit  
23 of the law.

24 That's something that D.C. doesn't  
25 have in their law, but I think is something that

1 we should look to as a practice that we could  
2 emulate.

3 CHAIRPERSON ANDERSON: All right.  
4 Thank you very much.

5 MR. BELLAMY: Mr. Chairman, if I may  
6 just -- if you don't mind, if I may just add and  
7 plug the Maryland language. And I can -- we can  
8 forward that. If you don't -- if you haven't  
9 seen it, we can certainly send that to you, and I  
10 have follow-up written testimony which outlines  
11 some of the things that Mackenzie has been  
12 talking about.

13 They have a disparity study process as  
14 well. I think there was a mention about the  
15 Social Equity Advisory Board that may be similar  
16 as well in terms of, you know, let's look at  
17 this, and is it really working, and what are the  
18 true needs and definition of social equity as it  
19 relates to the disparities that have happened in  
20 the medical cannabis and also in Maryland now  
21 with recreational.

22 CHAIRPERSON ANDERSON: Well, thank you  
23 for that. I will ask that you can submit that to  
24 ABRA -- abca.legal and, again, it's a statutory  
25 change from the council. And so whatever, if

1 that's something that you require, then of  
2 course, you know, I think you describe yourself  
3 as lobbyists, so, therefore, you need to lobby  
4 the council to have this statute changed and we -  
5 - as you know, the Board will implement -- write  
6 and implement regulations based on the statute  
7 that we are -- that -- the enabling statute.

8 MR. BELLAMY: We appreciate that.

9 Thank you.

10 CHAIRPERSON ANDERSON: All right.

11 Thank you.

12 Any questions by any Board members of  
13 this panel? Yes, Mr. Grandis.

14 MEMBER GRANDIS: Thank you. Ms. -- is  
15 it Ms. -- I'm not having your name. What's your  
16 name, ma'am?

17 MS. MANNS: Ms. Manns, Mackenzie  
18 Manns.

19 MEMBER GRANDIS: Mackenzie. Okay. I  
20 see it here. Thank you. I want to thank you for  
21 your excellent presentation today, and, you know,  
22 we had sort of a discussion about having a formal  
23 advisory board. I think what we're doing this  
24 morning is an advisory board, and you all have  
25 really -- you and the other panelists have really



1 enlightened me, and I'm sure other Board members,  
2 with your very thoughtful and good life  
3 experiences to help us frame a good program.

4 I have some -- I have some challenge  
5 of the idea of going down a ladder for social  
6 equity to the point of, let's say, being in a  
7 disadvantaged area, because -- because of life's  
8 circumstances, I have been blessed. I have had  
9 opportunities.

10 But I also could be living in a  
11 disadvantaged area, and I don't -- I don't think  
12 that -- I have a hard time seeing if in fact  
13 where I may be living would let me overstep  
14 someone who truly is who we are looking for  
15 through our council and through our agency of  
16 really helping people who, you know, have been  
17 wrongly arrested, who have had challenges of not  
18 having the economic opportunities that other of  
19 us have had.

20 So do you all have any thoughts that  
21 you all can provide after this hearing on why we  
22 should look at perhaps this -- the fact of living  
23 in a disadvantaged area? Because I worked many  
24 years on trying to be successful with the  
25 residents of Anacostia to have the Anacostia bid,

1 and the whole idea was to try to bring economic  
2 opportunity to the small businesspeople who had  
3 been there for generations but needed help  
4 through regulation to promote their neighborhood  
5 so that people wouldn't have to get in a bus or  
6 metro to find a grocery store or other type of  
7 thing.

8 So I really support the whole  
9 methodology of trying to find different levels on  
10 how we get to the right people, but maybe after  
11 this hearing you could help me, because with --  
12 with the idea of living somewhere, because I  
13 don't know if that really is a way to parse this  
14 economic opportunity, this social equity.

15 Thank you.

16 CHAIRPERSON ANDERSON: Go ahead.

17 MS. MANNS: I'll just follow up  
18 briefly that I completely agree. I think that  
19 there is an opportunity for people to use that  
20 qualification in a way that the spirit of the law  
21 and what we are trying to achieve is not, you  
22 know, what we want.

23 What I would say is that it wouldn't  
24 just be that qualification. We would pare  
25 together multiple qualifications, so that you're

1 not just having lived in a disadvantaged area,  
2 but you also potentially attended a public school  
3 in a disadvantaged area or, you know, like we  
4 have right now, you need less than 150 percent of  
5 the median income. So we would definitely work  
6 on paring together qualifications so that it  
7 cannot be abused by people who the law is not  
8 intended for.

9 MR. BELLAMY: Perfect answer.

10 MEMBER GRANDIS: Thank you.

11 Mr. Chairman, thank you.

12 CHAIRPERSON ANDERSON: All right.

13 Thank you, Mr. Grandis.

14 I would like to thank you for your  
15 presentation today. And, again, you can send  
16 written comments. Your written -- your written  
17 testimony can be provided to the agency on or  
18 before June 21st. All right?

19 MR. BELLAMY: Mr. Chairman, thank you  
20 for that. And we do recognize that it is a  
21 legislative fix, but we are also encouraging you  
22 as well to use your authority and influence as  
23 well, and flexibility as well, to review some of  
24 this on our -- you know, in support of what we  
25 are just trying to say.

1                   So I do -- we do understand. We are  
2 going to go the council -- the council route.  
3 But I think, you know, there is also a role that  
4 you and the staff at ABCA can play as well.

5                   CHAIRPERSON ANDERSON: All right.  
6 Thank you very much for your testimony today.

7                   MR. BELLAMY: Thank you.

8                   CHAIRPERSON ANDERSON: Have a great  
9 day.

10                  MR. BELLAMY: You, too, sir. Thank  
11 you.

12                  CHAIRPERSON ANDERSON: All right.

13                  All right. The next panel that we're  
14 going to call is Matt Lawson-Baker, David A.  
15 Moore, Robin Walker Salas, and Norbert Pickett.  
16 Hold on one minute, please. Hold on one minute.  
17 Just want to make sure everyone is -- all the  
18 names I called that they are elevated and we'll  
19 start.

20                  MR. ORELLANA: I believe I got them  
21 all, Chairman.

22                  CHAIRPERSON ANDERSON: All right.  
23 Thank you, sir.

24                  All right. So let's start off with  
25 Matt Lawson-Baker from Alternative Solutions.

1 Please identify yourself for the record, and then  
2 I'll turn the timer on.

3 MR. LAWSON-BAKER: Yeah. Good  
4 afternoon, Board. It's Matt Lawson-Baker here.  
5 I'm the President of Alternative Solutions'  
6 cultivation facility and D.C.'s finest.

7 We have been operating since 2015,  
8 January of 2015 in the existing medical cannabis  
9 market. And I appreciate all your work that  
10 you've done for these new regulations, and  
11 looking forward to them being implemented.

12 Today the major point that I want to  
13 bring up -- and it's to reinforce what has also  
14 already been raised previously by some of the  
15 operators -- is based on the limits that are  
16 being restricted on concentrates again.

17 I want to give you some perspective  
18 from the supply line, impacts that that will  
19 have. Right now we are talking about reducing  
20 the concentrate monthly limit to less than five  
21 percent of what it is currently. This is going  
22 to have a big impact on the market as a whole,  
23 but also this -- the expansion that is proposed  
24 with this legislation.

25 Right now the current operators are

1 obviously going to be able to easily provide  
2 enough products to that marketplace, and they  
3 will also be expanding product lines to be able  
4 to make sure that we can get as much product  
5 biomass extracted and turned into concentrate  
6 products.

7           So this will impact the new  
8 manufacturing license holders coming into the  
9 market as the current operators will be -- you  
10 know, will be utilizing most of that product. So  
11 when we're talking about trying to expand the  
12 market and provide more opportunities in the D.C.  
13 market, this is actually doing the opposite.

14           All of the points that were raised  
15 previously based on how this affects the  
16 patients, I want to reinforce those as well. A  
17 lot of patients relying on these products and  
18 they have been using them for many years now.  
19 And once you reduce this limit, it's going to  
20 have a big impact on them gaining access to their  
21 medicine and their treatments.

22           So that's the major point that I  
23 wanted to bring up for today. Thank you.

24           CHAIRPERSON ANDERSON: All right.  
25 Thank you, Mr. Baker.

1 All right. Okay. So let's have  
2 Mr. Pickett.

3 MR. PICKETT: Hello. Good afternoon,  
4 everybody.

5 CHAIRPERSON ANDERSON: Good afternoon,  
6 sir.

7 MR. PICKETT: Thank you, ABCA,  
8 Chairman Anderson, Executive Director Moosally,  
9 and the ABCA Board, for allowing me to add my  
10 voice to this discussion. Also, congratulations  
11 to ABCA, the City Council, Mayor Bowser, Chairman  
12 Anderson, Executive Director Moosally, and all  
13 the licensed operators who worked so hard and  
14 tirelessly on adopting and passing the State  
15 Cannabis Act.

16 I believe it helps advance the  
17 industry, and it's a good bill. So thank you for  
18 all that -- all those that participated on that.  
19 It wasn't easy.

20 My name is Norbert Pickett, and I'm  
21 the owner of Cannabliss, the seventh medical  
22 cannabis dispensary to come online located in  
23 Deanwood in Ward 7, in a predominantly  
24 disadvantaged and developing neighborhood east of  
25 the river.

1                   Currently, we are the only solely  
2 black-owned medical cannabis dispensary that is  
3 unionized in the United States, unionizing with  
4 the UFCW Local 400.

5                   There are two issues I would like to  
6 spotlight this afternoon, one being the ending of  
7 the sliding scale discount regulation and the  
8 second issue the 30-day concentrate limits I know  
9 that we've all been addressing earlier on in this  
10 hearing.

11                   I am uniquely qualified to speak on  
12 both issues. The original cannabis legislation  
13 provides for a sliding scale discount of  
14 so-called red box sales of 20 percent discount to  
15 economically challenged patients.

16                   The regulation is outdated because the  
17 price of cannabis has declined significantly  
18 since the regulation was created and is no longer  
19 needed because the price of cannabis has gone  
20 down more than the discount. Let me repeat that  
21 one more time. The price of cannabis has gone  
22 down more than the discount.

23                   In the beginning of the program, there  
24 was a plant count and lack of supply. Therefore,  
25 prices were high, around \$25 to \$28 per gram.



1 With the plant count cap removed, and with more  
2 supply, the price per gram has been reduced to \$7  
3 to \$9 per gram. And discounts are often on other  
4 products as well that the red box patient can  
5 take advantage of. So the regulation is no  
6 longer needed or relevant to the affordability  
7 for the patient.

8 We fought to bring down prices, and  
9 they have been reduced over 300 percent. The  
10 discount accounts for over \$1,351,239.80 in loss  
11 of revenue for Cannabliss since we opened in  
12 2019. \$1,351.239.80 of lost revenue for a new  
13 business.

14 Soon there will be 1.5 million, then  
15 2 million, then 2.5 million. When will the  
16 bleeding stop? How much more can the small  
17 solely black-owned business sustain for it not to  
18 be in the red?

19 I financed this business by myself  
20 with my own money. If this regulation is  
21 eliminated, the business can pay off its debts.  
22 If the regulation continues to exist, the  
23 business will be in debt.

24 Fifty percent profit automatically  
25 gets reduced to 30 percent profit, then gets

1 further reduced to zero percent profit after we  
2 pay for labor, income tax, unemployment tax,  
3 payroll tax, tax 280E, paid leave, workman's comp  
4 insurance, product liability insurance, legal,  
5 accounting, payroll, rent, electric bill, water  
6 bill, advertising, Dutchie, which is a POS  
7 system, POS banking fees, metric monthly fee,  
8 yearly licensing fees, packaging and labels,  
9 various government agency fees, employee badge --  
10 badges, background checks, and other expenses  
11 that are paid, none of which the illegals pay.  
12 Let me repeat that one more time. None of these  
13 illegals pay any of these costs.

14           The social equity problem and policy  
15 solution falls on dispensaries alone. As a  
16 matter of equal responsibility and spreading the  
17 financial burden of shared cost and shared  
18 benefit of this social program, cultivators  
19 should share equally in the financial impact.

20           Secondly, a disproportionate  
21 responsibility falls on those dispensaries  
22 located in poorer neighborhoods east of the  
23 river. In addition, no effort is made to  
24 maintain records of changing income by patients.  
25 Patients who are qualified are not reevaluated or

1 requalified on any periodic basis.

2           Therefore, many patients who have  
3 become employed are still taking advantage of a  
4 program they should not qualify for. We would  
5 suggest that D.C. follow the lead of other  
6 jurisdictions that provide certain products at a  
7 steep discount for patients who cannot be able to  
8 afford top shelf products. That could come in  
9 the form of what is known as flower, shake, and  
10 lower THC level tinctures, et cetera.

11           Those products should be provided at  
12 a discount to dispensaries and further discounted  
13 by the dispensaries and set aside for lower  
14 income patients. A sliding scale of discount for  
15 designated generic rather than top shelf products  
16 that parallel various levels of need could also  
17 be instituted.

18           The current system is racially  
19 discriminatory against black owners operating in  
20 black neighborhoods and doesn't spread the  
21 financial burden among those in the line of  
22 production and provision of cannabis.

23           CHAIRPERSON ANDERSON: All right.  
24 Mr. Pickett, you've exceeded your five minutes.  
25 Please submit -- please submit your written

1 testimony to the agency, so we can further  
2 explore your position, sir. Okay?

3 MR. PICKETT: Thank you, Chairman  
4 Anderson. I submitted it this morning at 10:30.  
5 Thank you.

6 CHAIRPERSON ANDERSON: All right.  
7 Thank you. I haven't seen it because I've been  
8 on this hearing, but I look forward to further  
9 reviewing it.

10 Okay. So let's have -- all right.  
11 It's the Robin Walker Salas, and that's in the --  
12 yeah.

13 MS. SALAS: Good afternoon.

14 CHAIRPERSON ANDERSON: Good afternoon.

15 MS. SALAS: Robin Walker Salas. I  
16 represent a fringe demographic with Wounded  
17 Warriors Behind Bars.

18 As a patient and advocate, I've got to  
19 say I have never heard the word -- or heard it  
20 mentioned today about education, and I believe  
21 that the people are uneducated. Now when you're  
22 talking about limiting the amount, like for  
23 myself, I have user error.

24 So when I get RSO or concentrates, and  
25 I'm not sure how to use it, I'm wasting a lot of

1 product. Or if I get a strain of cannabis that I  
2 am familiar with and it doesn't react well with  
3 me, then I have excess and I have to find a way  
4 to get rid of it. So there's a lot of hit and  
5 miss that goes into the amounts that are allowed,  
6 and also the education part of it.

7 Now, I personally feel that a peer  
8 review type of situation, like a Mayor's Office  
9 of Cannabis Culture, where if people are willing  
10 to register to say, "Hey, I can help you learn  
11 about cannabis and help you through the process,"  
12 and we make it so that we're supporting each  
13 other.

14 We're Americans. Nobody should be  
15 discriminated against. As a veteran and all of  
16 these other things, I think that there needs to  
17 be -- for things that are equitable all the way  
18 across the board, and education should be one of  
19 the things they put in as far as being able to  
20 obtain anything when it comes to cannabis or  
21 cannabis products, because miseducation creates a  
22 lot of issues.

23 CHAIRPERSON ANDERSON: Let's see if --  
24 is that the end of your testimony, ma'am?

25 MS. SALAS: I believe so. I really

1 feel that we should have more community supported  
2 type of cannabis culture and cannabis industry  
3 geared towards that, because if we're going to  
4 keep each other in check it's a lot easier than  
5 if we have to have a government person that has  
6 to do all of that all the time. Does that make  
7 sense?

8 CHAIRPERSON ANDERSON: Thank you for  
9 your testimony, ma'am. All right.

10 MS. SALAS: Okay. Thank you.

11 CHAIRPERSON ANDERSON: Any questions?  
12 Any questions by any Board members of any of the  
13 witnesses?

14 MEMBER GRANDIS: Mr. Chairman?

15 CHAIRPERSON ANDERSON: Go ahead,  
16 Mr. Grandis.

17 MEMBER GRANDIS: Ms. -- is it Ms.  
18 Walker? Ms. Salas?

19 MS. SALAS: Yes. Ms. Salas, Robin, B-  
20 O-B-I-N like the bird, Salas, S-A-L-A-S, same  
21 backwards as forwards.

22 MEMBER GRANDIS: Thank you. I find  
23 your information very interesting. So enlighten  
24 me. If you go to a D.C. dispensary, is it -- is  
25 there someone there, or would that be a place

1 that people who need information and guidance on  
2 dosage or the difference of the different  
3 strands, would that be a place to get that  
4 information? If it's not now --

5 MS. SALAS: Well, it's --

6 MEMBER GRANDIS: -- is that something  
7 -- help me with --

8 MS. SALAS: It's my --

9 MEMBER GRANDIS: -- where would you  
10 think -- yeah, go ahead.

11 MS. SALAS: It's my understanding they  
12 call them bud tenders. But as medical cannabis,  
13 they're not really allowed to expand upon any  
14 kind of information. And when it comes to the  
15 different strains and the effects, not everyone  
16 is educated on all of everything. That's just  
17 too much to learn from one person.

18 And I don't think it's the bud  
19 tenders' job to recommend one way or the other.  
20 Now, maybe they can enlighten, say it's a sativa  
21 versus an indica, but if a patient doesn't know  
22 the difference between the two, or how to use the  
23 different kinds of concentrates -- go ahead.

24 MEMBER GRANDIS: No, no. I'm  
25 listening. I -- this is very enlightening to me

1 because I -- I wasn't tuned into the concern  
2 you're raising which is a very, very important  
3 concern. So it's just where would we -- you  
4 know, if we follow the line of trying to come up  
5 with policy regarding to meet the concern you  
6 have, where would we place this type of person?

7 It's just -- we want to help. You  
8 know, I think what your concern is, it's very  
9 important for us to be aware of and figure out if  
10 our Board is the place with the agency to come up  
11 with a solution. Do you have a suggestion?

12 MS. SALAS: Again, theoretically, the  
13 doctors are supposed to be the ones prescribing.  
14 But, unfortunately, the doctors don't know as  
15 much as, say, the growers or the dispensary or  
16 someone who has been in the industry for a while.  
17 I don't see any kind of screening for educational  
18 of whether a person knows what they are actually  
19 obtaining and how to use it. That has been my  
20 problem. I have obtained things and not know how  
21 to use it or it's not the right product, or  
22 whatever like that.

23 And then I've seen the amount I'm  
24 supposed to have in possession, because I'm not  
25 using that and it's just there until I see my



1 friend or something, you know?

2 MEMBER GRANDIS: Thank you. And we  
3 will -- we will discuss this issue. I want to  
4 thank you for bringing it to our attention.

5 MS. SALAS: I really would like the  
6 idea of the Mayor's Office of Cannabis Culture.  
7 We have all kinds of mayor's offices of all kinds  
8 of things, but cannabis culture exceeds past sex,  
9 race, or any of that stuff. Cannabis culture is  
10 just cannabis culture.

11 MEMBER GRANDIS: Well, thank you.

12 Is Mr. Norbert still available?

13 Mr. Norbert? I guess not.

14 Mr. Chairman, I'm fine. Mr. Norbert  
15 may not be available. Thank you. Thank you,  
16 Mr. Chairman.

17 CHAIRPERSON ANDERSON: All right.

18 Thank you, Mr. Grandis.

19 All right. If there are no other  
20 questions, then we're going to dispense with this  
21 -- with this panel, and we're going to move on to  
22 another panel.

23 The next panel we're going to move  
24 onto, it's Jen Brunenkant, Michael Bobo, Chad  
25 Frey, and Yvette Alexander.

1 MR. ORELLANA: One second, Chairman.  
2 Apologies, Chairman. Did you include Linda  
3 Green?

4 CHAIRPERSON ANDERSON: She's not  
5 testifying. She is not available. I had gotten  
6 a notation that she was not available to testify.  
7 That's why I didn't call her name.

8 MR. ORELLANA: Okay. Thanks.

9 CHAIRPERSON ANDERSON: I'm sorry. And  
10 Michael Bobo. He is not testifying, too. So --  
11 right. So let me -- so it's -- I'm sorry. So  
12 it's -- it's Jen Brunenkant, Chad Frey, and  
13 Yvette Alexander.

14 Are any of those -- I saw -- I thought  
15 I saw a chat note from Ms. --

16 MR. ORELLANA: Yeah. I'm not even  
17 seeing -- oh, I see her now. I believe that's  
18 the only one present.

19 CHAIRPERSON ANDERSON: All right. So  
20 -- all right. Well, if Yvette -- why don't you  
21 then elevate Saurabh Paul, Brittany Carver, Ange  
22 Priko, and Olivia Persons. See if -- see if  
23 those folks are still online.

24 So it's Jen Brunenkant, B-U-N-K-E-N-A-  
25 R -- A-N-T, Chad Frey. I see Ms. Alexander.

1 Either Mr. or Ms. Paul, Ms. Carver, Ms. Priko, P-  
2 I-R-K-O, and Ms. Persons.

3 MR. ORELLANA: It appears that only  
4 Yvette Alexander is the one present.

5 CHAIRPERSON ANDERSON: All right.  
6 What about Gretchen Kolsky, K-O-L-S-K-Y, Leila  
7 Lewis, and Chloe Kruger?

8 MR. ORELLANA: I have elevated only  
9 the ones present.

10 CHAIRPERSON ANDERSON: All right.  
11 Okay. So we'll -- all right. And,  
12 Ms. Alexander, you only have five minutes. So  
13 now because I have called all of these folks, and  
14 they are -- they are not around that you're going  
15 to think that you can speak -- use their time.  
16 Okay, Ms. Alexander?

17 I am -- I am now in a position to cut  
18 your time off. Remember, you used to be in that  
19 position where you would tell them that they have  
20 three minutes to speak and that's all. Now I  
21 have -- all right? I am having some levity with  
22 this.

23 All right. Ms. -- all right. So,  
24 Ms. Alexander, can you please spell and state  
25 your name for the record, please? And you have

1 five minutes. I'll start the timer once you have  
2 identified yourself.

3 MS. ALEXANDER: Thank you. If I might  
4 -- if you indulge me, Norbert Pickett -- I think  
5 someone had a question for him. He said he was  
6 available to answer that question.

7 CHAIRPERSON ANDERSON: I don't think  
8 -- I think Mr. Grandis had moved on. So -- so  
9 that's that. All right. Fine. I

10 MS. ALEXANDER: Okay.

11 CHAIRPERSON ANDERSON: -- he can put  
12 something. So please identify yourself for the  
13 record, please.

14 MS. ALEXANDER: Thank you. Yvette, Y-  
15 V-E-T-T-E, Alexander, A-L-E-X-A-N-D-E-R. I'm a  
16 consultant for the D.C. Cannabis Trade  
17 Association.

18 CHAIRPERSON ANDERSON: Go ahead,  
19 ma'am. All right.

20 MS. ALEXANDER: Thank you. Greetings,  
21 Chairman Anderson and members of the Board. I  
22 see also my neighbor and friend, James Short  
23 there, too. Hello, all the Board members. So  
24 glad that you allow me this testimony.

25 As stated, I'm Yvette Alexander, and

1 I'm representing the District of Columbia  
2 Cannabis Trade Association. The Association was  
3 formed to improve access for patients in our  
4 city's medical cannabis program. The members  
5 represent the licensed medical cannabis  
6 cultivation centers and dispensaries in  
7 Washington, D.C.

8 The association would like to thank  
9 you all for your work and commitment to the  
10 medical cannabis program, and we look forward to  
11 your continued support. We have several  
12 recommendations for your consideration regarding  
13 the proposed rulemaking to implement the Medical  
14 Cannabis Amendment Act of 2022.

15 We are pleased with the law that  
16 allows for the out-of-state self-certification --  
17 for the self-certification. But a reduction in  
18 the fees charged are necessary for the licensed  
19 medical dispensaries to remain competitive and  
20 give patients an incentive to purchase safe,  
21 legal, and tested products.

22 Currently the fee is \$30, as you know,  
23 and that has really caused a burden to our  
24 dispensaries. There is a recommended structure  
25 program that we have -- we have discussed with

1 the agency. We think the \$30 for just the  
2 30 days is too much, and it has caused a problem  
3 for those patients to go to maybe an illegal  
4 place to purchase that doesn't require that.

5 So we have a fee schedule, and I will  
6 present written testimony. Say, for example, \$5  
7 to \$10 for 30 day, and then as you extend, maybe  
8 \$15 for 45 day, and \$30 would allow two to three  
9 months or more for a patient to purchase  
10 cannabis.

11 And we also have to keep in mind that  
12 I think someone stated July 1st Maryland will  
13 open up its recreational program, and currently  
14 they are -- Maryland is issuing medical cards I  
15 believe for up to six years for \$25.

16 So we know those are neighbors right  
17 across the border, and they -- patients can  
18 easily go there. So we want to maintain our  
19 competitiveness in the District of Columbia.

20 Also, the sliding scale, which  
21 mandates a 20 percent discount to low income  
22 patients -- and I believe that was mentioned as  
23 discriminatory in a previous testimony. But the  
24 sliding scale is taken from the revenue of the  
25 dispensaries with no tax credits or

1 reimbursements from the city. And this impacts  
2 the financial means, which to succeed -- and it  
3 has an unintended economic impact on those who  
4 are currently undercapitalized and work in  
5 undercapitalized communities, for example, Ward 7  
6 and Ward 8. They are being unfairly -- unfairly  
7 targeted for this sliding scale.

8 And with that, we also recommend to  
9 eliminate the sliding scale report. The metric  
10 system currently tracks from seed to sale, so  
11 that report is not leaked -- is needed.

12 With the passing of the recent  
13 legislation, there will be opportunities we know  
14 for more businesses to obtain their medical  
15 license. However, we do think it is very  
16 important before these licenses are issued that  
17 there would be a supply and demand study  
18 conducted by ABCA, because we need to know the  
19 amount of dispensaries and the amount of  
20 cultivators that are needed per capita of the  
21 persons who will participate in the program.

22 Right now, there is a burden with  
23 supply and demand with the existing cultivators  
24 and dispensaries. So to add more to that, we  
25 really need a study to capture the amount that is

1 really needed for our market, for our cannabis --  
2 our medical cannabis program to continue to  
3 thrive in the District of Columbia.

4 We don't want to limit -- we don't  
5 want to discourage i-71s, but we know that there  
6 can't be a come one come all with the amount of  
7 the operators that are currently in the District  
8 of Columbia. So we really need to do a study,  
9 and we need to have some solid way that you can  
10 -- you know, that the Board is going to present  
11 or that the agency is going to issue new license  
12 for that.

13 It was mentioned earlier about the  
14 concentrates that we really need to increase the  
15 amount of concentrates for some of our patients  
16 that require higher doses -- higher dosages of  
17 cannabis that don't opt to vape or smoke flower  
18 product. So we would really need to increase  
19 that, and the recommendation would be up to eight  
20 grams per day for concentrates for our medical  
21 patients.

22 And I believe Takoma Wellness did --  
23 said that in detail, so I won't prolong that  
24 again for that, but I will present that written  
25 testimony.



1           And the other concern would be the  
2 internet retailers. I know that that was a part  
3 of the Medical Marijuana Amendment Act, and we  
4 really need to know how we're going to regulate  
5 those internet retailers. It's recommended that  
6 the internet retailers would only be issued --  
7 that license would only be issued to those  
8 businesses that already have a brick and mortar  
9 business, because that can be regulated.

10           Other than that, the internet  
11 retailers are no more than a delivery service.  
12 So

13           CHAIRPERSON ANDERSON: All right. All  
14 right, Ms. Alexander. I gave you -- I gave you  
15 six minutes, so I have to

16           MS. ALEXANDER: Is that all? My God,  
17 that went by fast.

18           CHAIRPERSON ANDERSON: Yes. I did  
19 give you an additional minute, but -- so please  
20 submit your written testimony and

21           MS. ALEXANDER: Will do. And I am  
22 open to any questions that you may ask, but it  
23 really is important that we're not saying delay  
24 the license for new businesses, but we are saying  
25 that there needs to be a study to see how many

1 new businesses are going to come on board in the  
2 D.C. market.

3 CHAIRPERSON ANDERSON: All right.  
4 Thank you, ma'am.

5 Now, Ms. Leila Lewis, I see that  
6 you're here. Ms. Lewis? Ms. Lewis, can you  
7 unmute yourself, ma'am? Ms. Lewis?

8 Mr. Orellana, I see Ms. Lewis online.  
9 I'm not sure what is going on with

10 MR. ORELLANA: I sent her a request to  
11 unmute. I'll reach out to her.

12 CHAIRPERSON ANDERSON: Okay. Thank  
13 you.

14 While we're waiting for Ms. Lewis to  
15 unmute to be unmuted, Ms. Alexander, is there  
16 anything else you want to say until Ms. Lewis  
17 comes -- I'm trying to -- Ms. Lewis is online and  
18 I'm trying to have her speak, so while we're  
19 waiting, I'll -- you can speak until she -- if  
20 you so desire.

21 MS. ALEXANDER: Thank you. I cannot  
22 stress enough for the 30-day fee for the self-  
23 certification. That has really hindered a lot of  
24 our businesses because people can opt to go to an  
25 i-71 or to these illegals and they don't have any

1 fee charged.

2           So, you know, we want to -- like was  
3 said previously, that these are the businesses  
4 that have invested in the city, that pay taxes in  
5 the city, that abide by all the laws and  
6 regulations in the city, and they have weathered  
7 a storm.

8           So we would like to see that same, you  
9 know, deference given to them that we have  
10 invested in the city that, you know, you make it  
11 as -- you know, as easy for them to do their  
12 business as possible without all of these  
13 restrictions and things that get in the way of  
14 them to be successful.

15           They really, believe it or not, have  
16 not made quite the profits that people believe  
17 they have made for all of the regulation and all  
18 of the fees that they paid.

19           I would even recommend for the i-71s  
20 that I do truly believe that some of them want to  
21 become a legal medical cannabis business, that  
22 they could start doing some of the things that  
23 the legal businesses are doing.

24           They could start paying the taxes on  
25 their cannabis sales. They could start paying

1 fees. They could start taking -- you know, going  
2 through the metric system and the regulations  
3 that they need to once they enter -- once they  
4 enter the legal business. I mean, they really  
5 need to -- I think ABCA really needs to take into  
6 consideration those that are serious about this  
7 and really let them know what it is actually like  
8 to conduct a legal -- legally licensed medical  
9 cannabis business in the District of Columbia.

10 CHAIRPERSON ANDERSON: Thank you,  
11 Ms. Alexander.

12 Ms. Lewis is having some issues, so  
13 she stated that she will email her testimony.

14 So thank you for your testimony,  
15 Ms. Alexander.

16 And, Ms. Lewis, I look forward to your  
17 testimony. It's [abca.legal@dc.gov](mailto:abca.legal@dc.gov). And please  
18 email that to us prior to June 21st.

19 It appears that you have a question  
20 you want to ask Mr. -- and I'm trying to move on  
21 because I'm trying not to take a break. I want  
22 to -- I know that I have about 11 more people to  
23 testify, and I want to see if I can move through  
24 all of those witnesses before taking a break for  
25 the Board, since we have been here since 9:30.

1                   So go ahead, Mr. Short. You're on  
2                   mute, Mr. Short.

3                   MEMBER SHORT: Good afternoon, Council  
4                   Member Yvette Alexander. I'd just like to say --  
5                   ask you if you would elaborate just a little more  
6                   on the out-of-state fees, and how do you think  
7                   that reducing them or otherwise working to make  
8                   it better for the public -- what are your  
9                   suggestions dealing with the out-of-state \$30 30  
10                  days?

11                  MS. ALEXANDER: Thank you for asking  
12                  that. Once again, I think the recommendation  
13                  would be a lower fee. We realize that, you know,  
14                  I mean, through fees that would be the way that  
15                  your agency -- the agency makes money. I mean,  
16                  you have staff and you have things that you need  
17                  to support for that.

18                  So we know that there is a fiscal  
19                  impact involved in anything that there is a cost  
20                  attached to. But for -- when you compare to --  
21                  to residents who are out of state being able to  
22                  walk in other places without any fee whatsoever  
23                  for purchase.

24                  When you look at that competition, it  
25                  would really be fair to say no more than \$5 to

1 \$10 for a fee for someone to just come in and get  
2 that, you know, and self-certify or for the out-  
3 of-state self-certification. That would make  
4 sense, that if I was coming in, you're already  
5 going to have to purchase the cannabis. So for  
6 that time, you know, that may be a one-time  
7 purchase for someone, that a \$30 fee on that is  
8 way too high.

9 So it would be fair, \$5 to \$10 for  
10 30 day. And then, as the time increases for your  
11 ability to purchase, then the cost would  
12 increase, say \$15 for a 30 day, and \$30 could be  
13 for three months to six months. It would be a  
14 graduated fee

15 MEMBER SHORT: Thank you.

16 MS. ALEXANDER: -- depending on

17 MEMBER SHORT: Now, I'd also like for  
18 you to, if you could, to elaborate on the  
19 increase in oil, of the increased dosage. We  
20 heard testimony about that today.

21 MS. ALEXANDER: Now, I'm not an expert  
22 on that the way that the dispensaries actually  
23 are, but pretty much the increase -- you would  
24 need more for a concentrate than you would need  
25 for the flower product than a person may vape or

1 smoke. That could -- that's a larger quantity.

2 But for the concentrates, you would  
3 need -- well, I'm saying that's a smaller  
4 quantity compared to the concentrates. For -- I  
5 would say, for example, for eight ounces of  
6 flower, you may need, you know, two or three  
7 times that for a concentrate, if not more.

8 So the eight ounces of flower does not  
9 equate to eight ounces of a concentrate. You  
10 would need more of a concentrate to get that same  
11 effect. So we're saying do not limit the amount  
12 of concentrate, because persons would need more.  
13 They're taking -- there is more of an amount that  
14 you need for a concentrate to be as effective as  
15 that same amount of a flower product pretty much.

16 And some people don't opt to smoke.  
17 Some people opt to have oils or tinctures or  
18 suppositories, whatever, other -- other means to  
19 medicate themselves. So you would need a higher  
20 dosage of that -- of that particular product.

21 MEMBER SHORT: I do thank you very  
22 much for your testimony. It has been quite  
23 compelling.

24 That's all I have, Mr. Chair. Thank  
25 you very much.

1 CHAIRPERSON ANDERSON: All right.

2 Thank you.

3 All right. I'm going to move on to  
4 another panel, all right, since I was told that I  
5 believe that the numbers have -- so I was told  
6 these are the people -- so, Mr. Orellana, can you  
7 please elevate -- since you've told me these are  
8 the folks online -- Barbara Biddle, Terrence  
9 White, Steven Slaughter, Darel Dawson, and Chris  
10 -- is it Chris C? I'm not sure if that person --  
11 I'm looking at my list, and I don't see the last  
12 name. But can you elevate all those folks?

13 And after Mr. Orellana has elevated  
14 the names I just called, if there is anyone else  
15 online who wants to testify, can you please  
16 identify yourself in the chat, and I will have  
17 you elevated after this panel is done.

18 So I think this is the last panel of  
19 people who have informed us that they want to  
20 testify. So if there is anyone else online who  
21 would like to testify, please identify yourself  
22 in the chat, and then we will elevate you for the  
23 next -- the next and final panel. Okay?

24 Mr. Orellana, is this everyone that --  
25 is this everyone that was on your list?



1 MR. ORELLANA: Yes. Apologies. This  
2 is everyone.

3 CHAIRPERSON ANDERSON: All right.  
4 Fine. So let's go on with -- let's start with  
5 Ms. Barbara Biddle. Can you please identify  
6 yourself for the record, please? And then after  
7 you have identified yourself, you'll have five  
8 minutes.

9 MS. BIDDLE: Okay. My name is Barbara  
10 Biddle. I'm the owner and founder of District  
11 Hemp Botanicals. I'm also the Board member of  
12 the Virginia Hemp Coalition and a member of the  
13 i-71 Committee.

14 I want to start off by saying that I  
15 appreciate the opportunity to provide my thoughts  
16 and concerns as a small business owner and local  
17 community member, and how the incoming changes to  
18 the medical program will impact the industry's or  
19 the District's industry.

20 I personally came across CBD, the  
21 non-intoxicating compound found in the cannabis  
22 plant while battling depression-like symptoms  
23 after the birth of my first son, and I've watched  
24 thousands of customers have life-changing  
25 benefits from these products since opening my

1 first store in 2017.

2 As an owner of a hemp retail business,  
3 it's critically important to maintain access for  
4 not only my customers but myself, and I'd like to  
5 offer a unique perspective on the situations that  
6 have arisen in Virginia when it comes to the  
7 regulation of marijuana and hemp. Many  
8 businesses will not be able to comply with the  
9 regulations proposed by the new medical  
10 regulations.

11 As businesses start to seek a safe  
12 haven once loopholes from the i-71 industry  
13 close, many will inevitably -- or inevitably  
14 continue operations under the black market while  
15 others may try to move into the legal hemp  
16 industry.

17 In an effort to be preemptive and  
18 create an environment where small businesses can  
19 flourish under the legal conditions created by  
20 federal law while upholding safety standards, I  
21 ask you to consider a few things.

22 One, clarifying the legality of hemp-  
23 derived food products and regulating the  
24 production, processing, manufacturing, and sale  
25 of industrial hemp products. Business owners and

1 consumers alike want to ensure safe and reliable  
2 access to therapeutic hemp products, and there  
3 has been concerning comments made by local  
4 industries or agencies that challenge the ability  
5 of business owners that provide federally legal  
6 hemp-derived CBD products to their consumers.

7 Part of facilitating reliable and safe  
8 access includes clearly defining that hemp-  
9 derived products, separate from marijuana  
10 products, are legal and implementing reasonable  
11 regulation on ingestible and smokable hemp  
12 products, and creating a clear path for  
13 businesses and consumers alike to navigate the  
14 space.

15 Requirements on packaging, labeling,  
16 testing, and age restrictions can help ensure  
17 that D.C. residents and visitors can acquire  
18 reliable products that contain the amounts of  
19 cannabis that's marketed on the label and gives  
20 city officials peace of mind when it comes to the  
21 safety of these products.

22 Explicitly allowing dispensaries to  
23 provide hemp products in waiting rooms without  
24 the regulatory and tax burdens found in the  
25 marijuana industry can also help alleviate some

1 concerns. Not only could this help alleviate  
2 supply concerns as the lines between hemp and  
3 marijuana become less distinct with the  
4 proliferation of federally legal hemp-derived THC  
5 products, but it can also help with demand for  
6 dispensaries, since concerns around patient  
7 tracking is a huge barrier for residents and  
8 tourists alike that prefer shopping with hemp  
9 providers or on the block market.

10 Adding hemp retail growing,  
11 manufacturing, and processing license into the  
12 new licensing structure can also help things.  
13 Examples to review include regulatory models  
14 implemented in Tennessee and South Carolina that  
15 utilize commonsense guardrails without decimating  
16 small businesses in the industry.

17 Things to consider would be allowing  
18 open licensing and capping licensing costs at  
19 \$500 for CBD-specific businesses. This will  
20 allow the industry to still remain competitive  
21 and allow small businesses to operate in the  
22 space.

23 Three, protecting the craft industry.  
24 Some of the most amazing products are made in  
25 small batches by local producers. It's important

1 to allow this market to thrive and flourish and  
2 perhaps follow New York's lead by allowing sales  
3 at farmer's markets and pop-up markets. These  
4 small producers are driven by passion and the  
5 need to help others, and this instills genuine  
6 creativity and boundless innovation unrivaled by  
7 most other industries.

8 I fear some of the licensing  
9 requirements may be prohibitive to those in the  
10 space, and careful considerations need to be made  
11 as to whether licensing costs and location  
12 parameters can be changed to allow them to  
13 continue to compete.

14 In regards to the process of rewarding  
15 licensing, I highly encourage you to postpone the  
16 issuance of licensing for medical retail  
17 locations until there are sufficient amounts of  
18 supply to handle the demand. I also recommend  
19 you consider tenuring your licensing approval  
20 criteria.

21 Creating a first-come first-served  
22 process will create dangerous situations for  
23 business owners in highly concentrated operating  
24 areas. Desperate times call for desperate  
25 measures. And many of these business owners will

1 have nothing to lose and may utilize aggressive  
2 tactics to discourage competitors from applying.

3 Currently, there is no urgent safety  
4 issues regarding hemp products in the District,  
5 but it's my intention to think ahead before a  
6 large proliferation of businesses enter the  
7 market and potentially change the integrity of  
8 the market.

9 Without taking preemptive action, I  
10 watched things spiral fast in Virginia, and I'd  
11 like D.C. to learn from the mistakes of our  
12 neighboring state.

13 Thank you so much for your time.

14 CHAIRPERSON ANDERSON: Thank you,  
15 Ms. Biddle.

16 Mr. White, are you there? Terrence  
17 White? You're on mute, Mr. White. Unmute  
18 yourself, please. Mr. White, you have to unmute  
19 yourself. I cannot hear you, sir.

20 MR. WHITE: Oh. Sorry about that.

21 CHAIRPERSON ANDERSON: All right. Go  
22 ahead, sir.

23 MR. WHITE: Good afternoon,  
24 Mr. Chairman, and Board members. Thank you for  
25 this opportunity to speak with you.

1 I am Terrence White. I am the  
2 Chairman of the i-71 Committee going on a year  
3 now, and today I come before you with a couple of  
4 issues that I need for your consideration.

5 Number one is cultivation and the lack  
6 of cultivation. Currently, the District has  
7 eight cultivators, which five are online. Right  
8 now up to year to date we're talking over --  
9 roughly over 2,000 pounds of cannabis have been  
10 grown and processed and sold in the medical  
11 aspect.

12 That is equivalent to about 88,000  
13 square feet of cannabis, which if you're asking  
14 another 25 to 30, i-71 or first-come first-served  
15 people to get into this particular market, that  
16 is going to allow a big issue with lack of  
17 cannabis.

18 So today what I'd like to do is  
19 present a couple of things that, as we are asking  
20 for your consideration, to take that up for  
21 consideration, is thinking about how we plan on  
22 moving forward and not being like states like New  
23 Jersey and Illinois as it pertains to cannabis.

24 If we roll out the current  
25 legislation, we're going to be right back where

1 we are with a huge illicit black market, because  
2 the problem will always lie there is not enough  
3 cannabis being grown.

4 And so, therefore, I ask that you  
5 think about this very seriously. How do we  
6 tackle this matter? And that matter is --  
7 basically comes down to this. We've got  
8 8.8 square miles, 800,000 people, that we serve  
9 here in the District. But we also have to think  
10 about the 31 million people that visit the  
11 District on a year-to-year basis or, if not more  
12 now after post-COVID.

13 So, therefore, we have to look at how  
14 we plan on tackling this issue with also bringing  
15 along a new 25 to 30 licenses as proposed. And  
16 it could even be more.

17 So, therefore, I ask that you think  
18 about this very seriously, because if we don't  
19 halt the licenses that we're -- that we're asking  
20 about and tackle the cultivation side, there will  
21 be a bigger problem, and that problem will go  
22 back to day one. The lack of cannabis being  
23 grown and the amount of licenses will never be  
24 created equally.

25 And so, therefore, my testimony today



1 is based on fact. And as someone that's in the  
2 market, as you guys say illicit, i-71, I can tell  
3 you 2,000 pounds of cannabis year to date, and  
4 here we are, you have eight medical dispensaries  
5 just doing 2,000 pounds, and you're asking for  
6 another 30 to 40 licenses to come aboard, it's  
7 going to create a massive problem, got a massive  
8 interception. And that's one of the things that  
9 I really wanted to speak about.

10 The other part of my testimony is, as  
11 we ask these license -- or these licensees to  
12 come aboard, we are not giving them the ample  
13 opportunity to serve their business properly.  
14 And what I mean by that is currently your eight  
15 medical dispensaries, they're not able to  
16 advertise and market a business as any such other  
17 business.

18 If we look at cities like Los Angeles,  
19 states like Colorado -- let's just go state to  
20 state -- New York, California. Canada's owners  
21 are able to express themselves and also able to  
22 market their businesses as such.

23 Here we're at -- we're basically  
24 handcuffed. And so when you ask these businesses  
25 to come aboard, if they can't do print, if they

1 can't market, if they can't do proper social  
2 media and other advertising and marketing  
3 strategies, like SEO, SOLV, those type things, in  
4 order to win, it's going to be -- it's not going  
5 to be fair, because some of these businesses have  
6 already been in business eight and ten years, if  
7 not more.

8 So now you're asking a new business to  
9 come and compete in a market with no  
10 advertisement or marketing. So that's something  
11 else that's critical, that's important to the  
12 i-71 Committee, and also important -- should be  
13 important to the District. If we want to  
14 maximize the \$650 million potential in this  
15 market, we have to be able to allow everyone with  
16 the essential tools, and that's pretty much my  
17 testimony today.

18 CHAIRPERSON ANDERSON: Thank you,  
19 Mr. White.

20 So Mr. Slaughter, please. Please  
21 identify yourself for the record.

22 MR. SLAUGHTER: Sure. My name is  
23 Steven Slaughter, spelled S-T-E-V-E-N S-L-A-U-G-  
24 H-T-E-R.

25 Good afternoon, members of the Board.

1 My name is Steve Slaughter. I'm the Vice  
2 President for the i-71 Committee, and I just  
3 wanted to express the gratitude for the  
4 opportunity to speak today. I hope every  
5 business owner here was heard today throughout  
6 this sentiment, obviously for the betterment of  
7 the industry.

8 I'm here today to express basically --  
9 my testimony today is to speak on behalf of  
10 basically some of what Yvette said earlier as  
11 well as what Terrence just said prior to --  
12 Terrence White who spoke to me prior, which is  
13 that basically in our industry at its current  
14 state that there should be a survey or there  
15 should be something done to understand what's  
16 going on in the market when we have these new  
17 licensees come on board from the initiative-71  
18 markets as well as the sociable, equitable  
19 applicants who come on board as well.

20 I think there is going to be a huge  
21 problem when it comes to that, just in the sense  
22 that we have the cultivation centers' data  
23 currently representing the same eight legal  
24 cannabis dispensaries right now, and we have a  
25 bunch of new people who are going to come on

1 board in the next year. And essentially there is  
2 an imbalance that is going to take place.

3 And I don't want to speak so much to  
4 that, because I think it has already been spoken  
5 to, but I also think that this is going to be a  
6 huge problem when it comes to the capital for  
7 these new businesses that come on board.

8 In some instances, we have -- and you  
9 mentioned it earlier -- where we have businesses  
10 that will have to shut down during a certain  
11 timeframe while they wait to come on board to get  
12 their license.

13 And, in some cases, not having the  
14 ability to do marketing and not being able to  
15 function as a business during this timeframe,  
16 after, you know, the sunrise period has ended, I  
17 think it causes a lot of problems, and it sets  
18 new small businesses up -- that are coming into  
19 this industry up for failure in a sense, because  
20 essentially you are asking new businesses to  
21 start off and have a certain amount of capital  
22 without operating or being able to function their  
23 business for a set period of time while they wait  
24 to find out if there's a decision on if they can  
25 actually get their licensing or not.

1           And I think that's going to cause a  
2 huge problem, especially for applicants who are  
3 coming on board who take -- the sociable,  
4 equitable route to come on board, it's going to  
5 cause a problem there, because we already have  
6 problems at our banking system with the SAFE  
7 Banking Act, which doesn't allow for businesses  
8 to participate fully in the banking system.

9           Myself, I have a -- what you would  
10 call an auxiliary business in the cannabis space  
11 as we speak. And even for me, I find that  
12 financing and things like that can be challenging  
13 as I bring my business on board.

14           And I think it causes a huge problem  
15 because if you're talking about things like  
16 merchant services, you know, processes, which  
17 these new businesses will have to set up when  
18 they come on board, there's not a lot of big  
19 banks or not a lot of financial institutions that  
20 are able to help these new businesses out.

21           And I think that's going to cause a  
22 problem as well, and I just think that that's  
23 something that should be looked at, because there  
24 is going to be a period, even for i-71 companies  
25 who are able to transition into this new market

1 where they will have to shut down and there will  
2 not be, you know, the same amount of financing or  
3 funding coming in to allow them to be successful  
4 in this new market.

5 And so that's pretty much my testimony  
6 for today.

7 CHAIRPERSON ANDERSON: All right.  
8 Thank you very much, Mr. Slaughter.

9 And so let's have Mr. Dawson, please.  
10 Mr. Dawson, please state your name for the  
11 record, and then I'll turn the timer on.

12 MR. DAWSON: My name is Darel Dawson.  
13 Are you able to hear me?

14 CHAIRPERSON ANDERSON: Yes, I can hear  
15 you. So spell the

16 MR. DAWSON: Okay.

17 CHAIRPERSON ANDERSON: Spell your  
18 name. The reason why I ask everyone, we have a  
19 court reporter, so we have a transcript. So  
20 that's why I ask people to spell their name for  
21 the record.

22 MR. DAWSON: Okay. D-A-R-E-L D-A-W-S-  
23 O-N.

24 CHAIRPERSON ANDERSON: Thank you,  
25 Mr. Dawson.

1 MR. DAWSON: Oddly enough, I have a  
2 little echo. Hold on. Let me figure this echo  
3 out. Hold on.

4 CHAIRPERSON ANDERSON: I don't hear  
5 one, sir, so I

6 MR. DAWSON: Okay.

7 CHAIRPERSON ANDERSON: I think you're  
8 on -- is someone else -- are you on two lines?  
9 Or is someone

10 MR. DAWSON: Yes, I am. Hold on just  
11 one second.

12 CHAIRPERSON ANDERSON: Then that other  
13 person needs to mute their line. Mr. Dawson?  
14 Mr. Dawson? Mr. Dawson, I don't know what you  
15 did with your phone, but I'm not

16 MR. DAWSON: Okay. Can you hear me  
17 now?

18 CHAIRPERSON ANDERSON: It's not a  
19 matter of whether I can hear you, Mr. Dawson.  
20 I'm looking at something. I don't know what I'm  
21 looking at. So I'm not seeing your face. I  
22 don't know what I'm looking at. That's why --  
23 all right.

24 Let me have Mr. Smoot testify, and  
25 then hopefully Mr. Dawson will be able to join.

1 So, Mr. Smoot, why don't you spell and state your  
2 name for the record. Please spell and state your  
3 name for the record, and then I'll turn the time  
4 on.

5 MR. SMOOT: Christopher Smoot, C-H-R-  
6 I-S

7 CHAIRPERSON ANDERSON: Hold on a  
8 minute, please. I think -- are you and  
9 Mr. Dawson in the same location?

10 MR. SMOOT: No.

11 CHAIRPERSON ANDERSON: All right.  
12 Mr. Dawson, put your -- okay. Go ahead. Why  
13 don't you speak, Mr. Smoot? Let me see.

14 MR. SMOOT: My name is Christopher  
15 Smoot, C-H-R-I-S-T-O-P-H-E-R S-M-O-O-T.

16 CHAIRPERSON ANDERSON: You have five  
17 minutes, sir. Go ahead, please.

18 MR. SMOOT: Okay. So I'm a member of  
19 the i-71 Committee and business owner of an  
20 i-71-compliant business. First of all, I want to  
21 thank you all for the allotted time and the  
22 opportunity for myself and our committee to  
23 address the concerns that we see and the ones  
24 that -- especially the ones that we feel strong  
25 about.



1 I joined the i-71 Committee recently  
2 because I believe in the sustainable and  
3 equitable entrance for the unlicensed owners in  
4 the cannabis industry in the District. In  
5 Washington, D.C., right now, even with only the  
6 seven or eight dispensaries that we have now, we  
7 see unprecedented diversity in the industry that  
8 we can't even begin to see across the entire rest  
9 of the nation.

10 As a collective, us as the operators  
11 in this market, unlicensed and licensed want to  
12 see and reach the success that we know is  
13 possible, and we are hopeful that with meetings  
14 like we had today that we will be able to make  
15 the necessary changes to walk forward  
16 confidently.

17 So our biggest concern about the  
18 proposed regulations and my reason for being here  
19 today is to bring attention to the opportunity  
20 for success in a local cultivation hub in the  
21 city. So when we look at true demand versus  
22 projected demand, a lot of the i-71 businesses  
23 right now are shouldering the weight of the  
24 demand that the medical dispensaries could be  
25 seeing.

1           This is due to a lot of factors,  
2           mainly patient access, as a lot of the people on  
3           here said, the 30-day pass is a new speed bump  
4           when people are trying to get their medicine.  
5           And they will turn to easier, quicker, and  
6           cheaper alternatives, as well as the inability to  
7           advertise and market and promote to those  
8           patients for all of the licensed individuals.

9           In an industry that has close to no  
10          bankrupt protection, and close to no support from  
11          any type of financial institutions. It is  
12          extremely important for businesses that are in  
13          the cannabis sector to be able to market and be  
14          able to retain their consumer conversations,  
15          especially as the market becomes more  
16          competitive.

17          D.C. has the ability to lead the  
18          nation. In a new cultivation and a new  
19          manufacturing regulation, we can set a good  
20          example. As we have seen in many other states  
21          that previously have legalized, cultivation  
22          timelines tend to be a little longer than they  
23          are originally projected, and they can face a lot  
24          of hurdles on the way to actually being online.

25          As everyone else has mentioned, you

1 know, the demand does not necessarily match the  
2 supply that we see right now. There's a supply  
3 shortage, I dare say, and if you were to add 20  
4 to 30 new licenses, there would be no supply to  
5 meet those licenses. So you would be setting  
6 those businesses up to fail. Without the  
7 beginning product, which is the flower, which is  
8 the cultivation, there is no manufacturing, there  
9 is no extracting, there is no -- there is no  
10 retail.

11 So at the end of the day, the entire  
12 industry depends on the cultivation timeline  
13 being correct. And so that's definitely  
14 something that I think needs to be looked at in  
15 the current regulations.

16 And, in addition to all of this, we in  
17 the industry know how tedious, how difficult it  
18 can be, to set up processes and regulations for  
19 all of this stuff. And I, as well as pretty much  
20 all of my other colleagues from what I've heard,  
21 believe that a cannabis-specific advisory board  
22 would be extremely useful for regulators and  
23 legislators.

24 I would like to recommend a group  
25 consisting of industry experts be assembled --

1 cultivators, extractors, business experts, even  
2 maybe from other states that have previously and  
3 successfully implemented a program like this --  
4 to inform the Board and everyone as to what the  
5 reality is of operating in this industry.

6 And that's pretty much my testimony  
7 for today. Again, I want to thank everybody for  
8 their time. Yeah.

9 CHAIRPERSON ANDERSON: All right.  
10 Thank you, sir. Mr. Smoot, thank you for your  
11 testimony. Mr. Dawson?

12 Are you getting our technical issues  
13 now correct?

14 MR. DAWSON: I hope so. Can you hear  
15 me?

16 CHAIRPERSON ANDERSON: I can hear you.  
17 And I do not hear any interference. You have  
18 already introduced yourself for the record and so  
19 you have five minutes.

20 MR. DAWSON: Hello, everyone. I'm  
21 Darel Dawson, President of the i-71 Committee,  
22 local business owner, cannabis justice advocate,  
23 and an active D.C. community member. I'm here  
24 today to voice my support for the temporary  
25 postponement of halting cannabis retail licenses

1 in our District to ensure the successful  
2 establishment of cultivation facilities.

3 With patient access, safe and  
4 sustainable cannabis products as our priority, we  
5 have a unique opportunity to foster social equity  
6 and create the change in the industry that we  
7 envision as a standard for our country. As of  
8 2018, the first medical cannabis social equity  
9 program was enacted and as of 2023, zero of them  
10 have proven effective.

11 Patient access to safe and sustainable  
12 cannabis products is of utmost importance. By  
13 prioritizing the establishment of local based  
14 cultivation facilities before issuing retail  
15 licenses, we can guarantee a steady and reliable  
16 supply of high quality cannabis products that  
17 allows retail licenses -- I'm sorry, that will  
18 allow access to patients in need.

19 Temporarily delaying retail licenses  
20 allows us to focus on building a robust  
21 cultivation infrastructure that prioritizes  
22 patient and consumer wellbeing and ensures their  
23 access to therapeutic benefits of cannabis.

24 We should also not be limiting the  
25 patient's purchasing limits. That's important.

1 If we are to create a thriving market with long  
2 term local business success, regulators should  
3 not put hindrance on patient access.

4 Moreover, our District has a chance to  
5 become a shining example of the social equity in  
6 the cannabis industry. As we move forward, it is  
7 vital that we address the historical disparities  
8 and injustices that marginalized communities have  
9 face due to the war on drugs.

10 By pausing the issuance of retail  
11 licenses, we can dedicate our efforts to create a  
12 framework that promotes and supports social  
13 equity and local businesses in the industry.  
14 This includes providing opportunities for  
15 minority-owned businesses, reinvesting in  
16 communities, and disproportionately impacted --  
17 who have been disproportionately impacted by  
18 cannabis prohibition and ensuring fair access to  
19 licenses and resources for all interested  
20 parties.

21 We have the opportunity today to set  
22 a precedent for an evolving industry. By  
23 detailing the retail licensing processes, we can  
24 take the time to establish comprehensive  
25 regulatory frameworks that not only ensure

1 patient access, but also incorporate social  
2 equity measures into the fabric of our industry.  
3 By doing so, we can create a model that other  
4 states and jurisdictions can follow, paving the  
5 way for a more equitable and inclusive cannabis  
6 industry across the nation.

7 Furthermore, by prioritizing the  
8 successful establishment of cultivation  
9 facilities, we can appropriately address  
10 potential supply chain challenges that may arise  
11 from an influx of retail businesses. Ensuring an  
12 adequate supply of cannabis products for both  
13 patients and future consumers is crucial for the  
14 stability and sustainability of our industry. By  
15 taking a measured approach and focusing on  
16 cultivation first, we can avoid potential  
17 shortages, price compression, and compromised  
18 quality that may arise from an unbalanced market.

19 In conclusion, I urge the Board,  
20 Council, and associates to consider postponing or  
21 halting cannabis retail licenses to ensure the  
22 successful establishment of cultivation  
23 facilities in our District. By prioritizing  
24 patient access, focusing on social equity, and  
25 setting a positive example for the nation, we can

1 create a thriving and inclusive cannabis industry  
2 that benefits all stakeholders.

3 Let us take this time to seize the  
4 opportunity to create the change that we wish to  
5 build -- that we wish to see in order to build  
6 the cannabis market that is fair, equitable, and  
7 accessible to all.

8 Thank you for your attention and your  
9 consideration. It's wonderful to see all of you,  
10 like I just stated, it's wonderful to see all of  
11 you actually take this time, take this issue  
12 seriously, and give your ears to it. We  
13 appreciate it.

14 CHAIRPERSON ANDERSON: Thank you, Mr.  
15 Dawson. And this is my first opportunity in  
16 meeting the i-71 and so I'm glad that the i-71  
17 Committee, that they want to join the legal  
18 market. And so this is something that I'm very  
19 proud that you guys have and ladies have showed  
20 up and want to join the licensed market.

21 But the question, I'm going to start  
22 with, Mr. White, and anyone else can respond to  
23 the question. You're asking for a delay. As  
24 you're aware, cannabis is not federally legal.  
25 In order for you to sell cannabis in D.C., it has



1 to be grown in D.C. And it would appear that  
2 we're trying to be very aggressive with the  
3 cultivators. But THE cultivators are saying  
4 well, we're not growing because we only have a  
5 limited amount of dispensaries.

6 So how are you asking us to delay the  
7 process -- it's the chicken or the egg process.  
8 Where the cultivators are saying there are  
9 sufficient, I believe, sufficient cultivator  
10 licenses out there. And there are cultivators  
11 who are not utilizing their licenses currently.

12 So how is it that you believe that  
13 this Board can grow more product because if you  
14 come on board, then we can say the cultivators  
15 have known there's no plant count, so therefore  
16 they can grow as much as they can. So we have  
17 limited the plant count way back, but now you're  
18 asking us to delay the retailer process, but if I  
19 was a cultivator, why would I want to come to the  
20 market because if I don't know who the consumers  
21 are. They're currently only seven dispensers, so  
22 explain that to me. I'll start with Mr. White  
23 and whoever else can join in after.

24 MR. DAWSON: So thanks for your  
25 question, Chairman.

1                   What I would say, first and foremost,  
2                   is there are seven dispensaries, medical  
3                   dispensaries currently. As I testified, there's  
4                   only about 2,000 pounds of cannabis being sold on  
5                   the medical side. You've got five out of those  
6                   eight cultivators actually are growing. Three of  
7                   them are not evening growing anymore because  
8                   they've abandoned D.C. altogether.

9                   You've got 13,000 to 15,000 medical  
10                  cards. The problem is is that even onboarding  
11                  the 20 or 30 licenses or more that you're talking  
12                  about, you still wouldn't have enough  
13                  cultivators. If 30 licenses came on board  
14                  tomorrow, you will be right back at square one.  
15                  So they can tell you anything that they want to  
16                  tell you.

17                  I've talked to two of the medical,  
18                  actually, operators. They don't have enough  
19                  cannabis for these particular operators as -- and  
20                  then they're price gouging them. You got one  
21                  particular operator buys a majority of the  
22                  cannabis because they own a bigger pie of the  
23                  medical operators. They're the biggest operator.  
24                  So they own a bigger piece of the pie.

25                  So you're asking us to say okay, why

1 are we asking for you guys to halt the process?  
2 Number one, I think it needs to be looked at --  
3 the cultivator process needs to be looked at in a  
4 different way, making sure, ensuring that plant  
5 the seeds, our number one, you know, through  
6 matrix, are actually correct.

7 Number two, let's start about how you  
8 plan on adding these other licenses and who's  
9 actually -- how much cannabis is actually being  
10 grown. Eight thousand square feet of cannabis is  
11 not enough. So if that's the case, yes, you're  
12 going to be right back to square one. So they're  
13 telling you all this stuff, but they're not  
14 giving you the facts.

15 CHAIRPERSON ANDERSON: How can I  
16 convince you to grow? What can I do -- because I  
17 hear you. That's what I'm trying to say to you.  
18 How can I convince you to grow because there's  
19 sufficient -- the market can support your growing  
20 more.

21 MR. DAWSON: Number one is you've got  
22 to take the handcuffs off these medical  
23 dispensaries, as I've talked about, in terms of  
24 them doing the marketing, advertising that they  
25 need to increase the client base. If you don't

1 have participants in order to foot -- as we call  
2 them footsteps or people through the door, the  
3 supply will always be that way.

4 But you have to allow operators to  
5 operate like operators, allow them to be normal  
6 businesses. And if you do that, then you can  
7 expand on cultivation. If you don't have enough  
8 product which it seems like that's been the  
9 overall testimony, not only from us, but also  
10 other people outside of the i-71 Committee,  
11 telling you that hey, there's not enough cannabis  
12 being grown. Well, enough cannabis being grown  
13 is because not enough people are on the medical  
14 side. They don't have the numbers.

15 We know the obstacle is federal, that  
16 people work with the feds, even locally. You  
17 can't have a medical card if you are even state  
18 government. There's different things that happen  
19 so therefore that limits the opportunities.

20 The reason that the i-71 Committee or  
21 community is so successful is because people want  
22 to be free willed. You can't have that and I  
23 speak to everybody in the industry as the  
24 chairman, you know, we are i-71 compliant. I  
25 speak to those who are not i-71 compliant. I

1 speak to medical. And it's all the same  
2 consensus. When you have the lack of cannabis  
3 and also and too with bad product, even with the  
4 product that's actually being grown, not quality  
5 product, you're going to have this problem.

6 So I think I urge you to take a look  
7 at the cultivation. Look at the product. Look  
8 at how much is actually being grown. See the  
9 sales. This matrix is real simple. And if the  
10 numbers don't add up, if the quality doesn't add  
11 up, then there lies the problem.

12 If you're asking us, who me, I want to  
13 be legal. I want a license. To come aboard, we  
14 have to get this problem resolved first and  
15 foremost because if we don't get this problem  
16 resolved, you're still going to have a huge,  
17 black and illicit market and it's also -- it's  
18 going to be the same conversation year in and  
19 year out. I promise you that.

20 CHAIRPERSON ANDERSON: Anyone else  
21 want to respond? I see that Mr. Clark has put up  
22 -- you can put your answer in the chat room and  
23 we'll try and see if we can elevate it. That's to  
24 you Ms. Crockett, can synthesize and answer it in  
25 the chat.

1 Does anyone else want to comment on  
2 that question?

3 Well, I'm just saying the floor is  
4 open because it is, as you will see, we will be  
5 as aggressive as possible to have the cultivators  
6 cultivate, but --

7 MR. WHITE: Let me ask you a question.  
8 If you have eight cultivators, five have all  
9 pretty much gone to other states, you got three  
10 of the five basically most of their cannabis is  
11 going to one dispensary. You guys don't see  
12 there lies a problem there?

13 CHAIRPERSON ANDERSON: No. I'm not  
14 saying -- what I'm saying is that on the one hand  
15 cultivators are saying that they don't have a  
16 large enough market.

17 As you are aware, we don't have a  
18 recreational, a legal recreational market in D.C.  
19 because of Congress. So therefore, we do not  
20 have a recreational -- a legal recreational  
21 market in D.C. So therefore, we only have a  
22 medicinal market. So we can't control that.

23 MR. WHITE: That's true. Because of  
24 Congress, right.

25 CHAIRPERSON ANDERSON: But I'm saying

1 what we can control, as you can see, the Agency,  
2 the Board and the Agency, we have been very  
3 expansive in expanding the medical market, the  
4 dispensing market. But I am not quite sure how  
5 is it that we can convince -- because even if  
6 you're saying we can advertise. Okay, so, all  
7 right, fine.

8 Say all the dispensaries can advertise,  
9 okay? The dispensaries can advertise. But how  
10 can we support -- because you have stated that  
11 some of the cultivators have left D.C. to go  
12 somewhere else. They might go to Maryland. They  
13 focus in Maryland. So the larger issue is that  
14 if you don't come in the market for the  
15 cultivators to say okay, there are now 30  
16 licensed establishments there. So therefore,  
17 there's a larger pool of retailers purchasing my  
18 product, so therefore I can grow more.

19 MR. WHITE: Here's the thing -- right.  
20 Here's the thing. Even if those three came back,  
21 we could look at their footprint. All of them  
22 are less than 10,000 square feet. It would take  
23 18 months. Some of them have let -- pretty much,  
24 we don't know, outdated equipment, so let's say  
25 in a perfect world, a year, to get back up and

1 running. That's still not going to resolve the  
2 problem. You're just basically putting a band-  
3 aid over a wound.

4 CHAIRPERSON ANDERSON: One solution  
5 and as I said before --

6 MR. WHITE: What we do as the i-71  
7 Committee, we sit down and we bring solutions.  
8 We look at things internal, external. We find  
9 solutions. We don't want problems. We ask for  
10 solutions. That's all I ask the Committee to do,  
11 day in and day out. Let's find a solution to  
12 these problems.

13 But overall, overarching, everyone  
14 agrees with us. It's not just the i-71  
15 Committee. It's medical. They feel the same  
16 way. It's not just us that feels this way.

17 We're operators. We understand. And  
18 I guarantee you if you take a consensus, your  
19 poll will come up to say let's halt this, let's  
20 get the cultivating side right. Let's not be New  
21 Jersey. Let's not be Illinois. Let's get this  
22 thing right.

23 MR. WHITE: I'm coming to you, Mr.  
24 Grandis.

25 I hear you, but what incentive can be



1 granted to the cultivators for them to grow  
2 because -- put in a pause and I'm speaking for  
3 myself and not speaking while we're here, is that  
4 your saying for a pause, but we put a pause on  
5 it, the cultivators are going to say there's not  
6 sufficient market, so there's not a sufficient  
7 market --

8 MR. WHITE: There is a sufficient  
9 market.

10 MS. BIDDLE: Can I interject?

11 CHAIRPERSON ANDERSON: Go ahead, Ms.  
12 Biddle.

13 MS. BIDDLE: Chairman, I completely  
14 understand your hesitation, especially given the  
15 current market, but as we start enforcement and  
16 as competition disappears from the i-71  
17 Committee, the market dynamics are going to be  
18 completely different once these retail stores  
19 start shutting down.

20 These operators are generating  
21 millions of dollars a year. They're pumping out  
22 pounds, hundreds of pounds of marijuana coming  
23 from out of state. In order to not create a  
24 vacuum effect and send this all straight back to  
25 the black market, there needs to be cultivation

1 in place. We have to think about -- we have to  
2 measure what's going on in the i-71 Committee now  
3 and kind of use as a gauge to predict what the  
4 market is going to look like. And I think that's  
5 enough incentive to potentially bring on growers  
6 when they understand what is about to happen once  
7 this i-71 dynamic is no longer in the picture.

8 MR. SLAUGHTER: I agree with that.

9 CHAIRPERSON ANDERSON: Identify  
10 yourself before you speak.

11 MR. SLAUGHTER: Sorry, this is Steven  
12 Slaughter.

13 CHAIRPERSON ANDERSON: Steven  
14 Slaughter, go ahead.

15 MR. SLAUGHTER: To go on to what  
16 Barbara is saying, even for the new cultivators  
17 that will be applying for licensing and coming  
18 onboard, they also need time to set up their  
19 shops, to set up the warehouses. The space also  
20 has to be set up along with the time frame for  
21 grow, just in general.

22 So even the incentive for the existing  
23 cultivators as they exist right now, their  
24 incentive is is that these new shops that are  
25 coming onboard currently, they're still going to

1 need to purchase, as they get their licensing,  
2 especially the first round of the sociable,  
3 equitable applicants as they come through and  
4 their shops start to open up, the new cultivators  
5 still won't be ready to even set of those shops.

6 So the current cultivators, the  
7 initiative for them would be that you're going to  
8 have these shops coming on board, they know the  
9 illicit market right now is very big. And by  
10 transitioning, just like Barbara said, there's  
11 going to be a lot of i-71 shops that start to  
12 close out and therefore, they should anticipate  
13 that their market is going to grow rapidly really  
14 quickly when this all happens.

15 MS. BIDDLE: Yes, and dovetailing on  
16 to that, you know, we're just talking about  
17 flower here. We're not talking about the biomass  
18 that it takes to create products like tinctures  
19 and edible.

20 MR. SLAUGHTER: Yes.

21 MS. BIDDLE: So that has to be taken  
22 into consideration, too, with the cultivation  
23 because that's the first step in the  
24 manufacturing process. It takes far more biomass  
25 to create products like that then it does to just

1 smoke it. So I'm not sure that that was taken  
2 into consideration when formatting the structure  
3 and that's something that needs to be considered  
4 moving forward.

5 CHAIRPERSON ANDERSON: Mr. Smoot, did  
6 you have something you wanted to say and then,  
7 Mr. Grandis, you can ask your question.

8 MR. SMOOT: Yes, this is Christopher  
9 Smoot. I just wanted to say that I agree with  
10 what Barbara is saying. Not only do you have to  
11 think about do you have to cultivate for just the  
12 demand for flower, but they do also have to  
13 increase the amount that they cultivate to  
14 support the demand for extracted products and  
15 products that are created with the extractions.  
16 So it takes a lot more biomass to make something  
17 into an extraction. And then it takes time and  
18 research and development on top of that to  
19 develop that extraction into an edible or an  
20 inhalable or a vapable product.

21 And so for all the new manufacturers,  
22 they'll have to go through that process and that  
23 time and that development and that will just add  
24 a whole other essentially padding on to when any  
25 newly-licensed business could actually release

1 their products to the public and to new retail  
2 operations.

3 CHAIRPERSON ANDERSON: Thank you. Mr.  
4 Grandis, did you have a question you wanted to  
5 ask, sir?

6 MR. GRANDIS: I -- I as a board member  
7 am finding all of this very enlightening and we  
8 very much appreciate you all taking the time to  
9 come and talk about your struggles. I think it's  
10 -- you all have highlighted things and all the  
11 other panelists have highlighted things that we  
12 will go back and talk to the Agency about.

13 Can we get away from the products for  
14 a moment? We all know that's very legitimate  
15 that you're bringing up, but you all have this  
16 sophisticated group or committee called i-71.  
17 Are you all doing anything to get people who  
18 participate in that committee to know what is  
19 happening in the future, in the short term?

20 Are you all doing anything to say --  
21 do you all have security at the door so people  
22 under 21 do not come in to our gift shop? Do you  
23 all have anyone that is really knowledgeable --  
24 I'm just saying I appreciate the concerns you're  
25 raising, but you're raising them to me as

1 legitimate businesses, okay?

2 MR. WHITE: Well, let me stop you  
3 right there, Mr. Grandis.

4 MR. GRANDIS: Wait a second, no, Mr.  
5 White, you're not going to stop me right there.

6 (Simultaneous speaking.)

7 MR. WHITE: Mr. Grandis, hold on. Mr.  
8 Grandis, you asked a question, he is trying to  
9 answer. But finish your question.

10 MR. GRANDIS: My question, let me get  
11 to my question. Are you all doing any  
12 educational opportunities for people like  
13 yourselves who we want to help bring into the  
14 legal market? We do support getting you all into  
15 the legal market, but are you all doing  
16 educational programming about all the other  
17 characteristics that our dispensaries have to go  
18 through right now? That's what I'm --

19 MR. WHITE: And that's what I'm trying  
20 to answer.

21 MR. GRANDIS: Thank you, Mr. White.

22 MR. WHITE: We do have a security plan  
23 in place. That's first and foremost. I pay a  
24 security company a healthy amount of money every  
25 week to secure my store.

1           In terms of education, we educate not  
2 only clients, but we also educate the community.  
3 We have PR teams that actually, as we involve the  
4 community in a lot of aspects of what we do as  
5 being i-71 compliant. We pay taxes to D.C.  
6 Government.

7           We do a lot of things for the  
8 community that the medical community doesn't do.  
9 We fund raise, Coats for Kids. I think the  
10 notion is is that we make money and we don't give  
11 back.

12           So let me make this very clear, as the  
13 chairman of the i-71 Committee, each month we do  
14 something for someone or somebody in the  
15 community from a voluntary standpoint. From the  
16 terms of making sure that people are 21 and over,  
17 we check ID. The majority of us hire on-security  
18 to make sure that no one robs our store or brings  
19 violence or crimes.

20           In my particular case, I also give  
21 money to the Mount Vernon Bid to make sure that  
22 the security is proper not only for my business,  
23 for all businesses.

24           In terms of education, everybody  
25 that's hired by MONKO, which I own here at 444 K

1 Street, we go through an educational about every  
2 product that we have inside our store. That  
3 product is not only -- not only do we talk to a  
4 customer, but if you go online, the first they  
5 talk about is how we educate in our customer  
6 service.

7 So most businesses, if not all  
8 businesses that's i-71 compliant -- let me make  
9 that clear, that you see that checkmark in the  
10 window that's saying that hey, we have a CFO. We  
11 have a business license. We pay taxes. Those  
12 are the businesses that we represent. We do  
13 external and internal education as well as  
14 community service. That would be my answer to  
15 your question, sir.

16 MR. GRANDIS: And thank you because I  
17 think that's really very helpful to me to hear  
18 that because we need to get people into  
19 compliance. So what you're doing sounds  
20 extraordinary and very much welcomed.

21 What about if I were to come in and  
22 get a product, how do I know it's safe? Who does  
23 your testing? I'm not saying you, a particular  
24 company, but is part of the i-71 Committee is  
25 testing the product something you all are helping



1 other i-71 people to learn how to do.

2 MR. WHITE: Currently, we self-test,  
3 just like every dispensary in the city. There's  
4 no testing facility in the city. But we make it  
5 clear that the products that we get that's put on  
6 the shelves are safe. We have not one problem  
7 that's been reported to you guys, DOH, or the  
8 city, DCRA, from the i-71 side.

9 Again, as those people who are i-71  
10 compliant, these are things we talk about week in  
11 and week out in our meetings, how to make it a  
12 safe environment, not only from a safety secure  
13 standpoint, but from a consumption standpoint.  
14 We're very clear about that.

15 MR. GRANDIS: Thank you. And like I  
16 said, this has been a good education for me and  
17 that's why I think having these kind of hearings  
18 is very helpful for both sides of the equation,  
19 but thank you very much and just so you  
20 understand, I personally support the i-71 coming  
21 into compliance and having legal license, just so  
22 you understand that because I'm not trying to put  
23 anyone down or say that you all are not having a  
24 good legal operation, but we --

25 MR. WHITE: I appreciate that.

1 MR. GRANDIS: -- do need to help each  
2 other get into compliance. Thank you, Mr.  
3 Chairman.

4 MR. WHITE: You're welcome, Mr.  
5 Grandis.

6 CHAIRPERSON ANDERSON: Yes, Mr.  
7 Slaughter.

8 MR. SLAUGHTER: Yes, I just wanted to  
9 also -- back off of what Terrence is basically  
10 saying, we also have -- a part of being a part of  
11 the Initial-71 Committee, is we've had people  
12 come on board on our weekly calls from different  
13 states who have already gone through regulation  
14 from states like on the West Coast.

15 And we've had different  
16 representatives that work in compliance areas,  
17 law firms, just educating the committee owners of  
18 the businesses that we currently have on how the  
19 processes have come into place in other states  
20 that are now legal.

21 So for example, I've been with the  
22 Committee for just about two years now, and I can  
23 tell you that for the stores that are with the  
24 Initial-71 Committee, if you were to look at  
25 something like gummies, for example, and I've

1 just seen a comment that was mentioned above  
2 about things being found in gummies in some of  
3 the illicit stores. We've made changes to  
4 whoever is a part of the Committee to make sure  
5 that the gummies that they're carrying on their  
6 shelves, that they get labeled correctly, that  
7 the products are labeled correctly, and that  
8 we're moving towards a regulation because there's  
9 not a regulation set in stone for us, but to be  
10 more in line with states who have already  
11 legalized.

12 We've taken those steps in our own  
13 Committee so that the consumers that are getting  
14 products from us, they are also, you know,  
15 they're feeling safe based on the regulations  
16 that other states have passed that we've also  
17 been bringing into our Committee to fall in line  
18 with what medical is already doing in D.C. as  
19 well.

20 CHAIRPERSON ANDERSON: All right, this  
21 is, as I said before, this is important. This  
22 panel was not planned this way. The way the  
23 panels were created, I called the witnesses based  
24 on how when they registered for the Agency, and  
25 so that's how we started.

1           And it appears that the i-71 Committee  
2 was the last group of folks who signed up to  
3 testify and so this actually a great way to end  
4 our public hearing because this is actually the  
5 first public involvement that this Board has had  
6 with the i-71 Committee for us to hear where you  
7 are, what are your wants, and try to see what can  
8 be done through these regulations and through the  
9 law if changes have to be made by the Council to  
10 ensure that you are able to transition into the  
11 licensed market.

12           And so I do applaud the fact that  
13 you're here today and it shows me that --  
14 especially the i-71 Committee that who is  
15 operating in the District that you want to access  
16 the legal market and we will do what can be done  
17 to ensure that you're able to access the legal  
18 market. I would ask that you -- we'll -- we'll  
19 be having some fact-finding hearings in the  
20 coming week with some cultivation vendors and so  
21 I'll ask that you look at our schedule to see  
22 what hearings that we're hearing because we'll be  
23 having some hearings regarding cultivation  
24 centers and the fact that some of them are not  
25 using the license and maybe you can -- it's not

1 open for you to participate, but at least you can  
2 hear what they are saying, why it is that the  
3 license is not being utilized.

4 And so as I stated before, we're here  
5 in a position, we want you to join the legal,  
6 licensed market and the cultivators are saying  
7 that we're not growing because the market is not  
8 large enough. And so if we were to -- I don't  
9 know what to do because you're saying we should  
10 postpone. They're saying the market is not large  
11 enough, that's why I'm not growing and so we have  
12 to come and so I will -- I support whatever  
13 conversations that you have with our Agency and  
14 the Director. You can share with them what  
15 you're plans are and because unfortunately, this  
16 is your only opportunity with us. If you meet  
17 with us, it would have to be in a public hearing.  
18 So we can't meet with you unless it's a quorum  
19 like this. But I do appreciate the views that  
20 were expressed today.

21 And I just want to thank all those who  
22 took the time today to testify to this hearing.  
23 Please know that this is not your last  
24 opportunity to share your thoughts with the  
25 Board. Written comments can be submitted to the

1 Board following this hearing until June 21st,  
2 2023 and during the 30-day comment period when  
3 the rules are published in the DCR Register.  
4 Please send your comments by email to  
5 abca.legal@dc.gov.

6 Thank you very much for your  
7 presentation today. It was very helpful and I  
8 think that this is the largest public hearing --  
9 I've been chair for seven and a half years and  
10 we've been regulating cannabis for about four  
11 years now and this is the largest public hearing  
12 we've ever had. And it's been a virtual hearing  
13 and basically say it was without any hiccups. I  
14 mean we have been online since 10:45 this morning  
15 and I believe we only had one or two persons with  
16 technical issues. I think that is a success that  
17 we have been able to have a virtual hearing and  
18 almost 100 percent of the folks have been able to  
19 participate.

20 So thank you very much for your  
21 participation today and have a great day and we  
22 will take all the comments that we have received  
23 and make any changes to the regulation. I know a  
24 lot a lot of comments will steps or changes, so  
25 if you able to go to the Council and ask for

1 changes, yes, you can do that.

2 As far as within the confines of the  
3 law, we will try to see what we can do. But a lot  
4 of the changes that are being requested today are  
5 -- can only be addressed by the Council and so if  
6 you are able to have the Council make those  
7 changes, the Board will do whatever we can do in  
8 our position to make changes.

9 Okay, so have a great day and thank  
10 you very much. This hearing is closed.

11 (Whereupon, the above-entitled matter  
12 went off the record at 2:52 p.m.)

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22  
23  
24  
25

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<b>A-D-A-M-S</b> 27:23	191:11	<b>addressed</b> 58:6 109:1	124:1 128:10 134:1
<b>A-L-E-X-A-N-D-E-R</b>	<b>ABRA</b> 71:7 111:24	191:5	136:11 141:15,15
132:15	<b>abroad</b> 80:2	<b>addresses</b> 100:4	175:1,2 181:12
<b>A-M-Y</b> 104:22	<b>absence</b> 63:23	<b>addressing</b> 19:5 72:3	187:24 189:13
<b>A-N-T</b> 130:25	<b>absolutely</b> 95:21	120:9	<b>aggregate</b> 19:15
<b>A-N-T-I-O-N-E</b> 60:10	103:13	<b>adequate</b> 5:19 61:1	<b>aggressive</b> 150:1 169:2
<b>a.m</b> 4:2	<b>abused</b> 115:7	167:12	174:5
<b>ABAC.LEGAL@DC....</b>	<b>accept</b> 43:23	<b>adequately</b> 34:13 70:16	<b>agree</b> 34:6 62:9 82:17
21:22	<b>acceptable</b> 57:10	<b>adjacent</b> 18:19 24:3	95:20 105:20 114:18
<b>abandoned</b> 170:8	<b>access</b> 32:24 33:14	25:5	178:8 180:9
<b>ABC</b> 38:15 60:8	35:9 57:24 66:9 68:1	<b>administer</b> 91:20 92:7	<b>agreement</b> 20:1
<b>ABCA</b> 2:2 6:24 11:7	72:7 81:16 104:6	<b>administered</b> 92:6	<b>agreements</b> 21:17
12:13 17:9,10 21:8	118:20 133:3 146:3	<b>administration</b> 38:19	28:15
23:15,17 24:25 25:2	147:2,8 162:2 165:3	106:15	<b>agrees</b> 176:14
25:16,16,21,24 26:9	165:11,18,23 166:3	<b>adopt</b> 63:10	<b>ahead</b> 10:7 14:23 15:4
27:13 28:3 30:6 32:16	166:18 167:1,24	<b>adopted</b> 4:13,19 6:1	15:6,7,20 16:1 22:3
33:17 37:11 38:2,4,18	188:15,17	48:9	26:8 27:20 36:22 37:2
38:24 40:21 41:17	<b>accessible</b> 168:7	<b>adopting</b> 119:14	37:4 46:4 55:5 60:6
42:14,22 43:4,12,14	<b>accidentally</b> 100:15	<b>adoption</b> 5:12,22 6:5	65:12 71:22 103:16
43:19 44:1,19 60:17	<b>accomplish</b> 61:6,14	<b>adult</b> 67:24 78:1 92:7	109:24 114:16 126:15
63:1,9 64:8 69:9 71:7	63:11 64:19 110:22	<b>adulterate</b> 81:11	127:10,23 132:18
72:8,10,18 73:11,12	<b>accomplished</b> 40:3	<b>adulterated</b> 57:6 79:25	141:1 150:5,22
73:14 74:6 98:11	58:9,25	81:1 88:5 90:19	160:12,17 177:11
100:9 106:7 116:4	<b>account</b> 38:21 45:3	<b>advance</b> 119:16	178:14
119:7,9,11 135:18	58:4,8 100:5,7	<b>advantage</b> 28:20 121:5	<b>aid</b> 20:22,25 176:3
140:5	<b>accounted</b> 90:6 96:6	123:3	<b>aim</b> 64:21
<b>ABCA's</b> 4:15 47:1 68:6	<b>accounting</b> 122:5	<b>adverse</b> 22:14 23:14	<b>aimed</b> 35:8
68:8	<b>accounts</b> 34:1 58:19	<b>advertise</b> 153:16 162:7	<b>air</b> 10:21 11:20 12:4,5,7
<b>abca.legal</b> 111:24	121:10	175:6,8,9	24:22
<b>ABCA.LEGAL.DC.GOV</b>	<b>accurately</b> 48:8	<b>advertisement</b> 154:10	<b>airtight</b> 12:3
30:22	<b>achieve</b> 69:24 70:10	<b>advertising</b> 122:6 154:2	<b>alcohol</b> 4:7 17:13,19
<b>abca.legal@dc.gov</b>	114:21	171:24	18:1 19:18 20:15 22:9
21:24 29:21 45:22	<b>achieved</b> 23:19	<b>advice</b> 110:16	30:7
53:9 101:11 140:17	<b>acquire</b> 147:17	<b>advise</b> 29:19 49:21	<b>alcoholic</b> 1:2,10 16:20
190:5	<b>act</b> 1:6 4:5,21 67:20	<b>advisory</b> 5:7 56:8 57:12	<b>Alexander</b> 1:18,18
<b>abide</b> 139:5	69:1 119:15 133:14	57:13,18 58:14 59:20	129:25 130:13,25
<b>ability</b> 31:23 33:13	137:3 157:7	64:23 95:13 107:8	131:4,12,16,24 132:3
51:16 77:19 78:5	<b>action</b> 13:3 150:9	111:15 112:23,24	132:10,14,15,20,25
142:11 147:4 156:14	<b>actions</b> 67:12	163:21	137:14,16,21 138:15
162:17	<b>active</b> 164:23	<b>advocacy</b> 103:20	138:21 140:11,15
<b>able</b> 13:8 20:24 38:11	<b>actors</b> 107:18,20	<b>advocate</b> 124:18	141:4,11 142:16,21
40:15 55:11 75:19	<b>actual</b> 38:12 42:23	164:22	<b>alike</b> 147:1,13 148:8
76:2,3,5 77:9,25 78:8	<b>Adams</b> 3:4 9:9 14:22,24	<b>advocating</b> 103:21	<b>alleviate</b> 147:25 148:1
78:9 79:13 82:24	15:1,3,5,8,14,23 16:2	<b>affect</b> 24:19 40:20 59:3	<b>alley</b> 18:11 25:7
91:20 92:18,20 97:23	16:3,7 22:1 27:17,18	<b>afford</b> 123:8	<b>allocated</b> 72:19 74:9
99:2,6,15 118:1,3	27:21,23	<b>affordability</b> 121:6	<b>allotments</b> 67:8 86:24
123:7 125:19 141:21	<b>add</b> 111:6 119:9 135:24	<b>afforded</b> 66:14	<b>allotted</b> 160:21
146:8 153:15,21,21	163:3 173:10,10	<b>afoul</b> 107:12	<b>allow</b> 8:7 23:21 24:18
154:15 156:14,22	180:23	<b>afternoon</b> 65:12,13	34:12 40:7 48:22
157:20,25 158:13	<b>adding</b> 25:17 52:21	69:8 71:23 103:18	68:20 72:14 74:10
159:25 161:14 162:13	148:10 171:8	117:4 119:3,5 120:6	78:12 91:8,22 93:23
162:14 188:10,17	<b>addition</b> 122:23 163:16	124:13,14 141:3	94:3 95:17 107:21
190:17,18,25 191:6	<b>additional</b> 7:7 23:21	150:23 154:25	132:24 134:8 148:20
<b>aboard</b> 153:6,12,25	27:9 59:9 62:10 90:11	<b>age</b> 6:15 147:16	148:21 149:1,12
173:13	137:19	<b>agencies</b> 147:4	151:16 154:15 157:7
<b>aborting</b> 13:21	<b>address</b> 35:16 72:23	<b>agency</b> 10:20 21:24	158:3 165:18 172:4,5
<b>above-entitled</b> 102:5	88:19 89:12 98:4	84:11 96:18 102:16	<b>allowable</b> 82:13
	160:23 166:7 167:9	113:15 115:17 122:9	<b>allowance</b> 91:23



**allowed** 18:5 19:23  
67:12 80:8,13 125:5  
127:13  
**allowing** 23:10 57:2  
67:6 72:22 92:20  
119:9 147:22 148:17  
149:2  
**allows** 4:23 5:6 35:23  
56:19 76:25 80:2,24  
83:5 133:16 165:17  
165:20  
**alluded** 64:23  
**alter** 81:8  
**alternative** 1:24 74:23  
85:1 116:25 117:5  
**Alternatively** 25:2  
**alternatives** 1:19 75:5  
162:6  
**altogether** 170:8  
**amazing** 110:19 148:24  
**ambit** 44:14  
**amend** 38:2,20,24 40:7  
**amended** 41:13 88:18  
**amending** 38:17 40:12  
**amendment** 1:6 4:5,21  
11:10 57:16 58:11  
133:14 137:3  
**American** 23:6  
**Americans** 125:14  
**amount** 22:17 23:19  
25:15 69:18 71:8,9  
76:1 124:22 128:23  
135:19,19,25 136:6  
136:15 143:11,13,15  
152:23 156:21 158:2  
169:5 180:13 182:24  
**amounts** 23:21 70:24  
125:5 147:18 149:17  
**ample** 63:15 153:12  
**Anacostia** 113:25,25  
**analyzing** 36:4  
**ANC** 1:21,22,23 2:3 3:3  
3:3,4 9:8,8,9,10,12,13  
10:5,15 15:3 16:14,15  
17:12 19:25 20:9,16  
22:7,8,9 24:1 25:12  
27:23,25  
**ancillary** 37:23  
**ANCs** 8:11 14:7 18:24  
19:19,22 20:7,13,18  
21:16 28:4,13  
**and/or** 20:19  
**Anderson** 1:11,14 4:3  
9:16 10:6 14:17 15:1  
15:4,6,10,13,16,19,22  
16:4 21:18,20 27:16  
27:19 29:13 31:7,10  
31:17,20 32:5,10

36:11,14,21 37:2  
45:18,24 46:3 53:5,22  
54:6,11,25 55:4 60:2  
60:5 65:6,10,14 69:4  
69:8 71:18,21,24  
74:15 78:20 79:17  
80:22 81:19,25 83:7  
84:2,8,17,20 86:18,25  
88:16,21 89:8 91:5  
92:23 93:17 96:12  
99:21 101:2 102:8,12  
103:4,10,16 104:16  
108:23 111:3,22  
112:10 114:16 115:12  
116:5,8,12,22 118:24  
119:5,8,12 123:23  
124:4,6,14 125:23  
126:8,11,15 129:17  
130:4,9,19 131:5,10  
132:7,11,18,21  
137:13,18 138:3,12  
140:10 144:1 145:3  
150:14,21 154:18  
158:7,14,17,24 159:4  
159:7,12,18 160:7,11  
160:16 164:9,16  
168:14 171:15 173:20  
174:13,25 176:4  
177:11 178:9,13  
180:5 181:3 186:6  
187:20  
**Andria** 53:25 55:13  
60:12  
**Anecdotally** 75:12  
**Ange** 130:21  
**Angeles** 153:18  
**anger** 99:10  
**anniversary** 69:16  
**announced** 25:24  
**answer** 27:14 47:9 89:1  
89:4 90:25 109:23  
115:9 132:6 173:22  
173:24 182:9,20  
184:14  
**answering** 53:2  
**answers** 110:16  
**anti-business** 62:4  
**anticipate** 179:12  
**anticipated** 96:5  
**Antione** 3:9,9 53:16,17  
54:4,7,7,14 55:10  
60:18 64:23 66:12  
**anymore** 170:7  
**anyway** 108:18  
**apartment** 18:10  
**Apologies** 31:8 53:20  
130:2 145:1  
**apologize** 9:11

**appear** 91:8 169:1  
**appearance** 101:15  
**appearing** 14:21  
**appears** 131:3 140:19  
188:1  
**appetite** 108:2  
**applaud** 104:2 188:12  
**applicant** 12:1,12,16  
13:17,19 17:21 27:6,7  
40:4,4,5,10,13 41:1,3  
46:15 57:1 58:21  
94:22  
**applicant's** 39:4  
**applicants** 5:4 11:6  
14:6 25:23 26:5 27:1  
38:10 39:1,2,11 40:7  
40:14,20 41:14,17  
42:11,18,23,25 45:4,9  
49:14 57:14 58:4,18  
63:16 66:16 104:6  
107:12 110:7 155:19  
157:2 179:3  
**application** 5:6 17:11  
17:16 25:20 27:4  
28:20 40:18,19 41:9  
41:15 42:12 43:3,16  
43:21,24 45:7,10,13  
69:13 73:7,10 90:3  
97:16 98:7  
**applications** 19:18  
25:24 26:21 28:17,19  
29:8,9 43:15,20 44:25  
**applied** 41:8,12 51:10  
**applies** 100:13  
**apply** 37:10 38:11  
41:10,13,14 45:4,9  
97:18 107:13  
**applying** 38:14 43:7  
44:25 73:2 87:24 91:4  
150:2 178:17  
**appreciate** 46:8 50:1  
94:13 95:4 96:8,9  
108:18 112:8 117:9  
145:15 168:13 181:8  
181:24 185:25 189:19  
**approach** 26:3,10,14  
36:8 40:16 41:4 62:4  
63:10 167:15  
**appropriate** 5:12  
**appropriately** 167:9  
**appropriateness** 17:20  
**approval** 149:19  
**approve** 14:4 20:12  
**approved** 18:20 26:1  
27:2,5 52:5,6 60:13  
**approximately** 24:2  
**April** 6:2,5  
**architecture** 90:4

**area** 15:24 26:11 37:15  
88:8 94:8,24 113:7,11  
113:23 115:1,3  
**areas** 36:7 149:24  
186:16  
**argue** 12:14  
**arisen** 146:6  
**Arlington** 50:9  
**arrested** 113:17  
**arrives** 21:1  
**aside** 19:8 41:24 43:5  
45:2 104:8 123:13  
**asides** 41:14  
**asked** 7:25 73:22 96:25  
96:25 97:10 182:8  
**asking** 7:22 31:2,4  
92:24 96:14,16 99:3  
100:24 106:6 141:11  
151:13,19 152:19  
153:5 154:8 156:20  
168:23 169:6,18  
170:25 171:1 173:12  
**asks** 13:11 28:6 99:14  
**aspect** 151:11  
**aspects** 13:25 183:4  
**assembled** 163:25  
**assets** 66:20  
**assist** 106:7  
**assistance** 35:9  
**associated** 44:24 62:8  
70:20  
**associates** 1:18 167:20  
**association** 23:6  
132:17 133:2,2,8  
**associations** 19:21,24  
20:3  
**assumed** 4:10  
**assured** 78:25 79:4  
**asthma** 75:14  
**attached** 141:20  
**attempt** 48:19,20  
**attendance** 102:11  
**attended** 115:2  
**attendees** 32:16  
**attention** 32:13 69:17  
129:4 161:19 168:8  
**attest** 75:8  
**attorney** 1:23 2:1 3:6,7  
36:17,25  
**attract** 77:20  
**audio** 19:8  
**August** 6:6 45:16  
**authority** 21:9 38:16,20  
115:22  
**authorized** 21:15  
**automatically** 121:24  
**auxiliary** 157:10  
**availability** 17:25 23:24

**available** 5:20 42:10  
45:12,15,17 71:8  
129:12,15 130:5,6  
132:6  
**avenues** 51:15 90:18  
**avert** 64:11  
**avoid** 167:16  
**award** 40:22  
**awarded** 40:24  
**aware** 6:18 21:2 80:3  
88:17 90:3 107:16  
108:24 128:9 168:24  
174:17

## B

**B-** 126:19  
**B-E** 104:22  
**B-U-N-K-E-N-A-** 130:24  
**back** 16:8,9 22:1 49:21  
81:6 102:9 103:23  
110:21 151:25 152:22  
169:17 170:14 171:12  
175:20,25 177:24  
181:12 183:11 186:9  
**backfired** 62:5  
**background** 5:25 29:7  
122:10  
**backwards** 126:21  
**backyards** 24:10,15  
**bad** 74:3 173:3  
**badge** 122:9  
**badges** 122:10  
**bag** 22:23  
**baked** 110:20  
**Baker** 118:25  
**balance** 11:10,15 23:17  
34:22  
**band-** 176:2  
**banking** 65:23 122:7  
157:6,7,8  
**bankrupt** 162:10  
**bankruptcy** 13:2 56:24  
64:3 66:14  
**banks** 157:19  
**banned** 85:8  
**Barbara** 1:19 144:8  
145:5,9 178:16  
179:10 180:10  
**barrier** 148:7  
**barriers** 62:10 72:7  
90:8 104:5  
**bars** 2:4 21:5 124:17  
**base** 171:25  
**based** 16:13 35:20 42:5  
51:5 79:14 96:17 97:4  
97:7,7 112:6 117:15  
118:15 153:1 165:13  
187:15,23

**basically** 152:7 153:23  
155:8,10,13 174:10  
176:2 186:9 190:13  
**basis** 26:2,25 43:17,20  
110:5 123:1 152:11  
**bat** 96:23  
**batch** 56:13 81:16,17  
**batches** 148:25  
**battling** 75:6,16 145:22  
**bear** 16:22  
**beat** 103:23  
**becoming** 39:7 49:10  
96:3  
**beg** 78:15  
**beginning** 105:2 120:23  
163:7  
**behalf** 7:12 22:8 27:24  
27:25 36:19 37:9  
73:14 103:14,21  
155:9  
**believe** 12:13 29:9  
33:21 37:25 60:15  
79:19 82:22 116:20  
119:16 124:20 125:25  
130:17 134:15,22  
136:22 139:15,16,20  
144:5 161:2 163:21  
169:9,12 190:15  
**Bellamy** 1:18 101:21  
103:9 104:18,20,21  
104:22 108:24 109:22  
110:17 111:5 112:8  
115:9,19 116:7,10  
**bellwether** 55:23 58:16  
59:25  
**benchmark** 63:20  
**benefactors** 62:12  
**beneficial** 39:21 71:2  
**benefit** 39:23 85:16  
122:18  
**benefits** 5:3 69:25  
145:25 165:23 168:2  
**best** 12:8 24:21 58:18  
59:16 61:6  
**better** 13:4 19:3,17 36:5  
58:14,21 59:9 86:19  
87:23 141:8  
**betterment** 93:5 155:6  
**beverage** 1:2,10 4:8  
16:21 22:9  
**bid** 113:25 183:21  
**Biddle** 1:19 144:8 145:5  
145:9,10 150:15  
177:10,12,13 179:15  
179:21  
**big** 66:2 87:12 89:1  
117:22 118:20 151:16  
157:18 179:9

**bigger** 152:21 170:22  
170:24  
**biggest** 100:13 161:17  
170:23  
**bill** 58:3 94:6 119:17  
122:5,6  
**bins** 18:13  
**biomass** 118:5 179:17  
179:24 180:16  
**bird** 126:20  
**birth** 145:23  
**bit** 95:6  
**black** 64:17 88:10  
123:19,20 146:14  
152:1 173:17 177:25  
**black-owned** 103:21  
120:2 121:17  
**blame** 74:2  
**blank** 100:9,12  
**blast** 75:10  
**bleeding** 121:16  
**blessed** 113:8  
**block** 18:11 148:9  
**blocking** 18:13  
**blocks** 24:3 99:12,15  
**blown** 18:16  
**blueprint** 76:21  
**board** 1:2,11 4:8,10,16  
4:20 6:2,8,18,21 7:16  
10:10,13 12:13,15,17  
12:22,23 13:5,13,14  
13:16,18 14:6 22:20  
25:16 27:13 29:14,17  
30:2,15 32:16 33:17  
45:25 55:7 56:8 57:13  
58:14,16 59:23 60:8  
62:9 63:1,24 64:8  
65:14 69:9 71:24  
78:22 79:2,13 80:23  
85:12,14 94:13 95:13  
95:20 96:15,20 101:4  
102:16,17,18 103:19  
106:4 107:8 109:18  
110:20 111:15 112:5  
112:12,23,24 113:1  
117:4 119:9 125:18  
126:12 128:10 132:21  
132:23 136:10 138:1  
140:25 145:11 150:24  
154:25 155:17,19  
156:1,7,11 157:3,4,13  
157:18 163:21 164:4  
167:19 169:13,14  
170:13 175:2 179:8  
181:6 186:12 188:5  
189:25 190:1 191:7  
**Board's** 5:12,22 38:16  
94:14,19 95:5 96:9

**boards** 59:20  
**boat** 59:21  
**boats** 59:1  
**BOBBY** 1:14  
**Bobo** 129:24 130:10  
**bodies** 90:22 105:8  
**body** 34:24  
**bolster** 68:4  
**border** 134:17  
**bore** 55:14  
**Borrowing** 21:5  
**boss** 89:1  
**Botanicals** 1:19 145:11  
**boundless** 149:6  
**Bowser** 119:11  
**box** 120:14 121:4  
**break** 140:21,24  
**breathing** 24:16  
**brick** 37:18 137:8  
**brief** 4:15  
**briefly** 104:24 106:18  
114:18  
**bring** 52:22 114:1  
117:13 118:23 121:8  
157:13 161:19 176:7  
178:5 182:13  
**bringing** 58:13 108:13  
129:4 152:14 181:15  
187:17  
**brings** 183:18  
**Brittany** 130:21  
**broadly** 39:21  
**Brown** 64:17  
**Brunenkant** 1:19  
129:24 130:12,24  
**bud** 127:12,18  
**build** 18:22 19:9 168:5  
168:5  
**building** 18:10,10  
165:20  
**buildings** 21:3  
**bump** 107:22 162:3  
**bunch** 155:25  
**burden** 16:24 28:13  
93:15 122:17 123:21  
133:23 135:22  
**burdens** 147:24  
**burdensome** 86:16  
**bus** 114:5  
**bushes** 86:13  
**business** 5:1,5 17:3  
18:18 20:2,12,16  
26:17 34:16 35:2,18  
42:7 44:6 50:19,22  
55:12 57:21 58:10,20  
58:24 59:4,10 61:8  
62:8,15 64:25 66:15  
69:10 86:16 89:20,25

90:4,6,12 93:23  
 121:13,17,19,21,23  
 137:9 139:12,21  
 140:4,9 145:16 146:2  
 146:25 147:5 149:23  
 149:25 153:13,16,17  
 154:6,8 155:5 156:15  
 156:23 157:10,13  
 160:19,20 164:1,22  
 166:2 180:25 183:22  
 184:11  
**businesses** 5:19 12:9  
 18:5 20:18 24:2 26:5  
 28:23 35:23 36:5  
 50:23 51:20 56:23  
 57:24,25 61:3 62:20  
 64:2 66:2,7 67:16  
 68:24 74:5 135:14  
 137:8,24 138:1,24  
 139:3,23 146:8,11,18  
 147:13 148:16,19,21  
 150:6 153:22,24  
 154:5 156:7,9,18,20  
 157:7,17,20 161:22  
 162:12 163:6 166:13  
 166:15 167:11 172:6  
 182:1 183:23 184:7,8  
 184:12 186:18  
**businesspeople** 114:2  
**butchered** 9:11  
**buy** 23:20  
**buys** 170:21  
**byproducts** 11:22

---

**C**


---

**C** 144:10  
**C-** 32:12  
**C-H-R-** 160:5  
**C-H-R-I-S-T-O-P-H-E-R**  
 160:15  
**C-O-N-T-E-N-T-S** 3:1  
**calendar** 4:4  
**California** 85:19 87:22  
 153:20  
**call** 8:9,11 9:20 16:9,10  
 30:24 31:1,1 53:14  
 54:7 69:17 82:10  
 95:19 101:17,18  
 116:14 127:12 130:7  
 149:24 157:10 172:1  
**called** 50:15 116:18  
 131:13 144:14 181:16  
 187:23  
**calling** 8:3 9:4 53:15,23  
**calls** 186:12  
**camera** 9:18 31:23  
**camping** 26:6  
**Canada's** 153:20

**cancer** 23:13 75:7,13  
 75:16  
**Cancer-related** 70:6  
**cannabis** 1:2,6,10 4:5,8  
 4:8,11,21 5:1,1,5,18  
 5:20 6:14,17 10:24  
 11:3,9,11,13 16:17  
 17:2,19 18:17 19:21  
 21:4 22:17,21 23:11  
 23:16,18,25 24:16  
 25:1,4,9,17,25 26:4  
 28:5,9,10 32:21,25  
 33:11,14,19 34:4,9,18  
 35:13,15,25 37:7,11  
 37:15 38:3,25 39:17  
 39:17,20,20,24 42:2  
 48:14 52:3,14 55:22  
 55:25 56:6,23 57:21  
 57:25 58:10,20 59:1  
 59:13,21,25 60:13  
 61:22 62:4,8 63:8,13  
 63:20,25 64:15 65:18  
 65:21 66:8 67:4,6,12  
 67:15,20 68:1 69:11  
 69:19,23,24 70:3,8,22  
 71:3 72:6,23 74:7,21  
 75:1 77:17 78:1 91:7  
 91:15,17 92:5,8,11,11  
 92:15,19 103:21  
 109:9 111:20 117:8  
 119:15,22 120:2,12  
 120:17,19,21 123:22  
 125:1,9,11,20,21  
 126:2,2 127:12 129:6  
 129:8,9,10 132:16  
 133:2,4,5,10,14  
 134:10 136:1,2,17  
 139:21,25 140:9  
 142:5 145:21 147:19  
 151:9,13,17,23 152:3  
 152:22 153:3 155:24  
 157:10 161:4 162:13  
 164:22,25 165:4,8,12  
 165:16,23 166:6,18  
 167:5,12,21 168:1,6  
 168:24,25 170:4,19  
 170:22 171:9,10  
 172:11,12 173:2  
 174:10 190:10  
**cannabis'** 66:24  
**cannabis-specific**  
 163:21  
**Cannabliss** 119:21  
 121:11  
**cap** 43:22 121:1  
**capable** 66:25  
**capacity** 34:4  
**capita** 135:20

**capital** 35:9 57:23 58:1  
 64:18 66:10 156:6,21  
**capitalist** 61:10  
**capitalization** 58:8,11  
**capitalized** 58:20  
**capped** 26:23 27:3  
 43:10  
**capping** 43:6 148:18  
**caps** 67:21  
**capture** 11:2 12:5 78:8  
 135:25  
**carcinogens** 23:8  
**card** 97:19 100:14  
 172:17  
**cards** 134:14 170:10  
**care** 30:9 86:14  
**careful** 11:9 149:10  
**carefully** 35:4  
**caregiver** 69:20  
**caregivers** 5:15 6:17  
**Carolina** 148:14  
**carrying** 187:5  
**cartridges** 75:25 76:6  
**Carver** 130:21 131:1  
**case** 4:4 10:18 12:16  
 13:1 26:16 69:3  
 171:11 183:20  
**cases** 70:15 156:13  
**categories** 5:2 45:5  
 78:12  
**CATO** 1:14  
**cause** 28:12 60:23  
 157:1,5,21  
**caused** 18:15 133:23  
 134:2  
**causes** 99:17 156:17  
 157:14  
**CBD** 75:24,24,25 76:5  
 145:20 147:6  
**CBD-specific** 148:19  
**CBE** 60:13  
**celebrating** 69:15  
**cell** 75:10  
**center** 5:8 26:7 65:16  
 69:12 72:2 74:19  
 100:1  
**centers** 17:4 44:6 52:15  
 133:6 188:24  
**centers'** 155:22  
**CEO** 60:11  
**certain** 38:21 70:2,18  
 83:24 100:3 123:6  
 156:10,21  
**certainly** 72:12 111:9  
**Certificate** 51:1,1  
**certification** 20:21 67:9  
 72:16 74:12 138:23  
**certified** 5:5

**cetera** 123:10  
**CFO** 184:10  
**Chad** 1:22 129:24  
 130:12,25  
**chain** 34:15 167:10  
**chair** 25:11 79:16  
 103:18 143:24 190:9  
**chaired** 64:24  
**chairman** 2:6 10:4,9  
 14:14 31:8 46:2 53:20  
 54:10 65:10,14 69:8  
 80:4 82:18 86:13  
 88:11 102:11 103:1  
 104:20 105:1 106:3  
 106:14 107:25 109:23  
 111:5 115:11,19  
 116:21 119:8,11  
 124:3 126:14 129:14  
 129:16 130:1,2  
 132:21 150:24 151:2  
 169:25 172:24 177:13  
 183:13 186:3  
**Chairperson** 1:11,14  
 4:3 9:16 10:6 14:17  
 15:1,4,6,10,13,16,19  
 15:22 16:4 21:18,20  
 27:16,19 29:13 31:7  
 31:10,17,20 32:5,10  
 36:11,14,21 37:2  
 45:18,24 46:3 53:5,22  
 54:6,11,25 55:4 60:2  
 60:5,8 65:6 69:4  
 71:18,21,24 74:15  
 78:20 79:17 80:22  
 81:19,25 83:7 84:2,8  
 84:17,20 86:18,25  
 88:16,21 89:7,8 91:1  
 91:5 92:23 93:17 94:3  
 96:12 99:21 101:2  
 102:8,12 103:4,10,16  
 104:16 108:23 111:3  
 111:22 112:10 114:16  
 115:12 116:5,8,12,22  
 118:24 119:5 123:23  
 124:6,14 125:23  
 126:8,11,15 129:17  
 130:4,9,19 131:5,10  
 132:7,11,18 137:13  
 137:18 138:3,12  
 140:10 144:1 145:3  
 150:14,21 154:18  
 158:7,14,17,24 159:4  
 159:7,12,18 160:7,11  
 160:16 164:9,16  
 168:14 171:15 173:20  
 174:13,25 176:4  
 177:11 178:9,13  
 180:5 181:3 186:6

187:20  
**challenge** 34:7 113:4  
 147:4  
**challenged** 120:15  
**challenges** 60:24 65:22  
 67:14 94:15,18  
 113:17 167:10  
**challenging** 67:25  
 157:12  
**champion** 62:25  
**chance** 63:5 166:4  
**Chander** 1:23 3:4 9:12  
 22:6  
**change** 68:9,21 79:3  
 83:4,15 91:11,12  
 92:25 93:3,7,11,14,22  
 94:11 96:1 103:1,5  
 106:17 111:25 150:7  
 165:6 168:4  
**changed** 112:4 149:12  
**changes** 4:14,23 5:11  
 68:22 76:22 79:2  
 94:20 105:20 106:9  
 145:17 161:15 187:3  
 188:9 190:23,24  
 191:1,4,7,8  
**changing** 85:22 122:24  
**channels** 61:16 76:17  
**chaotic** 25:22  
**characteristics** 182:17  
**charge** 23:15  
**charged** 133:18 139:1  
**charges** 73:21  
**charitable** 33:7  
**chat** 8:1,25 9:1 130:15  
 144:16,22 173:22,25  
**cheaper** 12:20 162:6  
**check** 126:4 183:17  
**checkmark** 184:9  
**checks** 29:7 122:10  
**chemotherapy** 70:20  
**chicken** 169:7  
**chief** 62:21  
**child** 91:24  
**children** 22:15 24:16  
 92:6  
**Chloe** 131:7  
**choice** 24:23 63:15  
**choose** 73:20 88:2  
**choosing** 14:15  
**Chris** 144:9,10  
**Christopher** 2:5 160:5  
 160:14 180:8  
**chronic** 70:5 75:14  
**Chuck** 1:21 3:3 9:7,23  
 10:5  
**chunk** 28:1  
**cigarettes** 23:5

**circle** 15:14 28:1 59:22  
**circumstances** 113:8  
**cities** 153:18  
**citizen** 19:21,23  
**citizens** 20:3,8 32:19  
**city** 33:3 119:11 135:1  
 139:4,5,6,10 147:20  
 161:21 185:3,4,8  
**city's** 133:4  
**citywide** 19:15  
**claim** 62:24  
**clarification** 16:23  
 95:15  
**clarified** 20:2  
**clarify** 17:18 89:6 93:1  
**clarifying** 146:22  
**Clark** 173:21  
**Clarke** 1:20 3:6 31:3,13  
 31:16,17,22,25 32:4,7  
 32:7,12 36:12,13 50:4  
 50:4,5,8,16,19,21  
 51:7,15 52:4,16,25  
**Clean** 51:1  
**clear** 6:11 61:1 63:1  
 147:12 183:12 184:9  
 185:5,14  
**clearly** 7:10 20:5 79:6  
 80:6 147:8  
**client** 171:25  
**clients** 37:9 48:11 49:1  
 49:21 50:2 107:10  
 183:2  
**climate** 73:17  
**close** 47:12 68:25 76:10  
 146:13 162:9,10  
 179:12  
**closed** 24:12 72:11  
 191:10  
**closely** 71:6 103:25  
**co-owner** 74:18  
**coalition** 32:19 103:20  
 145:12  
**Coast** 186:14  
**Coats** 183:9  
**code** 21:16 38:17 83:10  
 84:22  
**collaboration** 51:20  
 61:2  
**collaborators** 65:3  
**colleague** 36:18 103:9  
 104:10  
**colleagues** 68:23 106:4  
 163:20  
**collect** 11:19  
**collective** 33:18 161:10  
**collude** 82:16  
**color** 33:3 109:10  
**Colorado** 76:23 77:3,5

77:9 88:2,12 153:19  
**Colorado's** 76:21  
**Columbia** 1:1 133:1  
 134:19 136:3,8 140:9  
**combination** 86:7  
**combined** 65:24  
**combing** 95:6  
**combustion** 11:3,13,22  
 23:7  
**come** 16:9 26:2 63:3  
 73:2,15 100:22,24,25  
 119:22 123:8 128:4  
 128:10 136:6,6 138:1  
 142:1 151:3 153:6,12  
 153:25 154:9 155:17  
 155:19,25 156:7,11  
 157:4,18 169:14,19  
 173:13 175:14 176:19  
 179:3 181:9,22  
 184:21 186:12,19  
 189:12  
**comes** 55:25 100:4  
 125:20 127:14 138:17  
 146:6 147:20 152:7  
 155:21 156:6  
**coming** 68:13 118:8  
 142:4 156:18 157:3  
 158:3 176:23 177:22  
 178:17,25 179:8  
 185:20 188:20  
**commend** 38:4 105:1  
**comment** 20:7 29:21  
 37:9 48:21 96:24  
 174:1 187:1 190:2  
**commentary** 105:6  
**comments** 6:10,11 7:7  
 21:22,23 30:22 38:23  
 45:21,21 53:10 60:17  
 79:5,21 89:9 95:5  
 96:17,20,21 97:1,5  
 101:7,7 107:24  
 115:16 147:3 189:25  
 190:4,22,24  
**commercial** 17:5 24:3  
 43:2  
**commission** 9:12 64:23  
 107:19  
**Commissioner** 9:8,9,10  
 9:11,13 10:5,16 16:12  
 22:7 27:24 107:14,15  
**Commissioners** 16:24  
 17:13 25:15  
**commissions** 5:7  
**commitment** 133:9  
**committee** 1:20,21 2:5  
 2:5,6 22:10 31:14  
 32:8,18,18 33:5,10,12  
 33:16 35:14 50:15

51:13 52:5,12 145:13  
 151:2 154:12 155:2  
 160:19,22 161:1  
 164:21 168:17 172:10  
 172:20 176:7,10,15  
 177:17 178:2 181:16  
 181:18 183:13 184:24  
 186:11,17,22,24  
 187:4,13,17 188:1,6  
 188:14  
**committee's** 34:24  
**common** 22:12 63:11  
**commonsense** 148:15  
**communication** 34:5  
 59:11 61:2,16 104:14  
**communities** 22:16  
 39:23 135:5 166:8,16  
**community** 39:25  
 103:22 126:1 145:17  
 164:23 172:21 183:2  
 183:4,8,8,15 184:14  
**comp** 122:3  
**companies** 37:19 66:23  
 157:24  
**company** 7:10 182:24  
 184:24  
**compare** 141:20  
**compared** 143:4  
**comparing** 86:20 87:1  
 87:1  
**compelling** 143:23  
**compete** 149:13 154:9  
**competition** 62:22  
 65:25 68:16 141:24  
 177:16  
**competitive** 36:10 83:2  
 89:17 133:19 148:20  
 162:16  
**competitiveness**  
 134:19  
**competitor** 82:16  
**competitors** 150:2  
**complete** 10:14 98:2  
**completed** 98:3  
**completely** 114:18  
 177:13,18  
**completing** 26:5  
**complexity** 61:22  
**compliance** 14:10  
 34:23 184:19 185:21  
 186:2,16  
**compliant** 50:23 172:24  
 172:25 183:5 184:8  
 185:10  
**comply** 7:22 48:24  
 146:8  
**complying** 85:2  
**compound** 145:21

**comprehensive** 35:23  
 166:24  
**compression** 67:22  
 167:17  
**comprised** 56:2  
**compromised** 167:17  
**computer** 98:17  
**concentrate** 59:13  
 74:21 76:12,24 77:18  
 117:20 118:5 120:8  
 142:24 143:7,9,10,12  
 143:14  
**concentrated** 6:14  
 75:21 76:14 149:23  
**concentrates** 69:19  
 71:8 74:22 77:4,6,15  
 80:20 86:20 87:2  
 117:16 124:24 127:23  
 136:14,15,20 143:2,4  
**concentration** 83:12  
 84:24  
**concentrations** 75:25  
**concept** 49:18 89:3  
**concern** 20:5 34:7  
 49:24 88:19 89:13  
 128:1,3,5,8 137:1  
 161:17  
**concerned** 6:12  
**concerning** 147:3  
**concerns** 33:23 53:2  
 60:18 72:4 82:1 84:10  
 105:25 145:16 148:1  
 148:2,6 160:23  
 181:24  
**conclusion** 35:14  
 167:19  
**Concur** 79:9  
**condition** 91:25  
**conditional** 52:6  
**conditions** 18:7 70:2,3  
 70:19 75:13 146:19  
**conductive** 35:2  
**conduct** 140:8  
**conducted** 135:18  
**conference** 109:9  
**conferences** 109:2,7  
**confidentiality** 82:3  
**confidently** 161:16  
**confines** 191:2  
**confirmed** 47:3  
**conflicts** 18:21 43:11  
**confused** 46:11 98:16  
**confusion** 16:23  
**congestion** 18:15,21  
**conglomerates** 62:21  
**congratulations** 119:10  
**Congress** 33:16 174:19  
 174:24

**conscious** 32:21  
**consensus** 173:2  
 176:18  
**consequences** 43:8  
 63:7 96:5  
**consider** 26:9 68:22  
 82:8 105:4 146:21  
 148:17 149:19 167:20  
**considerable** 16:18  
**consideration** 14:20  
 59:23 74:14 78:19  
 133:12 140:6 151:4  
 151:20,21 168:9  
 179:22 180:2  
**considerations** 149:10  
**considered** 16:18 20:10  
 46:14 180:3  
**Considering** 56:23  
**consistent** 16:20 34:14  
 64:16  
**consisting** 163:25  
**consolidate** 20:7  
**constantly** 18:11  
**constituents** 28:15  
**construction** 12:3  
 13:12,13  
**consultant** 104:23  
 132:16  
**consulting** 61:5  
**consume** 70:21 76:13  
**consumer** 7:12 34:10  
 35:24 81:22 162:14  
 165:22  
**consumers** 69:23 70:8  
 147:1,6,13 167:13  
 169:20 187:13  
**consumption** 70:25  
 74:24 185:13  
**contact** 72:10 73:12,14  
 98:11,18 99:10  
**contain** 23:7 76:6 79:24  
 90:4 147:18  
**container** 21:10  
**contaminated** 81:1  
**context** 18:1 39:17  
**contingent** 40:23  
**continue** 27:8 29:24  
 66:19 68:2 72:7 74:11  
 95:22,24 96:1 136:2  
 146:14 149:13  
**continued** 104:14  
 133:11  
**continues** 5:13 121:22  
**continuing** 51:19 95:1  
**contract** 82:2  
**contractors** 40:5  
**contradiction** 20:17  
**contribute** 23:13 62:19

**contributions** 33:8  
**control** 11:20 12:8 18:8  
 18:20 21:7 23:16  
 67:16 174:22 175:1  
**convenient** 70:23  
**conversation** 62:18  
 63:23 64:22 173:18  
**conversations** 16:14  
 95:9 108:20 162:14  
 189:13  
**conviction** 46:15,16,25  
 47:5,9  
**convince** 171:16,18  
 175:5  
**convinced** 68:15  
**COO** 55:13  
**cool** 47:22  
**cooperation** 56:5  
**coordinate** 19:16  
**copy** 29:20  
**copying** 83:1  
**corporate** 62:21  
**corporations** 66:21  
**correct** 47:13 48:1 49:6  
 83:16 163:13 164:13  
 171:6  
**correctly** 187:6,7  
**corresponded** 47:1  
**corresponding** 19:25  
**cost** 59:9 70:20,23,25  
 78:6 86:16 122:17  
 141:19 142:11  
**costing** 68:18,18  
**costs** 62:15 122:13  
 148:18 149:11  
**council** 11:18 33:17  
 38:18 41:3 44:7  
 103:25 104:9 105:23  
 105:24 106:8 107:19  
 108:1,3,21 109:1,19  
 111:25 112:4 113:15  
 116:2,2 119:11 141:3  
 167:20 188:9 190:25  
 191:5,6  
**council's** 41:5 42:6  
 44:11  
**counsel** 11:9 37:20  
 47:1 49:21 64:8 71:6  
**counseled** 48:11 49:1  
**counseling** 50:2  
**count** 75:10 120:24  
 121:1 169:15,17  
**counting** 77:23  
**country** 55:23 62:2 66:5  
 165:7  
**county** 50:9 60:1  
**couple** 99:12 151:3,19  
**coupled** 23:11 41:23

**courier** 17:3 18:5  
**course** 12:14 36:13  
 49:5,7 57:22 85:9  
 86:6 93:21 112:2  
**court** 6:25 11:14,14  
 99:23 158:19  
**courtesy** 107:20  
**cover** 28:1  
**covered** 56:14  
**CPR** 20:25  
**craft** 82:7,8 148:23  
**crafted** 62:13  
**crashed** 100:8  
**create** 13:8 16:23 18:6  
 33:18 39:18,22 42:17  
 49:11 51:19 63:17  
 64:14,22 80:25 82:11  
 85:13 92:21 103:25  
 104:5 146:18 149:22  
 153:7 165:6 166:1,11  
 167:3 168:1,4 177:23  
 179:18,25  
**created** 38:22 120:18  
 146:19 152:24 180:15  
 187:23  
**creates** 5:2,3 25:14  
 59:9 86:15 92:9  
 125:21  
**creating** 12:1,23 58:16  
 58:23 80:19 86:17  
 147:12 149:21  
**creation** 13:21  
**creativity** 149:6  
**credentials** 55:14  
**credits** 134:25  
**crimes** 183:19  
**criminal** 29:6  
**criminalization** 39:19  
**crisis** 64:11  
**criteria** 17:21 39:3,9  
 40:3,6,7,11,14 41:22  
 46:23 106:25 149:20  
**critical** 43:11 68:18  
 154:11  
**critically** 146:3  
**Crockett** 173:24  
**crucial** 34:17 57:23  
 167:13  
**cultivate** 174:6 180:11  
 180:13  
**cultivating** 52:15  
 176:20  
**cultivation** 5:8 19:7  
 33:25 34:12 35:17  
 45:15 52:7,18,21  
 90:13 117:6 133:6  
 151:5,6 152:20  
 155:22 161:20 162:18

162:21 163:8,12  
 165:2,14,21 167:8,16  
 167:22 172:7 173:7  
 177:25 179:22 188:20  
 188:23  
**cultivator** 45:11 57:3  
 81:20 169:9,19 171:3  
**cultivators** 56:16  
 122:18 135:20,23  
 151:7 164:1 169:3,3,8  
 169:10,14 170:6,13  
 174:5,8,15 175:11,15  
 177:1,5 178:16,23  
 179:4,6 189:6  
**culture** 125:9 126:2  
 129:6,8,9,10  
**cumbersome** 65:23  
**current** 11:8,24 26:15  
 34:3 35:17 36:5 45:9  
 48:12 51:24 52:18,20  
 57:14 58:9 59:12,12  
 60:23 62:1 72:4 73:17  
 85:9 94:7 106:12  
 117:25 118:9 123:18  
 151:24 155:13 163:15  
 177:15 179:6  
**currently** 22:9 38:8  
 45:6 55:18 73:24 74:1  
 94:6 117:21 120:1  
 133:22 134:13 135:4  
 135:10 136:7 150:3  
 151:6 153:14 155:23  
 169:11,21 170:3  
 178:25 185:2 186:18  
**customer** 184:4,5  
**customers** 18:3 21:7  
 26:15 68:1 97:20  
 145:24 146:4  
**customers/clients**  
 97:15  
**cut** 131:17  
**cycle** 19:1  
**cycles** 19:2 25:13

### D

**D** 3:9  
**D-A-R-E-L** 158:22  
**D-A-W-S-** 158:22  
**D.C** 21:15 29:1 32:25  
 33:6,6,13,17,25 34:19  
 35:16 36:25 38:17  
 50:7 55:13,16,22  
 58:15 59:17,21,25  
 60:14 63:19,25 64:7  
 64:14 65:17,19 68:2  
 68:18 74:6 77:8,11,15  
 83:10 84:1,21 110:24  
 118:12 123:5 126:24

132:16 133:7 138:2  
 147:17 150:11 161:5  
 162:17 164:23 168:25  
 169:1 170:8 174:18  
 174:21 175:11 183:5  
 187:18  
**D.C.'s** 38:3 67:5,12,14  
 67:21 68:24 69:11  
 71:15 72:6 77:17 78:4  
 117:6  
**damage** 23:9 63:18  
**dangerous** 149:22  
**dare** 163:3  
**Darel** 1:21 144:9 158:12  
 164:21  
**data** 36:1 155:22  
**date** 6:4,5 151:8 153:3  
**David** 2:2 116:14  
**Dawson** 1:21 144:9  
 158:9,10,12,12,16,22  
 158:25 159:1,6,10,13  
 159:14,14,16,19,25  
 160:9,12 164:11,14  
 164:20,21 168:15  
 169:24 171:21  
**day** 7:6 23:5 29:23  
 55:11 76:24 77:4,10  
 116:9 134:7,8 136:20  
 142:10,12 152:22  
 163:11 176:11,11  
 190:21 191:9  
**days** 6:4 52:1 53:12  
 68:15 75:21 76:8,11  
 76:24 77:11,12,16  
 78:6 100:10 101:13  
 134:2 141:10

**DC** 2:2,3  
**DCR** 190:3  
**DCRA** 185:8  
**DDOT** 18:20  
**DDT** 83:22  
**de** 44:12  
**deal** 17:13 61:8  
**dealing** 141:9  
**deals** 58:11  
**dealt** 96:6  
**Deanwood** 119:23  
**debt** 66:17 121:23  
**debts** 121:21  
**debugging** 19:4  
**decade** 67:3  
**deciding** 20:11 91:25  
**decimating** 148:15  
**decision** 68:9,17  
 156:24  
**decisions** 33:14 36:9,9  
 79:14  
**decline** 17:11 68:24

**declined** 120:17  
**decreasing** 75:9  
**dedicate** 166:11  
**deep** 66:23 89:3  
**deference** 139:9  
**defibrillator** 20:25  
**defined** 17:21 61:10  
**defining** 147:8  
**definitely** 91:2 104:7  
 115:5 163:13  
**definition** 39:12 105:5  
 106:5,10,21 110:19  
 111:18  
**definitively** 39:8  
**delay** 13:23 16:5,5  
 24:25 107:11 137:23  
 168:23 169:6,18  
**delaying** 35:22 165:19  
**delivery** 18:4,9 37:19  
 81:22 137:11  
**demand** 34:1,4,13 36:6  
 42:6 52:23 67:11  
 135:17,23 148:5  
 149:18 161:21,22,24  
 163:1 180:12,14  
**demographic** 124:16  
**deny** 44:3,14  
**Denying** 42:2  
**Department** 71:7  
**departure** 39:14  
**depend** 5:15  
**depending** 80:7 82:7  
 142:16  
**depends** 87:7 163:12  
**deposits** 24:22  
**depress** 67:1  
**depression-like** 145:22  
**derived** 146:23 147:9  
**describe** 112:2  
**described** 25:21  
**designated** 123:15  
**designed** 44:13  
**desire** 138:20  
**desired** 70:10,14  
**desperate** 149:24,24  
**desperately** 78:5  
**despite** 12:8 61:20 72:7  
**destined** 66:21  
**destroy** 80:16  
**destroyed** 64:4  
**destructive** 26:15  
**detail** 13:17 136:23  
**detailing** 166:23  
**details** 58:17 89:3  
**detect** 14:12  
**detectable** 11:21 24:11  
**determine** 17:10 42:9  
 42:22 43:4,22 50:18

**determined** 14:9 50:18  
**determines** 12:22  
**determining** 39:3  
**detriment** 62:6  
**develop** 35:20 63:6  
 70:8 180:19  
**developed** 64:1  
**developing** 119:24  
**development** 35:3 63:9  
 70:8 180:18,23  
**develops** 96:1  
**device** 11:20  
**dialogue** 65:2  
**difference** 82:6 127:2  
 127:22  
**different** 18:23 85:11  
 86:8 90:5,23 94:1  
 100:11 105:8 109:13  
 110:13 114:9 127:2  
 127:15,23 171:4  
 172:18 177:18 186:12  
 186:15  
**difficult** 66:10 163:17  
**difficulties** 72:15  
**difficulty** 74:25  
**dilution** 20:18  
**diminish** 41:5 68:4  
**dire** 63:7  
**directed** 11:18  
**direction** 33:23 59:14  
 60:16  
**directive** 11:25  
**director** 1:20 3:6 32:8  
 32:17 50:14 119:8,12  
 189:14  
**disabled** 33:4  
**disadvantaged** 39:23  
 110:8 113:7,11,23  
 115:1,3 119:24  
**disagree** 83:14 91:10  
**disagreement** 49:17  
**disappear** 67:19  
**disappears** 177:16  
**disaster** 11:6  
**disasters** 13:15  
**discharge** 12:7  
**disconnects** 42:17  
**discount** 120:7,13,14  
 120:20,22 121:10  
 123:7,12,14 134:21  
**discounted** 68:8 123:12  
**discounts** 121:3  
**discourage** 136:5 150:2  
**discouraged** 73:11  
**discriminated** 125:15  
**discriminatory** 123:19  
 134:23  
**discuss** 129:3

**discussed** 133:25  
**discussion** 60:19 94:16  
 95:17 96:9 112:22  
 119:10  
**discussions** 95:24 96:3  
**disenfranchise** 26:4  
**dismissed** 47:8  
**disparities** 111:19  
 166:7  
**disparity** 111:13  
**dispensaries** 66:4  
 72:11,13 73:18  
 122:15,21 123:12,13  
 133:6,19,24 134:25  
 135:19,24 142:22  
 147:22 148:6 153:4  
 153:15 155:24 161:6  
 161:24 169:5 170:2,3  
 171:23 175:8,9  
 182:17  
**dispensary** 65:18 69:12  
 73:20 99:13 119:22  
 120:2 126:24 128:15  
 174:11 185:3  
**dispense** 129:20  
**dispensers** 169:21  
**dispensing** 175:4  
**disproportionate**  
 122:20  
**disproportionately**  
 166:16,17  
**disrupt** 44:6  
**disrupted** 18:7  
**dissenting** 20:9  
**distance** 16:25 17:18  
 28:10 30:9  
**distinct** 148:3  
**distinguished** 65:14  
 71:24  
**distressed** 66:20  
**district** 1:1,19 5:25  
 11:15 37:14 38:8 44:7  
 51:2,17 52:19 60:25  
 63:17 89:21,22 133:1  
 134:19 136:3,7 140:9  
 145:10 150:4 151:6  
 152:9,11 154:13  
 161:4 165:1 166:4  
 167:23 188:15  
**District's** 4:11 5:13  
 37:23 63:8 67:4 69:1  
 145:19  
**diverse** 33:1 67:15  
**diversity** 35:12 64:12  
 161:7  
**divvying** 67:23  
**doctor** 23:22  
**doctors** 128:13,14

**documentation** 50:25  
**DOH** 185:7  
**doing** 35:16 59:10  
 62:15,23 80:19 83:1  
 85:15,15 88:6 92:2  
 112:23 118:13 139:22  
 139:23 153:5 167:3  
 171:24 181:17,20  
 182:11,15 184:19  
 187:18  
**dollars** 12:25 51:3 78:7  
 87:19 177:21  
**dominant** 75:24,25 76:5  
**Donald** 53:21 101:20  
 103:2  
**Donovan** 1:11,14  
**dooming** 56:20  
**door** 67:21 172:2  
 181:21  
**dosage** 76:17 127:2  
 142:19 143:20  
**dosages** 136:16  
**dose** 69:24 70:22  
**doses** 70:3,7,9,14,17  
 136:16  
**dosing** 75:15  
**double** 18:14 104:22  
**dovetailing** 179:15  
**downturns** 66:11  
**draft** 11:8,24  
**drafted** 38:9  
**drastic** 13:3 39:13  
**dream** 55:24 66:18  
**dried** 22:23  
**drive** 13:2 57:19  
**driven** 149:4  
**drivers** 18:11  
**drivers'** 72:20 74:10  
**drop** 29:2 77:19  
**drugs** 63:18 110:12  
 166:9  
**dry** 22:17,21 23:11  
**DSLBD** 64:8  
**dual** 40:2  
**due** 33:5 46:25 47:5,9  
 74:12 162:1 166:9  
**Dupont** 28:1  
**Dutchie** 122:6  
**dwelling** 24:12  
**dynamic** 178:7  
**dynamics** 35:24 177:17  
**dysfunction** 62:1

---

**E**


---

**e-commerce** 37:18  
**earlier** 86:9 120:9  
 136:13 155:10 156:9  
**early** 108:4

**ears** 168:12  
**easier** 12:20 74:24  
 126:4 162:5  
**easily** 73:20 75:23  
 118:1 134:18  
**east** 119:24 122:22  
**easy** 46:11 68:16  
 119:19 139:11  
**echo** 34:6 64:1 159:2,2  
**economic** 5:18 68:13  
 113:18 114:1,14  
 135:3  
**economically** 39:23  
 110:8 120:15  
**Economics** 66:3  
**economy** 61:10  
**edible** 179:19 180:19  
**edibles** 74:23  
**educate** 183:1,2 184:5  
**educated** 127:16  
**educating** 186:17  
**education** 124:20 125:6  
 125:18 183:1,24  
 184:13 185:16  
**educational** 128:17  
 182:12,16 184:1  
**EDWARD** 1:15  
**effect** 40:17 49:1 70:10  
 143:11 177:24  
**effective** 4:22 6:3 39:16  
 61:6 70:23 75:5 107:4  
 143:14 165:10  
**effectively** 14:8 43:9  
 45:16 70:4 89:20 94:8  
**effects** 23:14 70:15  
 75:11 76:16 127:15  
**efficacy** 75:9  
**effort** 4:15 44:11 48:21  
 122:23 146:17  
**efforts** 33:18 59:17  
 108:20 166:11  
**egg** 169:7  
**eight** 6:13 22:11,19,21  
 22:23 23:2,10 30:12  
 30:18 37:19 52:24  
 69:22,22,25 71:9  
 75:20 76:5,8,23 77:4  
 78:24 136:19 143:5,8  
 143:9 151:7 153:4,14  
 154:6 155:23 161:6  
 170:6 171:10 174:8  
**eight-** 105:2  
**eight-ounce** 30:15  
**either** 17:17 48:10 52:5  
 52:19 72:18 73:2 74:9  
 80:15 98:2 99:8  
 102:22 131:1  
**elaborate** 141:5 142:18

**electric** 122:5  
**elevate** 8:15,18 9:6,7,14  
 31:2,16 53:16,19  
 102:3 130:21 144:7  
 144:12,22 173:23  
**elevated** 7:9 31:4 54:2  
 54:5 62:14 101:24  
 102:11 116:18 131:8  
 144:13,17  
**elevating** 9:2  
**eligible** 38:6 46:17  
**eliminate** 62:22 85:16  
 88:22 135:9  
**eliminated** 11:21 29:7  
 121:21  
**eliminates** 44:23 89:9  
**eliminating** 24:21  
**Elkins** 1:21 3:3 9:8,23  
 9:24 10:4,5,8  
**email** 6:10,10 98:4  
 100:3,5 140:13,18  
 190:4  
**embrace** 107:6  
**emergency** 4:9,17 5:16  
 6:1,4 20:22 21:1 37:7  
 58:7 60:21 61:24  
 103:23 104:25 106:10  
 106:16 108:5  
**empathize** 29:2  
**emphasize** 77:3  
**employed** 123:3  
**employee** 33:6 122:9  
**employees** 18:2 40:5  
 91:9,14,17  
**employing** 33:3  
**employment** 39:24  
**empower** 35:6  
**EMS** 21:1  
**emulate** 110:17 111:2  
**enable** 57:3  
**enables** 36:8  
**enabling** 72:24 112:7  
**enacted** 61:5 96:4  
 165:9  
**Enacting** 58:19  
**encompass** 39:10  
 107:5  
**encourage** 23:17  
 149:15  
**encouraged** 79:12  
**encourages** 34:21  
**encouraging** 115:21  
**ended** 156:16  
**endorsement** 23:24  
 25:1,4  
**endorsements** 5:3  
**endure** 66:24 67:13  
**enforce** 12:17

**enforced** 14:8 96:4  
**enforcement** 21:8  
 177:15  
**engaging** 28:5  
**enjoy** 24:14  
**enlighten** 126:23  
 127:20  
**enlightened** 79:12  
 113:1  
**enlightening** 127:25  
 181:7  
**enormous** 22:17  
**enriches** 35:12  
**ensure** 5:17,19 6:16 7:1  
 7:16 11:21 33:12 35:2  
 74:6 81:21 90:16  
 95:24 147:1,16 165:1  
 166:25 167:21 188:10  
 188:17  
**ensures** 5:13 34:14  
 110:13 165:22  
**ensuring** 33:9 59:17  
 166:18 167:11 171:4  
**enter** 27:10 39:20 44:5  
 99:1 140:3,4 150:6  
**entering** 20:1 63:9  
**enterprises** 5:5  
**enters** 81:4  
**entire** 40:18 56:22  
 76:19 161:8 163:11  
**entity** 7:11 50:14  
**entrance** 161:3  
**entrances** 17:5  
**entrants** 90:9  
**entrepreneurs** 64:17  
 66:9  
**entrepreneurship**  
 34:21  
**entry** 90:8 92:14,15  
**environment** 34:17,20  
 35:18 61:12 81:8  
 146:18 185:12  
**Environmental** 10:19  
**envision** 14:11 48:23  
 64:14 165:7  
**envisioned** 41:4  
**envisioning** 38:4  
**epilepsy** 70:19 75:13  
**equal** 122:16  
**equaling** 76:7 77:10  
**equally** 122:19 152:24  
**equate** 76:10 143:9  
**equation** 185:18  
**equipment** 12:5,8 13:12  
 13:13 175:24  
**equitable** 26:14 32:20  
 32:23 33:19 41:6  
 125:17 155:18 157:4

161:3 167:5 168:6  
 179:3  
**equity** 1:18 2:1 5:4 19:9  
 19:9,15 26:21,24 27:1  
 27:4,9 29:8,10 35:5  
 35:11,19,19 38:5,10  
 39:4,6,7,9,11,12,14  
 39:16,21 40:2,6,9,11  
 40:16,20,21,23 41:2,3  
 41:7,13,15,16,23  
 42:15,23 45:2,4,8,9  
 45:14 46:14,22 49:9  
 51:25 57:1,13,14,22  
 58:1,4,16,17,21 62:6  
 62:17,20 63:16,21  
 64:2,13,23,25 66:16  
 93:20,21 94:22 95:13  
 101:19,22 103:15,19  
 104:8,23 105:5,18  
 106:1,5,11,21 107:6,8  
 107:11 108:25 109:4  
 109:15 110:5,7  
 111:15,18 113:6  
 114:14 122:14 165:5  
 165:8 166:5,13 167:2  
 167:24  
**equivalent** 23:4 151:12  
**erecting** 62:10  
**error** 98:2 124:23  
**errors** 73:8,9,9  
**especially** 66:7,15  
 89:16 157:2 160:24  
 162:15 177:14 179:2  
 188:14  
**espouse** 64:12  
**essential** 36:1 154:16  
**essentially** 17:22 62:23  
 156:1,20 180:24  
**establish** 46:18 63:12  
 166:24  
**established** 21:5 26:17  
 28:16 37:14 93:21  
**establishing** 61:15  
**establishment** 17:16  
 18:1 19:20 165:2,13  
 167:8,22  
**establishments** 17:23  
 19:13 25:18 36:2  
 175:16  
**et** 123:10  
**Europe** 109:8  
**evaluate** 35:4  
**evaluation** 35:24  
**evening** 170:7  
**events** 33:7  
**eventually** 47:8  
**everybody** 98:16 119:4  
 164:7 172:23 183:24

**evident** 33:24  
**eviscerate** 44:14  
**evolution** 37:17 59:19  
**evolved** 67:5  
**evolving** 36:1 166:22  
**Ewart** 1:22 9:8,15  
**exactly** 13:7 95:11,12  
**examination** 16:22  
**example** 61:25 70:4  
 75:6,11 76:2 81:9  
 85:23 107:5 134:6  
 135:5 143:5 162:20  
 166:5 167:25 186:21  
 186:25  
**examples** 80:1 148:13  
**exceeded** 123:24  
**exceeds** 129:8  
**excellent** 112:21  
**excess** 125:3  
**exchanges** 12:4  
**excited** 32:24 104:13  
**excluded** 20:4 94:7  
**excuse** 4:16 106:16  
**executed** 63:22  
**executive** 1:20 3:6 32:8  
 32:17 50:14 106:16  
 119:8,12  
**exemptions** 76:25  
**exist** 77:22 121:22  
 178:23  
**existed** 67:11  
**existing** 5:18 16:19,20  
 34:8 35:1,6,19 36:2  
 117:8 135:23 178:22  
**exists** 55:18 68:5 85:18  
**exit** 21:7  
**exodus** 87:12  
**expand** 34:12 40:6  
 118:11 127:13 172:7  
**expanded** 38:5 39:5,9  
 106:2,11  
**expanding** 52:19 107:2  
 118:3 175:3  
**expansion** 16:19 68:6  
 106:5 117:23  
**expansive** 106:20  
 175:3  
**expect** 72:12  
**expeditious** 20:6  
**expenses** 43:1 57:4  
 122:10  
**expensive** 75:4 84:21  
**experience** 14:7 18:23  
 37:25 55:9 70:14  
**experiences** 16:14  
 18:24 113:3  
**expert** 11:1 142:21  
**expertise** 95:16

**experts** 56:9 61:5 64:10  
 64:25 163:25 164:1  
**expire** 6:4  
**expired** 100:15  
**explain** 169:22  
**explained** 20:13  
**explanation** 19:17  
**Explicitly** 147:22  
**explore** 124:2  
**explosion** 59:18  
**exposed** 11:12  
**exposure** 10:24  
**express** 74:19 105:25  
 153:21 155:3,8  
**expressed** 6:23 189:20  
**extend** 49:22 107:20,21  
 134:7  
**external** 176:8 184:13  
**extracted** 118:5 180:14  
**extracting** 163:9  
**extraction** 180:17,19  
**extractions** 180:15  
**extractors** 164:1  
**extraordinary** 184:20  
**extremely** 41:22 162:12  
 163:22

---

**F**


---

**fabric** 33:2 167:2  
**face** 60:24 67:13 159:21  
 162:23 166:9  
**faced** 94:16  
**facets** 90:5  
**facilitate** 64:21  
**facilitates** 61:12  
**facilitating** 147:7  
**facilities** 10:25 51:21  
 52:19 85:18 165:2,14  
 167:9,23  
**facility** 5:2 20:19 85:6  
 91:9 117:6 185:4  
**facing** 65:22 81:20  
 97:20  
**fact** 12:6,11,21 43:11  
 47:3 50:2 88:6 97:12  
 97:13 113:12,22  
 153:1 188:12,24  
**fact-finding** 188:19  
**facto** 44:12  
**factors** 162:1  
**facts** 171:14  
**fail** 64:3 163:6  
**fails** 38:12 56:13 80:14  
 80:15  
**failure** 80:7,9 156:19  
**fair** 32:21 41:6 48:23  
 141:25 142:9 154:5  
 166:18 168:6



**fairly** 14:8  
**fairness** 7:16  
**faith** 42:7 48:19,20,21  
 107:18  
**fall** 25:10 48:12 187:17  
**fallout** 61:9 96:7  
**falls** 122:15,21  
**familiar** 12:3 125:2  
**families** 24:14  
**family** 46:23,24 47:4  
 65:16 69:10 72:1  
**far** 30:12 39:4 66:18  
 77:1 84:9 125:19  
 179:24 191:2  
**farmer's** 149:3  
**fast** 108:16 137:17  
 150:10  
**fault** 47:20 99:18  
**favor** 90:7  
**fear** 149:8  
**feat** 68:16  
**features** 88:14  
**federal** 10:19 66:14  
 146:20 172:15  
**federally** 147:5 148:4  
 168:24  
**feds** 172:16  
**fee** 43:4 78:10 122:7  
 133:22 134:5 138:22  
 139:1 141:13,22  
 142:1,7,14  
**feedback** 95:10  
**feel** 29:4 125:7 126:1  
 160:24 176:15  
**feeling** 187:15  
**feels** 176:16  
**fees** 68:2 122:7,8,9  
 133:18 139:18 140:1  
 141:6,14  
**feet** 17:4,7,14,19 19:19  
 21:15 26:8 151:13  
 171:10 175:22  
**fellow** 55:8 60:9  
**fertigate** 83:3  
**fertilizers** 83:12 84:24  
**Fifty** 121:24  
**figure** 10:1 12:16 43:25  
 57:14 128:9 159:2  
**file** 83:9  
**filled** 22:23  
**final** 93:19 144:23  
**finalize** 14:2  
**finally** 25:20 45:1 67:8  
**financed** 121:19  
**financial** 44:24 71:4  
 122:17,19 123:21  
 135:2 157:19 162:11  
**financing** 157:12 158:2

**find** 9:1 70:6 82:19  
 89:18 91:15 109:2,14  
 114:6,9 125:3 126:22  
 156:24 157:11 176:8  
 176:11  
**finding** 181:7  
**fine** 36:22 93:17 103:4  
 103:6,10 129:14  
 132:9 145:4 175:7  
**finest** 117:6  
**finish** 14:13 182:9  
**finished** 80:25  
**firm** 36:20 37:13 48:16  
 53:1  
**firm's** 46:13  
**firms** 186:17  
**first** 9:4,5 10:11 12:19  
 13:9 19:1 22:16 26:1  
 26:2,13 28:17 32:15  
 39:3 60:12 67:6 69:11  
 80:14 100:15 103:7,8  
 110:21 145:23 146:1  
 160:20 165:8 167:16  
 168:15 170:1 173:14  
 179:2,23 182:23  
 184:4 188:5  
**first-come** 149:21  
 151:14  
**first-served** 149:21  
 151:14  
**firsthand** 37:17  
**Firstly** 33:24  
**fiscal** 141:18  
**five** 6:2 7:4 9:19 10:10  
 23:4 32:2 55:5 108:16  
 117:20 123:24 131:12  
 132:1 145:7 151:7  
 160:16 164:19 170:5  
 174:8,10  
**five-minute** 7:18  
**fix** 12:20 73:10 77:21  
 115:21 142:13  
**fixed** 71:14  
**fixes** 108:9  
**flesh** 58:17  
**flexibility** 34:23 115:23  
**floor** 174:3  
**flourish** 146:19 149:1  
**flower** 75:1 76:1,9  
 77:10 81:4 86:19 87:2  
 87:9,25 88:3,14 123:9  
 136:17 142:25 143:6  
 143:8,15 163:7  
 179:17 180:12  
**flower's** 86:20  
**flowers** 56:22  
**flowerz** 1:22  
**fly** 97:7,8

**flytrap** 44:12  
**focus** 10:11 13:25  
 165:20 175:13  
**focused** 10:23 37:15  
**focuses** 52:17  
**focusing** 40:3 52:20  
 167:15,24  
**folks** 8:2 97:17 101:23  
 105:10 106:19 130:23  
 131:13 144:8,12  
 188:2 190:18  
**follow** 21:6 114:17  
 123:5 128:4 149:2  
 167:4  
**follow-up** 111:10  
**followed** 109:18  
**following** 38:23 107:25  
 190:1  
**follows** 13:22 94:23  
**food** 146:23  
**foot** 172:1  
**footprint** 175:21  
**footsteps** 172:2  
**force** 71:12 76:13  
**forced** 66:19  
**foremost** 170:1 173:15  
 182:23  
**forget** 99:11  
**form** 59:20 69:13 80:25  
 106:12 123:9  
**formal** 112:22  
**formatting** 180:2  
**formed** 133:3  
**forms** 68:1 75:6,16  
 76:14  
**formulate** 30:3  
**forward** 58:6 59:11,24  
 95:18 108:19 111:8  
 117:11 124:8 133:10  
 140:16 151:22 161:15  
 166:6 180:4  
**forwards** 126:21  
**foster** 34:20 35:18 36:9  
 165:5  
**fosters** 35:11  
**fought** 121:8  
**found** 23:1 79:25  
 145:21 147:24 187:2  
**founded** 69:11  
**founder** 145:10  
**four** 8:9,18,19,20,21  
 23:20 190:10  
**frame** 78:11 113:3  
 178:20  
**framework** 19:4 58:10  
 166:12  
**frameworks** 166:25  
**frankly** 20:3 42:4 49:24

**fraught** 24:1  
**free** 14:1 172:22  
**frequent** 18:14  
**frequently** 18:11  
**Frey** 1:22 129:25  
 130:12,25  
**friend** 129:1 132:22  
**friendly** 35:18  
**fringe** 124:16  
**front** 87:8  
**fruitful** 95:20 96:21  
**frustrated** 104:7  
**frustration** 28:23  
**fulfill** 34:13  
**full-time** 65:19  
**fully** 29:7 157:8  
**function** 62:11 91:22  
 156:15,22  
**functioning** 33:19  
 61:13  
**fund** 61:11 183:9  
**funding** 158:3  
**further** 16:22 28:8 41:4  
 67:23 122:1 123:12  
 124:1,8  
**Furthermore** 167:7  
**future** 32:24 41:17  
 51:20 167:13 181:19

---

**G**


---

**gain** 13:6  
**gaining** 118:20  
**gallon** 22:23  
**Games** 26:3  
**gap** 80:25  
**garden** 13:23 14:1  
 20:19 23:24 24:6,9,25  
 25:3,4  
**gardens** 11:1,5 14:5,15  
**gather** 36:1  
**gauge** 178:3  
**geared** 126:3  
**general** 45:12 47:1  
 178:21  
**generate** 18:18  
**generating** 90:14  
 177:20  
**Generation** 101:19,22  
**generational** 1:18 2:1  
 63:17 66:17,18  
 101:19,22 103:15,19  
 104:23  
**generations** 114:3  
**generic** 123:15  
**genuine** 149:5  
**getting** 18:12 86:13  
 87:23 90:21,22 94:19  
 109:12 164:12 182:14

187:13  
**giants** 62:21  
**gift** 181:22  
**gifting** 48:14 51:6,7,14  
 52:2  
**give** 15:25 28:19 29:3  
 32:15 37:3 46:9 57:19  
 96:15 102:1 117:17  
 133:20 137:19 168:12  
 183:10,20  
**given** 23:15 48:23  
 110:14 139:9 177:14  
**gives** 37:25 83:4 147:19  
**giving** 26:12 82:13  
 153:12 171:14  
**glad** 132:24 168:16  
**glitches** 74:12  
**glut** 44:24  
**GM** 81:17  
**gmail** 100:7  
**go** 10:7 14:22 15:4,6,7  
 15:20 16:1 19:19  
 21:25 22:2 27:20  
 31:19 36:22 37:2,4  
 46:4 49:13,21 54:20  
 55:5 60:6 65:12 71:22  
 73:20,24 76:18 78:16  
 97:18 99:12,15,16  
 103:7,8,9,16 109:24  
 110:21 114:16 116:2  
 126:15,24 127:10,23  
 132:18 134:3,18  
 138:24 141:1 145:4  
 150:21 152:21 153:19  
 160:12,17 175:11,12  
 177:11 178:14,15  
 180:22 181:12 182:17  
 184:1,4 190:25  
**goal** 5:23 39:16 42:6  
 61:6 62:11 64:19 74:8  
**goals** 40:2 62:22 63:11  
 63:12,24 65:4  
**God** 137:16  
**goes** 81:4 108:16 125:5  
**going** 8:8,8,17 9:5,20  
 30:5 31:1,1 32:14  
 36:19 45:7,15 54:17  
 54:19,19,20 83:1,3,24  
 85:6 86:9,10 88:9,25  
 89:1 90:14,15 95:17  
 95:25 97:11,21 99:15  
 101:18,23,25 104:18  
 105:11 108:12,15  
 109:1,19 113:5 116:2  
 116:14 117:21 118:1  
 118:19 126:3 129:20  
 129:21,23 131:14  
 136:10,11 137:4

138:1,9 140:1 142:5  
 144:3 151:2,16,25  
 153:7 154:4,4 155:16  
 155:20,25 156:2,5  
 157:1,4,21,24 168:21  
 171:12 173:5,16,18  
 174:11 176:1 177:5  
 177:17 178:2,4,25  
 179:7,11,13 182:5  
**good** 4:6 9:21 10:7  
 14:24 27:22 31:24  
 42:7 48:19,19,20 51:1  
 54:13,15,15,22,23  
 55:2,6 58:24 60:7  
 65:11,12,13 69:7  
 71:23 81:2 103:18  
 107:5,9,18,18,20  
 113:2,3 117:3 119:3,5  
 119:17 124:13,14  
 141:3 150:23 154:25  
 162:19 185:16,24  
**goods** 51:8  
**GoPuff** 18:8  
**gotten** 30:13 79:5 130:5  
**gouging** 170:20  
**government** 49:3,18  
 61:9,13 62:12 122:9  
 126:5 172:18 183:6  
**governmental** 64:9  
**grace** 107:21  
**graduated** 142:14  
**gram** 120:25 121:2,3  
**grams** 69:22 75:17,20  
 76:24 77:4,6,14,16  
 136:20  
**grand** 89:3  
**Grandis** 1:15 46:2,4,5  
 46:20 47:11,16,19,22  
 48:1,4,16 49:2,6,15  
 50:6,11,17,20 51:4,11  
 51:22 52:12,25  
 107:15 112:13,14,19  
 115:10,13 126:14,16  
 126:17,22 127:6,9,24  
 129:2,11,18 132:8  
 176:24 180:7 181:4,6  
 182:3,4,7,8,10,21  
 184:16 185:15 186:1  
 186:5  
**granted** 73:23 177:1  
**grass** 22:24 23:2  
**gratitude** 155:3  
**gravity** 63:2  
**gray** 37:17,23 42:8  
 44:11 94:8,24  
**great** 27:21 33:2 81:10  
 94:2,3 110:2,18 116:8  
 188:3 190:21 191:9

**greater** 16:24  
**Green** 130:3  
**Greetings** 132:20  
**Gretchen** 131:6  
**grocery** 114:6  
**ground** 6:20  
**group** 8:20,21 20:8  
 31:13 67:14 102:23  
 105:9 163:24 181:16  
 188:2  
**grow** 63:13 169:13,16  
 171:16,18 175:18  
 177:1 178:21 179:13  
**grower** 57:1 82:7,9  
**growers** 56:21 128:15  
 178:5  
**growing** 57:4 148:10  
 169:4 170:6,7 171:19  
 189:7,11  
**grown** 88:7 151:10  
 152:3,23 169:1  
 171:10 172:12,12  
 173:4,8  
**growth** 35:2 36:7 83:22  
**guarantee** 165:15  
 176:18  
**guardrails** 148:15  
**guess** 54:21 92:23  
 129:13  
**guidance** 13:11 41:21  
 43:14 46:8 59:6 86:3  
 127:1  
**guide** 98:14  
**gummies** 186:25 187:2  
 187:5  
**guys** 84:3 153:2 168:19  
 171:1 174:11 185:7

---

**H**


---

**H-A-N-N-A-H** 32:12  
**H-T-E-R** 154:24  
**half** 22:19,21 23:4  
 190:9  
**halt** 152:19 171:1  
 176:19  
**halting** 164:25 167:21  
**hand** 174:14  
**handcuffed** 153:24  
**handcuffs** 171:22  
**handful** 66:21  
**handle** 49:3 149:18  
**handled** 82:2  
**Hands** 51:1  
**Hannah** 1:20 3:6 31:2  
 31:13,16,17,22 32:7  
**HANSEN** 1:15  
**happen** 94:14,21  
 172:18 178:6  
**happened** 111:19  
**happening** 100:3  
 181:19  
**happens** 10:18 81:3  
 100:3 179:14  
**harbor** 48:25 52:11  
 107:22  
**hard** 87:20 113:12  
 119:13  
**harming** 62:24  
**harmonization** 28:8  
**Harris** 101:21 103:2  
**harvest** 56:23 57:5  
**haven** 146:12  
**head** 13:15 32:14  
**health** 5:24 22:14 23:14  
 53:25 55:13 60:12  
 71:7  
**healthier** 34:15  
**healthy** 36:10 182:24  
**hear** 15:2,5,7,8 16:3,5  
 27:18,19 28:4 32:2,4  
 47:14,18,19 50:4  
 57:20 71:21 106:8  
 150:19 158:13,14  
 159:4,16,19 164:14  
 164:16,17 171:17  
 176:25 184:17 188:6  
 189:2  
**heard** 44:10 71:25  
 78:23 79:5,7,11  
 100:23 124:19,19  
 142:20 155:5 163:20  
**hearing** 1:6 4:5,7,17  
 6:21 7:1,6,15 8:6  
 27:14 32:17 53:10  
 59:2 93:25 94:1,16  
 108:4,7,8,18 113:21  
 114:11 120:10 124:8  
 188:4,22 189:17,22  
 190:1,8,11,12,17  
 191:10  
**hearings** 13:25 105:7  
 185:17 188:19,22,23  
**heavy** 83:18 85:7  
**held** 7:16 20:8 22:10  
**hello** 50:4,5 119:3  
 132:23 164:20  
**help** 55:12 57:18 58:18  
 58:21 59:2 63:18 68:3  
 68:3 91:21 92:18  
 94:14 98:14,14  
 100:24 113:3 114:3  
 114:11 125:10,11  
 127:7 128:7 147:16  
 147:25 148:1,5,12  
 149:5 157:20 182:13  
 186:1

**helped** 75:12  
**helpful** 17:17 184:17  
 185:18 190:7  
**helping** 58:4 59:24 72:5  
 113:16 184:25  
**helps** 119:16  
**hemp** 1:19 145:11,12  
 146:2,7,15,25 147:2  
 147:11,23 148:2,8,10  
 150:4  
**hemp-** 146:22 147:8  
**hemp-derived** 147:6  
 148:4  
**Herbal** 1:19  
**hesitation** 177:14  
**hey** 93:9 125:10 172:11  
 184:10  
**Hi** 32:4 74:17  
**hiccups** 190:13  
**high** 33:19 63:14 69:24  
 70:22 120:25 142:8  
 165:16  
**higher** 70:3,9,13,23  
 78:4 136:16,16  
 143:19  
**highest** 33:10  
**highlight** 67:1,2  
**highlighted** 181:10,11  
**highly** 149:15,23  
**hinder** 85:20  
**hindered** 138:23  
**hindrance** 92:9 166:3  
**hire** 183:17  
**hired** 183:25  
**historical** 166:7  
**hit** 125:4  
**hold** 9:3 13:24 15:11  
 104:17 116:16,16  
 159:2,3,10 160:7  
 182:7  
**holders** 66:16 67:6,15  
 118:8  
**holding** 4:16 27:13  
 43:24  
**holidays** 73:16  
**Holistic** 2:3  
**home** 65:18  
**hop** 85:16,24  
**hope** 10:13 47:23 55:11  
 58:7 100:25 105:4,20  
 106:1 107:18 155:4  
 164:14  
**hopeful** 161:13  
**hopefully** 159:25  
**horns** 18:16  
**host** 33:7  
**hotels** 17:15  
**hotmail** 100:5

**hour** 99:9 100:11  
**hours** 72:5,13,17 73:16  
 98:21,24 99:5  
**hub** 161:20  
**huge** 148:7 152:1  
 155:20 156:6 157:2  
 157:14 173:16  
**hundreds** 73:17 177:22  
**Hunger** 26:3  
**hurdle** 58:12  
**hurdles** 57:15 162:24  
**hygiene** 81:10  
**hypothetical** 49:23

---

**I**


---

**i-** 31:13  
**i-71** 1:20,21 2:4,5,6 3:6  
 32:8,18,18 33:5,12,16  
 37:22 48:12 49:14  
 50:15,22 52:23  
 138:25 145:13 146:12  
 151:2,14 153:2  
 154:12 155:2 157:24  
 160:19 161:1,22  
 164:21 168:16,16  
 172:10,20,24,25  
 176:6,14 177:16  
 178:2,7 179:11  
 181:16 183:5,13  
 184:8,24 185:1,8,9,20  
 188:1,6,14  
**i-71-compliant** 160:20  
**i-71s** 136:5 139:19  
**I-R-K-O** 131:2  
**I-S** 160:6  
**i.e** 37:22  
**ID** 72:21 183:17  
**idea** 9:2 73:8 92:7 107:9  
 113:5 114:1,12 129:6  
**identified** 7:2 8:13,16  
 8:22 108:10 132:2  
 145:7  
**identifier** 99:4  
**identify** 8:7 9:22,25  
 10:2 32:1 36:15,23  
 99:22,24 103:11  
 104:19 117:1 132:12  
 144:16,21 145:5  
 154:21 178:9  
**identifying** 33:4  
**II** 3:9 53:17 54:3,8,9  
 60:6,7,11 65:7 89:6  
 89:14 94:2 105:16  
**illegal** 134:3  
**illegals** 122:11,13  
 138:25  
**illicit** 73:17 76:18 99:13  
 152:1 153:2 173:17

179:9 187:3  
**Illinois** 151:23 176:21  
**illustrate** 63:2  
**imbalance** 156:2  
**immediate** 20:25  
**immediately** 6:3 97:23  
**immense** 65:22 66:24  
**impact** 22:14 74:5 75:3  
 93:10 110:9 117:22  
 118:7,20 122:19  
 135:3 141:19 145:18  
**impacted** 39:19 166:16  
 166:17  
**impactful** 92:19  
**impacts** 18:2 117:18  
 135:1  
**imperative** 90:1  
**implement** 4:20 35:5  
 68:21 112:5,6 133:13  
**implementation** 24:25  
 78:11  
**implemented** 39:15  
 85:3 117:11 148:14  
 164:3  
**implementing** 26:9  
 147:10  
**implications** 44:1 68:11  
**implore** 64:7 85:14  
**importance** 165:12  
**important** 20:9 22:5  
 81:12 94:25 128:2,9  
 135:16 137:23 146:3  
 148:25 154:11,12,13  
 162:12 165:25 187:21  
**importantly** 55:20  
 77:13  
**Imposing** 75:2  
**improperly** 63:6  
**improve** 133:3  
**improvement** 16:18  
**improvements** 72:8  
**improving** 107:11  
**inability** 162:6  
**inadvertently** 62:10  
 76:13  
**incarcerated** 46:25  
 47:5 106:23  
**incentive** 133:20  
 176:25 178:5,22,24  
**inception** 37:16  
**inches** 22:24,24,25  
**include** 21:16 35:7  
 39:10 56:8 68:7 107:3  
 130:2 148:13  
**included** 90:12  
**includes** 17:23 147:8  
 166:14  
**including** 17:24 21:14

28:4 39:1 40:22 56:16  
 56:19  
**inclusion** 39:18 64:13  
 94:5  
**inclusive** 38:4 39:1,6  
 106:22 167:5 168:1  
**inclusivity** 35:13  
**income** 68:18 115:5  
 122:2,24 123:14  
 134:21  
**incoming** 145:17  
**inconsistent** 29:10  
**inconvenience** 70:21  
**incorporate** 167:1  
**increase** 27:4 40:14  
 71:8 136:14,18  
 142:12,19,23 171:25  
 180:13  
**increased** 23:13 26:24  
 142:19  
**increases** 142:10  
**increasing** 67:7  
**incredibly** 94:24 96:10  
**incurring** 43:1  
**indefinite** 42:21  
**independent** 65:17  
 90:18  
**indica** 127:21  
**indicate** 84:13  
**indicated** 79:23 83:8  
 108:3  
**indicators** 35:21  
**Individual** 70:11  
**individuals** 6:22 8:10  
 8:18,19,20 9:14 39:19  
 70:13,16,21 73:6  
 110:8,10,14 162:8  
**indulge** 132:4  
**indulgence** 7:14  
**industrial** 17:5 146:25  
**industries** 147:4 149:7  
**industry** 6:16 32:19,25  
 33:2,20 35:25 37:10  
 56:8,9 60:25 61:4,7  
 61:15,18,22,23 62:2  
 64:10 65:21 66:22  
 68:4 78:23 85:20  
 91:15 92:11 93:5,10  
 93:15 95:15 119:17  
 126:2 128:16 145:19  
 146:12,16 147:25  
 148:16,20,23 155:7  
 155:13 156:19 161:4  
 161:7 162:9 163:12  
 163:17,25 164:5  
 165:6 166:6,13,22  
 167:2,6,14 168:1  
 172:23

**industry's** 145:18  
**inevitably** 146:13,13  
**inflicted** 25:20  
**influence** 115:22  
**influx** 167:11  
**inform** 58:14 59:2 96:14  
 164:4  
**information** 13:11  
 79:12,14 82:17 98:3  
 99:3,6 126:23 127:1,4  
 127:14  
**informed** 8:2 36:8  
 95:18 108:20 144:19  
**informing** 28:15  
**infrastructure** 34:3  
 165:21  
**ingest** 75:17  
**ingestible** 147:11  
**inhalable** 180:20  
**inhale** 24:24  
**Initial-71** 186:11,24  
**initially** 14:4  
**initiative** 179:7  
**initiative-71** 155:17  
**initiatives** 40:1  
**injustices** 166:8  
**innovation** 34:21 149:6  
**input** 56:12 59:7  
**insanity** 25:20  
**inside** 184:2  
**insight** 38:1  
**insights** 36:2  
**insomnia** 75:14  
**inspector's** 14:12  
**instance** 45:6 56:13  
**instances** 156:8  
**instills** 149:5  
**institute** 68:9  
**instituted** 123:17  
**institutions** 157:19  
 162:11  
**insufficient** 70:7  
**insurance** 71:4 122:4,4  
**intake** 17:11  
**integrity** 150:7  
**intend** 27:7  
**intended** 27:6 38:23  
 39:22 44:8 48:7 115:8  
**intent** 110:22  
**intention** 41:5 150:5  
**interception** 153:8  
**interest** 6:23 24:20  
**interested** 166:19  
**interesting** 79:11  
 126:23  
**interference** 19:8 33:15  
 164:17  
**interior** 24:12

**interject** 99:20 100:1  
 177:10  
**internal** 176:8 184:13  
**international** 61:11  
 63:19  
**internet** 5:9 19:7 137:2  
 137:5,6,10  
**intervene** 21:11  
**introduced** 164:18  
**introducing** 36:3  
**invested** 87:18 139:4  
 139:10  
**investment** 12:25 26:18  
 34:22  
**inviting** 44:2  
**involuntary** 24:23  
**involve** 183:3  
**involved** 141:19  
**involvement** 188:5  
**IP** 82:1,2  
**issuance** 5:8 25:3  
 149:16 166:10  
**issue** 6:18,19 38:1 42:8  
 58:3 72:23 79:6,8  
 100:13 104:8 105:3  
 105:10,23 120:8  
 129:3 136:11 151:16  
 152:14 168:11 175:13  
**issued** 5:17 26:21  
 135:16 137:6,7  
**issues** 16:22 42:6 71:11  
 108:14 120:5,12  
 125:22 140:12 150:4  
 151:4 164:12 190:16  
**issuing** 134:14 165:14  
**item** 82:23  
**iteration** 57:16

---

**J**


---

**jail** 47:6,7  
**James** 1:16 3:10 53:17  
 65:8,9,11,13,15  
 132:22  
**January** 117:8  
**Jayaramaan** 3:4  
**Jayaraman** 1:23 9:13  
 21:25 22:2,4,7 27:12  
 30:11  
**Jeff** 2:3 3:3  
**Jeffrey** 3:10 9:10 16:10  
 16:12 53:18 69:5,6,7  
 69:9  
**Jen** 1:19 129:24 130:12  
 130:24  
**JENI** 1:15  
**Jersey** 110:2 151:23  
 176:21  
**job** 10:16 62:23 127:19

**jobs** 92:15,15  
**John** 2:1 3:7 31:3,11,12  
 36:18,24 48:21  
**Johnson** 101:21 103:2  
**join** 32:25 159:25  
 168:17,20 169:23  
 189:5  
**joined** 161:1  
**joining** 4:6  
**joints** 23:2  
**JOSE** 2:2  
**Joshua** 3:11 53:18,23  
 74:16,17,17 99:25  
**JR** 1:14,16  
**judge** 11:14 24:20  
**judicious** 14:15  
**July** 73:19 77:13,25  
 99:14 101:8,9,10  
 107:4 134:12  
**jump** 91:13  
**June** 1:9 45:10,20  
 53:10 101:10,11  
 115:18 140:18 190:1  
**Junior** 89:4  
**jurisdiction** 4:11 33:13  
 80:1  
**jurisdictions** 39:15  
 123:6 167:4  
**justice** 35:12 164:22  
**justification** 10:14

---

**K**


---

**K** 183:25  
**K-O-L-S-K-Y** 131:6  
**Kahn** 3:10,10,11,11  
 53:17,18,18,18,23  
 65:8,9,11,13,15 69:5  
 69:6,6,7,9 71:19,20  
 71:23,25 74:16,16,17  
 74:18 97:12,13,21  
 99:19,22,25,25  
**keep** 12:9 28:13 91:21  
 126:4 134:11  
**keeping** 81:7 108:19  
**kept** 67:14,17  
**key** 39:6  
**Khan** 71:19  
**Kids** 183:9  
**Kim** 101:20 103:1  
**kind** 38:6 71:4 91:23  
 98:25 127:14 128:17  
 178:3 185:17  
**kinds** 127:23 129:7,7  
**Kinner** 1:23,23 2:1 3:6  
 3:7,7 31:3,12,12  
 36:14,16,17,17,25  
 37:13 46:19 47:11,12  
 47:14,16,17,20,23,25

47:25 48:2,2,3,15,18  
 49:5,7,15 105:17  
**kit** 85:25  
**kits** 85:24  
**know** 4:10 7:3 10:15  
 11:19 13:18 19:23  
 22:20 23:9 30:4,11  
 50:1 51:12 65:21 73:6  
 74:8 88:9 90:2 92:13  
 92:18 93:24 95:3,25  
 96:7,14 98:5,9,22  
 100:4 103:5 104:3  
 106:23,23 107:16,17  
 108:9 111:16 112:2,5  
 112:21 113:16 114:13  
 114:22 115:3,24  
 116:3 118:10 120:8  
 127:21 128:4,8,14,20  
 129:1 133:22 134:16  
 135:13,18 136:5,10  
 137:2,4 139:2,9,10,11  
 140:1,7,22 141:13,18  
 142:2,6 143:6 156:16  
 157:16 158:2 159:14  
 159:20,22 161:12  
 163:1,17 169:20  
 171:5 172:15,24  
 175:24 179:8,16  
 181:14,18 184:22  
 187:14 189:9,23  
 190:23

**knowing** 68:12  
**knowledgeable** 181:23  
**known** 123:9 169:15  
**knows** 128:18  
**Kolsky** 131:6  
**Kruger** 131:7

---

**L**


---

**L** 104:22  
**L-A-R-K-E** 32:13  
**L-O-R-E-** 104:21  
**lab** 82:14 84:23  
**label** 147:19  
**labeled** 187:6,7  
**labeling** 147:15  
**labels** 122:8  
**labor** 122:2  
**labs** 56:16 82:4 83:11  
**lack** 61:1 66:13 120:24  
 151:5,16 152:22  
 173:2  
**lacks** 34:3  
**ladder** 113:5  
**ladies** 168:19  
**laid** 83:20  
**lambast** 63:1  
**landscape** 35:5

**language** 38:22 56:19  
69:17 107:3 111:7  
**large** 67:17 68:25 92:10  
150:6 174:16 189:8  
189:10  
**largely** 16:20 62:5 64:3  
67:17 104:2  
**larger** 62:7 76:14 143:1  
175:13,17  
**largest** 7:15 52:17  
190:8,11  
**lastly** 5:22 29:6 77:16  
77:24  
**latent** 85:16,24  
**laudable** 19:9  
**launch** 55:12  
**launched** 58:1  
**law** 21:6 22:23 27:6  
37:13,15 46:13 48:8  
48:24 53:1 91:6,11  
92:25 104:1 110:19  
110:23,25 114:20  
115:7 133:15 146:20  
186:17 188:9 191:3  
**lawful** 58:5  
**laws** 4:13 65:22 66:14  
139:5  
**Lawson-Baker** 1:24  
116:14,25 117:3,4  
**lay** 6:20  
**lays** 80:6  
**lead** 43:7 123:5 149:2  
162:17  
**leaders** 32:19  
**leading** 34:15 47:7  
76:15  
**leaf** 84:13,18 85:13,13  
86:2,4  
**leaked** 135:11  
**learn** 14:7 125:10  
127:17 150:11 185:1  
**learning** 46:12  
**leave** 12:15 73:24 77:22  
84:15 99:10,11 122:3  
**leaving** 66:11,14 87:19  
**left** 7:5 42:21 61:8 64:5  
175:11  
**legacy** 66:1  
**legal** 39:20 49:24,25  
58:9 76:17 122:4  
133:21 139:21,23  
140:4,8 146:15,19  
147:5,10 148:4  
155:23 168:17,24  
173:13 174:18,20  
182:14,15 185:21,24  
186:20 188:16,17  
189:5

**legality** 146:22  
**legalized** 39:24 162:21  
187:11  
**legally** 71:16 77:14  
140:8  
**legislated** 93:8  
**legislation** 4:23 32:22  
55:18 57:7 58:8,19  
93:14 103:23 106:10  
108:5 117:24 120:12  
135:13 151:25  
**legislative** 28:13 34:24  
83:15 91:12 94:11,20  
94:24 115:21  
**legislators** 55:21 56:2  
56:10 57:19 163:23  
**legitimate** 181:14 182:1  
**Leila** 131:6 138:5  
**lended** 95:16  
**lending** 57:25 66:12  
**lens** 29:10  
**let's** 9:23 15:16,19  
31:21,25 65:7 68:23  
96:2 111:16 113:6  
116:24 119:1 124:10  
125:23 145:4,4  
153:19 158:9 171:7  
175:24 176:11,19,19  
176:20,21,21  
**letting** 12:17  
**leukemic** 75:9  
**level** 12:4 92:15 123:10  
**levels** 114:9 123:16  
**levity** 131:21  
**Lewis** 131:7 138:5,6,6,7  
138:8,14,16,17  
140:12,16  
**LGBTQ** 33:4  
**liability** 122:4  
**license** 5:2,2,6 12:11,16  
18:25 25:25 27:3 28:5  
28:21 37:11 42:4,22  
43:22 44:11,16 51:24  
52:6,8 60:13 66:16  
67:6,15,21 72:21  
74:10 80:19 118:8  
135:15 136:11 137:7  
137:24 148:11 153:11  
156:12 173:13 184:11  
185:21 188:25 189:3  
**licensed** 11:25 34:5  
39:7 44:16 49:10,13  
51:20 52:13 66:4 74:5  
91:8 119:13 133:5,18  
140:8 161:11 162:8  
168:20 175:16 188:11  
189:6  
**licensee** 11:19 13:1,2

81:23  
**licensees** 13:6 26:1  
38:8 39:25 41:11  
59:12 62:17 83:8  
153:11 155:17  
**licenses** 5:9 25:11,14  
26:13,21,23,24 27:10  
34:11,25 35:4,15 39:8  
40:21,24 41:19 42:10  
42:15,16,19 43:5,10  
43:13 44:20,20,23  
45:1,12,15 52:21,22  
65:25 67:10 89:16  
135:16 152:15,19,23  
153:6 163:4,5 164:25  
165:15,17,19 166:11  
166:19 167:21 169:10  
169:11 170:11,13  
171:8  
**licensing** 20:15 29:11  
45:13 51:25 122:8  
148:12,18,18 149:8  
149:11,15,16,19  
156:25 166:23 178:17  
179:1  
**licensings** 110:22  
**licensure** 28:9,12 35:22  
38:12 42:20  
**lie** 152:2  
**lies** 173:11 174:12  
**life** 75:3 113:2  
**life's** 113:7  
**life-changing** 145:24  
**lighting** 21:10  
**Likewise** 24:5  
**limbo** 100:17  
**limit** 38:10 106:22  
117:20 118:19 136:4  
143:11  
**limitation** 6:13 74:20  
**limitations** 30:15 73:21  
75:2  
**limited** 7:4,7 44:25  
81:17 106:12 169:5  
169:17  
**limiting** 41:16 75:20  
124:22 165:24  
**limits** 7:22 43:5 76:23  
77:22 91:6 117:15  
120:8 165:25 172:19  
**Linda** 130:2  
**line** 26:6,19 117:18  
123:21 128:4 159:13  
187:10,17  
**lines** 118:3 148:2 159:8  
**link** 73:5 97:23 100:16  
100:19,23  
**liquor** 17:22 44:20

**list** 8:1,5,12 9:1,3 18:8  
23:13 31:9 54:19  
72:19 74:9 85:8  
144:11,25  
**listen** 55:9  
**listening** 127:25  
**literate** 98:17  
**little** 13:11 55:9 94:20  
141:5 159:2 162:22  
**lived** 115:1  
**livelihood** 44:15  
**lives** 10:17 64:4  
**living** 113:10,13,22  
114:12  
**lobby** 112:3  
**lobbyists** 112:3  
**local** 33:8 120:4 145:16  
147:3 148:25 161:20  
164:22 165:13 166:2  
166:13  
**locally** 172:16  
**located** 14:16 17:6  
19:20 20:16 24:6 25:5  
119:22 122:22  
**location** 15:23 30:4  
149:11 160:9  
**locations** 28:11 35:17  
149:17  
**log** 16:7,8  
**long** 70:25 107:9 166:1  
**long-term** 68:7  
**longer** 26:4 48:13 89:17  
103:3 120:18 121:6  
162:22 178:7  
**longevity** 34:18  
**longtime** 26:12  
**look** 30:16 48:5 82:19  
85:12 87:4 88:12,12  
88:13 93:18 108:6,19  
109:19,21 110:16  
111:1,16 113:22  
124:8 133:10 140:16  
141:24 152:13 153:18  
161:21 173:6,7,7  
175:21 176:8 178:4  
186:24 188:21  
**looked** 92:14 157:23  
163:14 171:2,3  
**looking** 28:20 58:15  
59:24 82:7 86:23  
106:24 110:3 113:14  
117:11 144:11 159:20  
159:21,22  
**looks** 22:22 59:5  
**loopholes** 146:12  
**Lorenzo** 1:18 101:21  
104:21  
**Los** 153:18

**lose** 74:11 150:1  
**loss** 12:24 56:22 121:10  
**lost** 26:18 68:19 121:12  
**lot** 50:22 67:10,13  
 87:12,18 88:8 92:16  
 104:6 105:6 109:12  
 110:20 118:17 124:25  
 125:4,22 126:4  
 138:23 156:17 157:18  
 157:19 161:22 162:1  
 162:2,23 179:11  
 180:16 183:4,7  
 190:24,24 191:3  
**lots** 14:11 79:5  
**lottery** 29:1  
**loud** 79:5  
**love** 84:7 92:17,17  
 95:21  
**low** 104:5 134:21  
**lower** 70:7,16 123:10  
 123:13 141:13  
**lowering** 23:19 90:7,8  
**lung** 23:6,13  
**lure** 44:13

---

**M**


---

**M-S** 15:3  
**ma'am** 32:3,5,10 71:22  
 103:17 112:16 125:24  
 126:9 132:19 138:4,7  
**Mackenzie** 2:1 101:20  
 102:22 103:14 109:22  
 109:24 110:1 111:11  
 112:17,19  
**mail** 28:24  
**main** 17:5  
**maintain** 22:15 61:11  
 122:24 134:18 146:3  
**major** 117:12 118:22  
**majority** 38:13 41:25  
 44:4 77:1 97:22  
 170:21 183:17  
**makers** 34:25 36:8  
**making** 13:16 28:6  
 45:13 62:17 66:10  
 82:13 91:23 94:14  
 171:4 183:16  
**Man** 108:16  
**manage** 70:4 75:13  
**management** 4:16 83:9  
**manager** 10:21  
**managing** 25:12  
**mandates** 134:21  
**mandatory** 18:7  
**Manns** 2:1 101:20  
 102:23,25 103:8,13  
 103:14,18 110:1  
 112:17,17,18 114:17

**manufacture** 52:7  
**manufacturer** 5:8 45:12  
 45:14 81:20  
**manufacturers** 180:21  
**manufacturing** 19:7  
 52:22 118:8 146:24  
 148:11 162:19 163:8  
 179:24  
**March** 4:22  
**marginalized** 166:8  
**margins** 66:24  
**marijuana** 21:2 23:5,7  
 24:19 137:3 146:7  
 147:9,25 148:3  
 177:22  
**market** 27:10 33:1 34:2  
 34:13,16,18 35:3,13  
 35:21,24 36:3,6 37:17  
 37:24 38:3,25 39:20  
 42:2,8 44:3,5,12  
 49:25,25 50:25 55:10  
 55:23,25 56:1,4 59:18  
 59:18 63:6,8,13,20,25  
 64:16 66:1,11 67:12  
 67:22,23 71:13 76:18  
 83:2,6 85:18 87:19  
 88:5,10 89:16,23  
 90:16 96:1 117:9,22  
 118:9,12,13 136:1  
 138:2 146:14 148:9  
 149:1 150:7,8 151:15  
 152:1 153:2,16,22  
 154:1,9,15 155:16  
 157:25 158:4 161:11  
 162:7,13,15 166:1  
 167:18 168:6,18,20  
 169:20 171:19 173:17  
 174:16,18,21,22  
 175:3,4,14 177:6,7,9  
 177:15,17,25 178:4  
 179:9,13 182:14,15  
 188:11,16,18 189:6,7  
 189:10  
**marketed** 147:19  
**marketing** 154:2,10  
 156:14 171:24  
**marketplace** 36:10  
 90:21 118:2  
**markets** 35:4 61:13  
 64:2 149:3,3 155:18  
**Maryland** 55:16 73:18  
 73:25 77:15 78:1,10  
 78:17 80:5,6 88:13  
 106:19,20 110:17,18  
 111:7,20 134:12,14  
 175:12,13  
**Maryland's** 67:24  
**Massachusetts** 87:9,11

87:13  
**massive** 33:22 153:7,7  
**match** 48:8 163:1  
**material** 80:21  
**matrix** 171:6 173:9  
**Matt** 1:24 116:14,25  
 117:4  
**matter** 1:5 61:5 64:25  
 95:16 102:5 122:16  
 152:6,6 159:19  
 191:11  
**matters** 12:13 66:8  
 90:23  
**Max** 1:22 9:8,15  
**maximize** 154:14  
**maximum** 8:18 23:19  
 27:2 69:18  
**mayor** 33:18 106:14  
 119:11  
**mayor's** 125:8 129:6,7  
**MCAA** 4:23  
**MCCA** 4:21  
**McGowan** 1:23 2:1,1  
 3:7,7,7 31:3 36:18,19  
 36:22,24,24,25 37:5  
 37:13 45:18,23 46:6  
 105:17 106:24  
**McGowen** 31:11,12,13  
**mean** 48:18 49:11  
 86:23 98:23 140:4  
 141:14,15 153:14  
 190:14  
**meaningful** 62:18 63:23  
 64:22 95:8 96:10  
**means** 43:9 70:24  
 80:17 85:1,5 86:20  
 135:2 143:18  
**measure** 178:2  
**measured** 167:15  
**measurement** 30:5,6,8  
**measures** 35:5 39:14  
 64:20 149:25 167:2  
**measuring** 17:8  
**mechanism** 4:25 38:6  
**media** 154:2  
**Medial** 37:7  
**median** 115:5  
**medical** 1:6 4:5,8,11,20  
 5:1,4,16,18,20 6:17  
 20:22 23:18 34:6  
 37:11 38:3 39:17 42:1  
 60:12 63:13,25 64:15  
 65:17 67:20 69:11,19  
 69:23 70:2,2,18 72:6  
 72:23 74:7,21 77:3  
 91:7,8,15,17,25 92:10  
 92:11,15 111:20  
 117:8 119:21 120:2

127:12 133:4,5,10,13  
 133:19 134:14 135:14  
 136:2,20 137:3  
 139:21 140:8 145:18  
 146:9 149:16 151:10  
 153:4,15 161:24  
 165:8 170:2,5,9,17,23  
 171:22 172:13,17  
 173:1 175:3 176:15  
 183:8 187:18  
**medicate** 92:21 143:19  
**medication** 72:16,24  
 91:19,21  
**medicinal** 174:22  
**medicine** 63:15 71:17  
 75:20 78:4 118:21  
 162:4  
**meds** 71:13  
**meet** 34:1 42:3,19 49:8  
 61:15 128:5 163:5  
 189:16,18  
**meeting** 1:3 28:3  
 168:16  
**meetings** 161:13  
 185:11  
**meets** 5:23 71:9  
**member** 1:14,15,15,16  
 46:2,5,23,24 47:4,11  
 47:16,19,22 48:1,4,16  
 49:2,6,15 50:6,11,17  
 50:20 51:4,11,12,22  
 52:12,25 79:9 112:14  
 112:19 115:10 126:14  
 126:17,22 127:6,9,24  
 129:2,11 141:3,4  
 142:15,17 143:21  
 145:11,12,17 160:18  
 164:23 181:6  
**members** 10:10 22:20  
 25:16 29:15,17 33:6,9  
 45:25 51:22 55:7 65:1  
 65:15,19 69:8 71:25  
 96:15,20 101:4  
 102:16,17,18 103:19  
 108:3 112:12 113:1  
 126:12 132:21,23  
 133:4 150:24 154:25  
**mention** 77:25 106:18  
 111:14  
**mentioned** 43:18 50:12  
 66:13 97:12,13  
 106:24 107:7,15  
 124:20 134:22 136:13  
 156:9 162:25 187:1  
**merchant** 157:16  
**Meredith** 1:23 3:6 31:3  
 31:12 36:17 48:2  
**merely** 60:22

**merging** 5:23  
**met** 1:11 29:5  
**metals** 83:19 85:7  
**method** 56:17 74:23  
**methodology** 114:9  
**methods** 56:15 57:11  
**metric** 99:1 122:7 135:9  
 140:2  
**metro** 114:6  
**Michael** 129:24 130:10  
**middle** 61:15  
**mild** 83:18 85:7  
**miles** 152:8  
**milligrams** 76:6,7,10  
**million** 121:14,15,15  
 152:10 154:14  
**millions** 87:18 177:21  
**mimic** 87:4  
**mind** 109:25 111:6  
 134:11 147:20  
**minority** 30:13  
**minority-owned** 166:15  
**minute** 108:17 116:16  
 116:16 137:19 160:8  
**minutes** 7:4 9:19 32:2  
 55:5 95:12 102:2,3  
 108:16 123:24 131:12  
 131:20 132:1 137:15  
 145:8 160:17 164:19  
**miseducation** 125:21  
**missed** 68:10  
**missing** 19:14 102:24  
**mistakes** 150:11  
**misunderstood** 93:11  
**mitigate** 18:21  
**mixed** 18:6,19  
**model** 167:3  
**models** 148:13  
**mom** 100:2  
**mom-and-pop** 65:17  
**moment** 29:19 51:18  
 181:14  
**monetary** 61:11  
**money** 62:14 87:25  
 121:20 141:15 182:24  
 183:10,21  
**MONKO** 183:25  
**monopolize** 66:22  
**month** 6:14 22:19 23:3  
 23:11,20 70:1 71:9  
 75:17 77:16 183:13  
**monthly** 68:12 117:20  
 122:7  
**months** 134:9 142:13  
 142:13 175:23  
**Moore** 2:2 116:15  
**Moosally** 119:8,12  
**moot** 45:16

**morning** 4:6 9:21 10:7  
 11:17 14:21,24 22:6  
 24:17 27:22 31:24  
 46:1 53:7,13 54:13,15  
 54:22,23 55:2,7,8  
 59:24 60:8 65:11  
 105:25 112:24 124:4  
 190:14  
**mortar** 137:8  
**mortars** 37:18  
**Mount** 183:21  
**move** 16:8 59:10 101:5  
 110:7,9 129:21,23  
 140:20,23 144:3  
 146:15 166:6  
**moved** 132:8  
**Movement** 1:18 2:1  
 101:20,23 103:15,19  
 104:23  
**moves** 58:6  
**moving** 18:13 95:18  
 151:22 180:4 187:8  
**multi-** 62:15  
**multi-state** 64:6 67:17  
**multiple** 26:12 43:12  
 70:5 110:13 114:25  
**mute** 141:2 150:17  
 159:13

---

**N**


---

**N-Z-O** 104:22  
**name** 7:10 8:5 9:12  
 14:22,24 22:3,6 32:9  
 47:12,23 54:17 55:10  
 60:10 65:15 103:13  
 104:21 112:15,16  
 119:20 130:7 131:25  
 144:12 145:9 154:22  
 155:1 158:10,12,18  
 158:20 160:2,3,14  
**names** 116:18 144:14  
**narrow** 25:7 39:5 87:16  
**nasty** 99:17  
**nation** 67:16 161:9  
 162:18 167:6,25  
**nation's** 64:18  
**Nationwide** 10:21  
**nature** 80:20 95:11,13  
**nausea** 70:19  
**navigate** 72:5 147:13  
**near** 17:25  
**nearby** 12:9  
**necessarily** 163:1  
**necessary** 12:4 13:3  
 35:10 64:20 65:2 91:2  
 94:5 133:18 161:15  
**need** 6:25 12:12,23  
 13:16 23:18 28:13

32:9 48:24 71:13,17  
 78:5,8 86:5,5 90:6  
 99:22 100:18 102:15  
 102:16 108:9 112:3  
 115:4 123:16 127:1  
 135:18,25 136:8,9,14  
 136:18 137:4 140:3,5  
 141:16 142:24,24  
 143:3,6,10,12,14,19  
 149:5,10 151:4  
 165:18 171:25 178:18  
 179:1 184:18 186:1  
**needed** 70:24 114:3  
 120:19 121:6 135:11  
 135:20 136:1  
**needs** 5:16 11:10,11  
 13:18 18:22 19:16  
 34:10 57:8 58:6 68:3  
 68:3 71:10 90:10  
 104:9 109:17 111:18  
 125:16 137:25 140:5  
 159:13 163:14 171:2  
 171:3 177:25 180:3  
**negative** 93:9  
**negotiating** 28:14  
**neighbor** 132:22  
**neighborhood** 5:7  
 114:4 119:24  
**neighborhoods** 18:24  
 122:22 123:20  
**neighboring** 150:12  
**neighbors** 14:6 24:18  
 134:16  
**neither** 62:11 73:4  
**never** 30:18 87:13  
 124:19 152:23  
**Nevertheless** 83:9  
**new** 4:13 5:2 18:22 19:6  
 29:11 45:11 51:21  
 52:21,21 63:9,10  
 67:10 75:22 77:20  
 78:12 100:18 101:12  
 109:11 110:2 117:10  
 118:7 121:12 136:11  
 137:24 138:1 146:9  
 148:12 149:2 151:22  
 152:15 153:20 154:8  
 155:16,25 156:7,18  
 156:20 157:17,20,25  
 158:4 162:3,18,18  
 163:4 176:20 178:16  
 178:24 179:4 180:21  
 181:1  
**newest** 60:15 61:24  
**newly-licensed** 180:25  
**nightmare** 66:17  
**nine** 78:3  
**nitrogen** 86:10

**noise** 18:16  
**non-intoxicating**  
 145:21  
**non-refundable** 43:3  
**non-resident** 73:3  
**noncompetitive** 44:21  
**nonprofit** 33:8  
**nonresident** 68:6  
**nonsocial** 40:20,21  
 41:15 42:23 45:14  
**Norbert** 2:3 116:15  
 119:20 129:12,13,14  
 132:4  
**normal** 66:11 86:15  
 172:5  
**normally** 81:17  
**North** 28:1  
**nose** 14:12  
**notation** 130:6  
**note** 26:19 85:22  
 130:15  
**noticed** 19:22  
**notices** 19:18  
**notion** 44:22 183:10  
**November** 25:25 41:8  
 42:12  
**nuisance** 12:2,18,23  
 13:9,21 14:1 24:21  
**nuisances** 11:23  
**number** 16:21 26:22,23  
 27:2 37:21 38:10  
 40:14,21,23 41:19  
 42:9 43:6 44:22 45:1  
 51:5 72:21 98:25  
 151:5 171:2,5,7,21  
**numbers** 43:25 72:19  
 72:21 74:9,10 144:5  
 172:14 173:10  
**numeral** 60:11  
**numerous** 6:10 73:22  
 74:3  
**nutrient** 83:9 86:7  
**nutrients** 83:13 84:25  
 85:23

---

**O**


---

**O-B-I-N** 126:20  
**O-F** 3:1  
**O-N** 158:23  
**oars** 56:6 58:13 59:1,20  
**objections** 60:23  
**objective** 36:9 61:14  
**obligations** 66:25  
**observing** 36:4  
**obstacle** 172:15  
**obtain** 5:1 44:17 72:16  
 72:24 75:19 125:20  
 135:14

**obtained** 76:17 128:20  
**obtaining** 72:15 128:19  
**obviously** 98:22 118:1  
 155:6  
**occasionally** 13:3  
**occur** 70:18  
**occurring** 96:7  
**October** 4:12 26:7  
 68:10,13 77:8 78:14  
**Oddly** 159:1  
**odor** 11:22 24:11  
**of-state** 142:3  
**offer** 74:23 146:5  
**offered** 87:5  
**offering** 41:19 42:14,16  
 67:25  
**office** 72:11,17 125:8  
 129:6  
**offices** 98:12,23 129:7  
**official** 16:15 84:22  
**officials** 147:20  
**oh** 15:8 47:17 48:15  
 54:20 130:17 150:20  
**oil** 75:7,17,21 76:5  
 142:19  
**oils** 74:22 75:24 143:17  
**okay** 15:8,9,13 16:10  
 46:20 48:4 51:11 54:1  
 71:22 87:3 102:2  
 103:4,10 104:16  
 112:19 119:1 124:2  
 124:10 126:10 130:8  
 131:11,16 132:10  
 138:12 144:23 145:9  
 158:16,22 159:6,16  
 160:12,18 170:25  
 175:6,9,15 182:1  
 191:9  
**older** 6:15  
**Olivia** 130:22  
**on-screen** 9:19  
**on-security** 183:17  
**onboard** 178:18,25  
**onboarding** 170:10  
**once** 7:20 8:6 10:2 14:3  
 21:7 48:25 52:5,13  
 53:11 68:2 71:14  
 73:25 96:8 99:5  
 101:12 118:19 132:1  
 140:3,3 141:12  
 146:12 177:18 178:6  
**one-gram** 76:5  
**one-prong** 40:16 41:4  
**one-time** 142:6  
**one-to-** 26:24  
**Onerous** 65:22  
**ones** 64:5 128:13 131:9  
 160:23,24

**ongoing** 110:5  
**online** 15:25 28:24  
 97:18,22 102:17,19  
 102:24,25 119:22  
 130:23 138:8,17  
 144:8,15,20 151:7  
 162:24 184:4 190:14  
**open** 20:23 25:25 29:22  
 40:19 41:9 45:13 65:1  
 72:12,17 89:3 94:12  
 134:13 137:22 148:18  
 174:4 179:4 189:1  
**opened** 65:16 121:11  
**opening** 19:13 21:10  
 51:21 61:15 67:21  
 73:18 145:25  
**opens** 73:25  
**operate** 5:14 33:10  
 148:21 172:5  
**operated** 72:1  
**operating** 26:4,11 27:8  
 52:20 62:8 117:7  
 123:19 149:23 156:22  
 164:5 188:15  
**operation** 185:24  
**operations** 34:12 52:9  
 146:14 181:2  
**operator** 19:14 39:2  
 42:11 56:12 59:5 62:7  
 74:18 170:21,23  
**operators** 34:6 35:6,20  
 37:22,22 38:7,14  
 40:22 41:8,12,20 42:1  
 42:2,17,19 43:6,13,15  
 44:2,4,10,21 55:21  
 56:3,9 59:2,4,7,12  
 62:6,16 64:6 67:17  
 68:25 87:14 117:15  
 117:25 118:9 119:13  
 136:7 161:10 170:18  
 170:19,23 172:4,5  
 176:17 177:20  
**operators'** 43:9  
**opinion** 11:4 25:19  
 34:24 60:20 78:22  
 106:20  
**opportunities** 39:18  
 52:1 63:16 113:9,18  
 118:12 135:13 166:14  
 172:19 182:12  
**opportunity** 7:17,23  
 16:1 21:23 22:5 26:13  
 37:6,20 44:4,15 48:22  
 48:24 57:20 63:3  
 64:18 68:10 84:5  
 96:16 97:3 114:2,14  
 114:19 145:15 150:25  
 153:13 155:4 160:22

161:19 165:5 166:21  
 168:4,15 189:16,24  
**opposed** 100:7 106:25  
**opposite** 87:21 118:13  
**opposition** 74:20  
**opt** 136:17 138:24  
 143:16,17  
**optimally** 5:14  
**options** 68:8,13  
**oral** 10:12  
**order** 8:4 11:25 12:4,9  
 13:8 22:15 26:7 40:8  
 106:16 154:4 168:5  
 168:25 172:1 177:23  
**orderly** 7:1 61:12  
**Oregon** 88:4,5  
**Orellana** 2:2 9:6,7,15  
 31:2,6,8,15,18 53:15  
 53:20 54:1 102:10  
 116:20 130:1,8,16  
 131:3,8 138:8,10  
 144:6,13,24 145:1  
**organization** 8:13  
**organizations** 33:9  
**organized** 26:10 103:22  
**original** 67:14 100:16  
 100:23 120:12  
**originally** 56:7 162:23  
**ostensibly** 44:23  
**ounce** 78:24 105:3  
**ounces** 6:13 22:19,21  
 22:23 23:2,11,20  
 30:12,18 69:22,25  
 71:9 76:8 77:10,11,11  
 143:5,8,9  
**out-** 142:2  
**out-of-state** 133:16  
 141:6,9  
**outcome** 63:25  
**outdated** 120:16 175:24  
**outlines** 111:10  
**outraged** 20:4  
**outside** 26:6 98:14  
 172:10  
**over-consumption**  
 76:15  
**over-regulation** 61:21  
**over-saturation** 65:24  
**overall** 34:16 70:25  
 172:9 176:13  
**overarching** 176:13  
**overnight** 47:6  
**overruled** 92:5  
**overstep** 113:13  
**owe** 51:2 59:16  
**owned** 65:17 72:1  
**owner** 69:10 119:21  
 145:10,16 146:2

155:5 160:19 164:22  
**owners** 18:24 24:14  
 39:21 42:7 61:8 64:25  
 66:15 89:25 123:19  
 146:25 147:5 149:23  
 149:25 153:20 161:3  
 186:17  
**ownership** 40:4

---

**P**


---

**P-** 131:1  
**P-R-I-T-C-H-E-T-T**  
 60:10  
**P-R-O-C-E-E-D-I-N-G-S**  
 4:1  
**p.m** 100:25 102:6,7  
 191:12  
**packaging** 122:8  
 147:15  
**packs** 23:4  
**padding** 180:24  
**PAGE** 3:1  
**paid** 122:3,11 139:18  
**pain** 57:21 70:5,6 75:14  
 78:2  
**panel** 3:2,5,8 9:4,5  
 30:24,25 53:23 56:11  
 57:12,18 79:11 101:5  
 101:17,18 112:13  
 116:13 129:21,22,23  
 144:4,17,18,23  
 187:22  
**panelists** 108:11,13  
 112:25 181:11  
**panels** 8:9 79:15  
 187:23  
**paradigm** 21:5  
**parallel** 123:16  
**parameters** 83:25  
 85:10 86:12 94:5  
 149:12  
**paramount** 5:23  
**pare** 114:24  
**pared-down** 104:4  
**paring** 115:6  
**parking** 17:23,25 18:2  
 18:14  
**parse** 114:13  
**part** 17:10 51:7,12  
 62:18 79:1 82:21  
 83:19 86:4 89:22  
 98:13 125:6 137:2  
 147:7 153:10 184:24  
 186:10,10 187:4  
**participants** 92:10  
 172:1  
**participate** 4:24 93:23  
 94:4 135:21 157:8



181:18 189:1 190:19  
**participated** 28:25 29:1  
 109:8 119:18  
**participating** 29:3  
 69:13  
**participation** 53:7  
 190:21  
**particular** 28:9 87:7  
 143:20 151:15 170:19  
 170:21 183:20 184:23  
**particularly** 18:6 71:2  
**parties** 7:2 20:4,11  
 29:19 30:1,7 102:4  
 166:20  
**partners** 55:12  
**partnerships** 35:8  
**parts** 55:17  
**pass** 73:4 76:4 78:2,13  
 78:14,17 82:16  
 100:17 162:3  
**passed** 42:13 187:16  
**passes** 68:7,12 78:6  
**passing** 32:20 119:14  
 135:12  
**passion** 149:4  
**Password** 64:9  
**path** 147:12  
**pathway** 38:12  
**pathways** 39:22  
**patience** 7:13 27:22  
**patient** 69:20 72:7,21  
 74:1,9,20 75:11 76:3  
 76:4 77:5,8,9,11  
 86:17 98:1 99:4  
 100:13 121:4,7  
 124:18 127:21 134:9  
 148:6 162:2 165:3,11  
 165:22 166:3 167:1  
 167:24  
**patient's** 165:25  
**patients** 4:24 5:14,21  
 6:15,17 30:14 63:14  
 64:16 68:11,14 70:5  
 71:3,10,12,16 72:5,9  
 72:14,20,24 73:2,12  
 73:19,24 74:2,12,24  
 75:6,12,19,23 76:13  
 76:16,25 77:2,3,16,20  
 77:23 78:9,13,15,23  
 89:21 91:17 92:11  
 97:21 98:17 118:16  
 118:17 120:15 122:24  
 122:25 123:2,7,14  
 133:3,20 134:3,17,22  
 136:15,21 162:8  
 165:18 167:13  
**pattern** 43:24  
**patterns** 36:6

**Paul** 130:21 131:1  
**pause** 177:2,4,4  
**pausing** 166:10  
**paving** 167:4  
**pay** 33:6 92:16 97:24  
 100:16 121:21 122:2  
 122:11,13 139:4  
 182:23 183:5 184:11  
**paying** 33:5 43:2 78:3  
 139:24,25  
**payment** 73:4 97:23  
 100:16,18,22,23  
**payroll** 50:22 122:3,5  
**peace** 22:15 147:20  
**peaceably** 24:14  
**pedestrian** 17:24  
**peer** 125:7  
**people** 31:4 33:3,4  
 49:12 62:24 63:8  
 82:18,19 85:13 87:18  
 88:7 89:18 90:14,21  
 92:16,18 99:9,11  
 100:22 110:11 113:16  
 114:5,10,19 115:7  
 124:21 125:9 127:1  
 138:24 139:16 140:22  
 143:16,17 144:6,19  
 151:15 152:8,10  
 155:25 158:20 162:2  
 162:4 172:2,10,13,16  
 172:21 181:17,21  
 182:12 183:16 184:18  
 185:1,9 186:11  
**people's** 24:10 64:4  
**percent** 19:6,12 24:2  
 26:20 41:7,16,23 45:1  
 66:5 73:15 76:9 77:17  
 78:3,4 85:18 88:6  
 91:16 98:20 105:19  
 105:19 115:4 117:21  
 120:14 121:9,24,25  
 122:1 134:21 190:18  
**perception** 44:9,17  
**perfect** 56:16 81:7  
 115:9 175:25  
**performance** 36:4  
**performs** 17:8  
**period** 4:15 28:17 29:22  
 29:23,23 41:9,15  
 42:12,13,22,24 43:16  
 45:8,14 52:8,10 69:21  
 75:18 77:7 156:16,23  
 157:24 190:2  
**periodic** 123:1  
**periods** 40:19  
**permanent** 95:23  
**permit** 7:6  
**permitted** 6:14

**person** 7:5,25 16:9  
 23:20 31:10 53:21,24  
 54:21 55:9 81:18 89:2  
 126:5 127:17 128:6  
 128:18 142:25 144:10  
 159:13  
**person's** 70:11  
**personal** 22:18  
**personally** 125:7  
 145:20 185:20  
**persons** 8:22 29:16  
 130:22 131:2 135:21  
 143:12 190:15  
**perspective** 38:1 46:13  
 48:5 57:22 117:17  
 146:5  
**pertains** 151:23  
**pervasive** 21:3  
**pharmaceutical** 75:5  
**phase** 63:9 86:6,7  
**phone** 159:15  
**phosphorous** 86:11  
**physiology** 70:12  
**Pickett** 2:3 116:15  
 119:2,3,7,20 123:24  
 124:3 132:4  
**picture** 178:7  
**pie** 170:22,24  
**piece** 105:18 106:1  
 170:24  
**pioneers** 33:1  
**place** 12:19 13:9 14:4  
 26:19 67:11 81:13  
 85:5 95:23 104:1,5  
 126:25 127:3 128:6  
 128:10 134:4 156:2  
 178:1 182:23 186:19  
**placement** 26:6  
**places** 141:22  
**plagues** 62:1  
**plan** 18:8,21 37:10  
 88:23 89:11,12 90:12  
 90:12,13 151:21  
 152:14 171:8 182:22  
**planned** 187:22  
**plans** 13:17 83:9 88:17  
 88:18,22 89:10,10  
 90:2,4,5 91:1,3  
 189:15  
**plant** 86:8 120:24 121:1  
 145:22 169:15,17  
 171:4  
**plants** 86:3  
**play** 104:15 106:4 116:4  
**players** 36:3 87:12  
**plays** 41:25  
**plead** 78:15  
**please** 7:3,10 8:6,24 9:7

9:13,14,24 22:3,3  
 29:20 31:2,5 32:1,2  
 32:11 36:15,22,23  
 53:16,19 54:16 68:20  
 68:22 71:11,15 74:8  
 77:22 89:4,4 98:7  
 99:24 102:2,3 103:11  
 104:18 116:16 117:1  
 123:25,25 131:24,25  
 132:12,13 137:19  
 140:17 144:7,15,21  
 145:5,6 150:18  
 154:20,20 158:9,10  
 160:2,8,17 189:23  
 190:4  
**pleased** 27:14 133:15  
**plug** 111:7  
**pockets** 66:23  
**point** 23:23 76:19 84:9  
 94:10 105:13 113:6  
 117:12 118:22  
**pointing** 48:9  
**points** 57:20 118:14  
**poised** 59:18  
**police** 21:11  
**policies** 87:10  
**policy** 34:25 35:4 36:8  
 58:14 61:4,20 95:18  
 122:14 128:5  
**poll** 176:19  
**polluted** 11:20  
**pollution** 10:22 12:5  
**pool** 175:17  
**poorer** 122:22  
**poorly** 62:12  
**pop-** 37:17  
**pop-up** 149:3  
**popular** 44:9  
**portal** 28:24  
**portion** 82:24 92:10  
**portions** 13:23  
**POS** 122:6,7  
**poses** 34:7  
**position** 13:15 16:16  
 22:10 124:2 131:17  
 131:19 189:5 191:8  
**positive** 92:19 167:25  
**possess** 69:20  
**possession** 128:24  
**possibility** 81:15  
 106:13  
**possible** 19:17 49:16  
 50:24 68:21 139:12  
 161:13 174:5  
**possibly** 59:22  
**post** 8:1 11:17 24:17  
 28:18  
**post-COVID** 152:12

<b>postpone</b> 34:11,25 149:15 189:10	163:19 164:6 174:9 175:23	<b>process</b> 5:6 17:11 19:4 20:5 25:12,21 28:6 29:11 43:19,22 51:8 69:13 74:13 79:1 89:17 90:3 104:14 111:13 125:11 149:14 149:22 169:7,7,18 171:1,3 179:24 180:22	73:19 74:7,22 76:20 76:22 78:16 93:21 109:4,15 113:3 120:23 122:18 123:4 133:4,10,25 134:13 135:21 136:2 145:18 164:3 165:9
<b>postponement</b> 35:15 164:25	<b>prevent</b> 11:23 13:4 19:12 41:25 75:19,23	<b>processed</b> 151:10	<b>programming</b> 182:16
<b>postponing</b> 35:3 167:20	<b>preventing</b> 12:18 18:12 49:9	<b>processes</b> 52:20 157:16 163:18 166:23 186:19	<b>programs</b> 35:7 39:22 109:5
<b>potency</b> 70:24	<b>previous</b> 79:20 134:23	<b>processing</b> 57:3 80:17 80:19 146:24 148:11	<b>progressive</b> 75:6,16
<b>potential</b> 12:24 13:6 19:25 34:8 36:7 76:15 107:1 154:14 167:10 167:16	<b>previously</b> 8:2 97:2 117:14 118:15 139:3 162:21 164:2	<b>processor</b> 80:18	<b>prohibit</b> 25:3
<b>potentially</b> 107:19 108:5,9 115:2 150:7 178:5	<b>price</b> 67:22 120:17,19 120:21 121:2 167:17 170:20	<b>produce</b> 88:3	<b>prohibited</b> 13:21 21:4
<b>pound</b> 22:19,21	<b>prices</b> 120:25 121:8	<b>producers</b> 148:25 149:4	<b>prohibition</b> 166:18
<b>pounds</b> 151:9 153:3,5 170:4 177:22,22	<b>Priko</b> 130:22 131:1	<b>product</b> 59:9 79:25 80:24 81:1,12,13,21 82:12 83:4 86:17 88:9 90:15,17,19 118:3,4 118:10 122:4 125:1 128:21 136:18 142:25 143:15,20 163:7 169:13 172:8 173:3,4 173:5,7 175:18 180:20 184:2,3,22,25	<b>prohibitive</b> 149:9
<b>power</b> 67:2,2 93:6,13	<b>primacy</b> 20:16	<b>production</b> 123:22 146:24	<b>prohibits</b> 24:11
<b>PPE</b> 81:14	<b>primarily</b> 52:21	<b>productive</b> 95:21	<b>projected</b> 161:22 162:23
<b>PR</b> 183:3	<b>primary</b> 37:15	<b>products</b> 11:2 33:12 34:4 51:14 52:3,14 69:24 70:22 75:2 76:1 86:21 87:2 118:2,6,17 121:4 123:6,8,11,15 125:21 133:21 145:25 146:23,25 147:2,6,9 147:10,12,18,21,23 148:5,24 150:4 165:4 165:12,16 167:12 179:18,25 180:14,15 181:1,13 185:5 187:7 187:14	<b>promote</b> 58:24 114:4 162:7
<b>practical</b> 44:1	<b>print</b> 153:25	<b>professional</b> 11:3 60:20	<b>promotes</b> 38:5 166:12
<b>practically</b> 38:3 41:24 43:17	<b>prior</b> 94:17 96:3,6 140:18 155:11,12	<b>professionals</b> 61:7	<b>promptly</b> 7:2
<b>practice</b> 37:15,20 72:4 74:4 81:10 111:1	<b>prioritization</b> 110:6	<b>profit</b> 66:6 121:24,25 122:1	<b>prong</b> 40:8 46:22,24
<b>practices</b> 58:18,24 66:12	<b>prioritize</b> 32:23 35:19	<b>profiteering</b> 64:6	<b>prongs</b> 39:10 41:1
<b>pre-file</b> 6:9	<b>prioritizes</b> 165:21	<b>profits</b> 139:16	<b>pronouncing</b> 47:23
<b>predatory</b> 166:22	<b>prioritizing</b> 35:11 165:13 167:7,23	<b>program</b> 4:12,14,25 5:13,15 10:22 18:22 38:5,20 39:16 41:6 42:5 43:8 46:17 57:16 58:5 59:16 63:21 67:24 68:24 69:1 72:6	<b>proper</b> 12:7 61:12 81:14 154:1 183:22
<b>predict</b> 178:3	<b>priority</b> 165:4		<b>properly</b> 7:3 63:22 153:13
<b>predominantly</b> 119:23	<b>Pritchett</b> 3:9,9 53:16,17 54:3,4,7,8,9,14,20,23 54:25 55:2,6,11 60:3 60:4,6,7 65:7 79:19 80:4 81:2,24 82:5 83:16 84:7,15,18 85:4 86:22 87:6 88:20,25 89:6,14 91:13 93:2 94:2 105:16		<b>properties</b> 25:6,6
<b>preemptive</b> 146:17 150:9	<b>private</b> 12:15		<b>property</b> 21:15 24:4,7 24:14 43:2
<b>prefer</b> 83:8 148:8	<b>privilege</b> 49:3 107:16		<b>proposal</b> 83:14
<b>preference</b> 110:14	<b>privileges</b> 7:9		<b>propose</b> 22:12 38:23
<b>preferences</b> 35:25	<b>privy</b> 30:2		<b>proposed</b> 4:9,18 5:16 6:1 11:4 13:10 22:13 25:23 33:21 37:8 38:2 38:9,21,24 39:13 40:9 40:11 41:10 43:19 46:21 74:20 76:20 104:24 117:23 133:13 146:9 152:15 161:18
<b>premature</b> 24:1	<b>proactive</b> 61:1		<b>proposes</b> 13:19
<b>premises</b> 21:8 24:4	<b>probably</b> 8:9,11 105:23		<b>proposing</b> 95:14
<b>prepare</b> 50:24	<b>problem</b> 11:8 49:11 71:14 77:21 97:19 99:16 122:14 128:20 134:2 152:2,21,21 153:7 155:21 156:6 157:2,5,14,22 170:10 173:5,11,14,15 174:12 176:2 185:6		<b>proposition</b> 83:5
<b>prepared</b> 51:23 52:2 106:8	<b>problematic</b> 45:2		<b>protect</b> 22:15 24:13 58:23
<b>prescribing</b> 128:13	<b>problems</b> 12:19 13:5 14:11 19:5 24:1 38:22 72:10 73:15 84:3 97:14 98:20 156:17 157:6 176:9,12		<b>protecting</b> 148:23
<b>prescription</b> 23:22	<b>procedure</b> 86:15		<b>protection</b> 10:20 56:25 64:3 66:13 162:10
<b>presence</b> 83:12 84:24	<b>procedures</b> 79:24 80:2		<b>protections</b> 67:19
<b>present</b> 1:13,17 6:7 20:22 25:1 86:8 130:18 131:4,9 134:6 136:10,24 151:19			<b>protest</b> 5:7
<b>presentation</b> 30:21 53:13 112:21 115:15 190:7			
<b>President</b> 1:21 2:4 117:5 155:2 164:21			
<b>presiding</b> 1:11			
<b>presume</b> 17:9			
<b>pretty</b> 105:11 142:23 143:15 154:16 158:5			

**protocol** 51:17  
**proud** 69:1 168:19  
**prove** 11:6 20:6  
**proven** 66:1 165:10  
**provide** 18:20 19:3  
 20:24 30:6,8 33:11  
 38:12 46:7 59:8 63:15  
 72:18 74:8 78:5 83:11  
 84:23 113:21 118:1  
 118:12 123:6 145:15  
 147:5,23  
**provided** 43:14 84:3  
 97:2 115:17 123:11  
**providers** 148:9  
**provides** 4:25 13:10  
 38:6 63:14 64:16  
 120:13  
**providing** 35:8 52:18  
 95:7,10 166:14  
**provision** 6:12 48:12,13  
 48:25 79:2 107:22  
 123:22  
**provisions** 11:4 12:18  
 14:2,8 38:17 48:8  
 51:24  
**psychology** 70:11,12  
**public** 1:6 4:4,7 11:16  
 11:23 13:14 20:7,23  
 22:14 24:20 27:14  
 32:17 45:13,16 46:9  
 58:24 61:8 65:1 69:16  
 89:24 93:24 94:1  
 96:14 115:2 141:8  
 181:1 188:4,5 189:17  
 190:8,11  
**published** 53:11 101:12  
 107:3 190:3  
**puff** 24:9  
**pumping** 177:21  
**purchase** 23:21 52:14  
 67:8 68:12,14 69:20  
 76:2,3,5,8 77:1,4,5,9  
 77:10,14,22 78:1,9  
 99:2 133:20 134:4,9  
 141:23 142:5,7,11  
 179:1  
**purchased** 22:18 66:20  
**purchases** 74:21 76:12  
**purchasing** 71:16  
 75:24 165:25 175:17  
**pursue** 95:1  
**purview** 38:18 93:4,13  
**push** 75:4  
**put** 8:24 26:22 56:10  
 87:15 95:23 104:12  
 125:19 132:11 160:12  
 166:3 173:21,22  
 177:2,4 185:5,22

**puts** 67:20 93:14  
**putting** 76:18 90:17  
 176:2

---

**Q**

---

**quadrant** 19:16  
**qualification** 90:11  
 114:20,24  
**qualifications** 42:3 49:8  
 114:25 115:6  
**qualified** 5:4 38:13 44:2  
 49:14 89:19 90:21  
 120:11 122:25  
**qualify** 38:11 40:9,15  
 46:22 51:23 123:4  
**qualifying** 4:23 5:14,21  
 41:20 46:23 47:4  
 69:19  
**quality** 33:11 63:14  
 75:3 87:1,25 88:3,14  
 90:23 165:16 167:18  
 173:4,10  
**quantities** 76:14  
**quantity** 90:24 143:1,4  
**quarter** 73:1 97:25  
 98:21  
**question** 27:5 47:10  
 80:23 81:3 82:1 86:11  
 89:2,5,7 90:25 93:19  
 94:2,3 95:4 97:8,11  
 102:22 132:5,6  
 140:19 168:21,23  
 169:25 174:2,7 180:7  
 181:4 182:8,9,10,11  
 184:15  
**questions** 8:24 27:15  
 29:12,14,16,18,25  
 30:2,3 45:25 79:18,22  
 84:5,11 95:5 96:10,14  
 96:16,17,22,23,24,25  
 97:4,6,10 101:4  
 112:12 126:11,12  
 129:20 137:22  
**queue** 110:7  
**quicker** 162:5  
**quickly** 14:14 100:7  
 179:14  
**quiet** 22:16  
**quietly** 26:11  
**quite** 49:23 95:6 139:16  
 143:22 175:4  
**quorum** 102:15,15,19  
 189:18  
**quotas** 39:24  
**quote** 24:20

---

**R**

---

**R** 130:25

**Rabbi** 3:10,10 53:17,17  
 65:7,9,11,13,15 69:5  
 69:5,7,9 71:19  
**race** 129:9  
**racially** 123:18  
**raise** 183:9  
**raised** 117:14 118:14  
**raising** 57:23 128:2  
 181:25,25  
**ramifications** 42:4  
**rapidly** 35:25 179:13  
**rates** 68:8  
**ratio** 19:15  
**rationale** 19:24  
**reach** 106:7 138:11  
 161:12  
**reached** 105:24  
**reaching** 105:24 106:14  
 108:1  
**react** 125:2  
**read** 10:13 11:16 84:5  
**reading** 46:10 91:10  
**ready** 179:5  
**real** 44:15 63:15 68:10  
 173:9  
**reality** 164:5  
**really** 65:2 141:13  
**really** 44:12 71:5 82:6  
 94:13 100:20 104:11  
 110:11,19 111:17  
 112:25,25 113:16  
 114:8,13 125:25  
 127:13 129:5 133:23  
 135:25 136:1,8,14,18  
 137:4,23 138:23  
 139:15 140:4,5,7  
 141:25 153:9 179:13  
 181:23 184:17  
**rear** 24:4,7  
**reason** 31:15 40:25  
 81:6 85:12 158:18  
 161:18 172:20  
**reasonable** 147:10  
**reasonably** 41:2  
**reasons** 69:23 97:9  
**reassess** 35:1  
**rec** 17:4  
**receive** 73:4,13 79:20  
 100:12  
**received** 6:9,22 14:18  
 73:7 74:3 79:15 96:18  
 96:19 97:25 190:22  
**reciprocity** 67:7  
**reckless** 23:12  
**recognize** 7:8 38:15  
 94:15 105:22 115:20  
**recommend** 17:10  
 18:17 21:13 24:24

25:2 32:20 56:10  
 59:19 109:6,17,19  
 127:19 135:8 139:19  
 149:18 163:24  
**recommendation** 14:3  
 64:21 65:3 136:19  
 141:12  
**recommendations**  
 10:11,15 13:22 22:13  
 84:12 133:12  
**recommended** 75:15  
 133:24 137:5  
**reconsider** 68:20  
**record** 9:23,25 32:1  
 36:15,23 99:23  
 101:25 102:1,2,6,9  
 103:11 104:19 110:2  
 117:1 131:25 132:13  
 145:6 154:21 158:11  
 158:21 160:2,3  
 164:18 191:12  
**recorded** 7:3  
**records** 122:24  
**recoup** 57:4  
**recourse** 56:15  
**recreational** 73:19  
 111:21 134:13 174:18  
 174:18,20,20  
**red** 120:14 121:4,18  
**reduce** 22:14 76:1  
 81:15 118:19  
**reduced** 69:21 121:2,9  
 121:25 122:1  
**reducing** 70:25 117:19  
 141:7  
**reduction** 133:17  
**reevaluated** 122:25  
**Reeves** 26:7  
**referring** 49:12  
**refers** 18:2  
**refine** 35:1  
**refined** 19:11  
**reflect** 11:25 16:15  
**reflective** 33:2  
**reforms** 5:5  
**regarding** 6:13 23:23  
 30:14 74:4 83:11  
 84:11,23 86:19 91:6  
 93:19,20 94:17 100:2  
 128:5 133:12 150:4  
 188:23  
**regards** 149:14  
**register** 100:12 125:10  
 190:3  
**registered** 19:21  
 187:24  
**registers** 100:5  
**registration** 72:15 73:4

97:24  
**registry** 100:9  
**regs** 16:19 17:7,14  
**regularly** 70:22  
**regulate** 44:11 49:19  
61:3 137:4  
**regulated** 33:1 38:25  
42:8 44:3 50:25 55:10  
55:25 56:6 58:25  
61:17 62:16 77:17  
137:9  
**regulating** 62:4 93:16  
146:23 190:10  
**regulation** 11:24 13:10  
13:24 16:17,21 33:15  
61:7 63:21 68:5 79:3  
82:3 85:3 87:24 92:25  
94:9 101:12 114:4  
120:7,16,18 121:5,20  
121:22 139:17 146:7  
147:11 162:19 186:13  
187:8,9 190:23  
**regulations** 4:13 5:11  
6:20 11:4 14:3 26:20  
33:22 34:22 35:1,20  
53:11 58:23 59:3,8  
60:15,22 61:24 62:13  
65:23 67:2,4 69:18  
75:18,22 76:4,20,21  
77:21 83:20 93:3 95:7  
95:25 96:3 104:2,13  
104:25 112:6 117:10  
139:6 140:2 146:9,10  
161:18 163:15,18  
187:15 188:8  
**regulator** 59:5 83:22  
93:8  
**regulators** 55:21 56:2,9  
57:20 61:16 62:19  
67:3 68:3 71:6 109:10  
163:22 166:2  
**regulatory** 34:17 35:18  
38:16 42:20 44:13  
46:21 48:7 62:1 67:18  
147:24 148:13 166:25  
**reimbursement** 71:5  
**reimbursements** 135:1  
**reinforce** 117:13  
118:16  
**reinvesting** 166:15  
**reinvestment** 39:25  
**reiterate** 105:11  
**reiterating** 105:12  
**reject** 19:23  
**related** 26:19  
**relates** 111:19  
**release** 180:25  
**relevant** 121:6

**reliable** 147:1,7,18  
165:15  
**relief** 64:17  
**religiously** 21:6  
**reluctant** 68:12  
**rely** 18:18 71:3  
**relying** 118:17  
**remain** 29:22 133:19  
148:20  
**remains** 5:20  
**remediated** 57:8 80:16  
**remediation** 56:15,18  
56:20 57:2,10 79:24  
80:8,10,12,17  
**remedied** 14:9  
**remember** 99:23  
131:18  
**remind** 29:19 45:20  
53:8  
**remove** 57:9  
**removed** 121:1  
**Renee** 53:25 55:13  
60:12  
**renewal** 19:2 20:5 25:9  
25:12,17,18  
**renewals** 18:25 25:10  
**rent** 43:2 122:5  
**renumbers** 5:11  
**repeat** 31:9 120:20  
122:12  
**repeatedly** 44:19  
**report** 66:3 83:11 84:23  
135:9,11  
**reported** 24:18 185:7  
**reporter** 6:25 99:24  
158:19  
**reports** 75:8  
**represent** 7:11 104:4  
124:16 133:5 184:12  
**representations** 43:12  
**representatives** 186:16  
**represented** 44:19  
**representing** 133:1  
155:23  
**represents** 39:13  
**requaified** 123:1  
**request** 25:9 72:18  
138:10  
**requested** 68:23 191:4  
**requests** 6:22  
**require** 40:10,12 69:24  
70:3,13 83:15 91:11  
92:24 93:22 94:11  
112:1 134:4 136:16  
**required** 13:7 18:8  
20:20,21 76:17 91:3,3  
**requirement** 18:17  
19:12 21:14 41:18

48:17 85:2  
**requirements** 17:1 28:9  
28:10,12 42:20 80:5  
82:3 87:15 88:14,15  
147:15 149:9  
**requires** 61:14 63:10  
83:10 84:22  
**requiring** 70:9  
**research** 23:1 180:18  
**residences** 12:10  
**resident** 50:6 69:10  
**residential** 17:23 18:19  
24:3,13 25:5  
**residents** 5:25 18:12  
24:8 33:6 64:15 65:20  
113:25 141:21 147:17  
148:7  
**residents'** 20:10  
**residual** 83:18 85:6  
**resistance** 70:15  
**resolve** 176:1  
**resolved** 173:14,16  
**resource** 110:3  
**resources** 35:7 62:13  
89:19 166:19  
**respect** 18:4  
**respectfully** 25:8  
**respiratory** 23:10  
**respond** 70:16 168:22  
173:21  
**responding** 84:9  
**response** 73:13 98:5,10  
100:6  
**responsibility** 122:16  
122:21  
**responsible** 23:16,18  
38:19 81:18,21  
**rest** 79:4 161:8  
**restaurants** 17:15  
25:11,13,19  
**restricted** 117:16  
**restricting** 76:12  
**restrictions** 65:23  
73:21 139:13 147:16  
**restrictive** 41:22 87:10  
**result** 25:22 26:5 28:22  
**results** 81:5  
**resumed** 99:5 102:6  
**retail** 26:20 34:25 35:3  
35:15,22 36:2,5 42:15  
42:16 146:2 148:10  
149:16 163:10 164:25  
165:14,17,19 166:10  
166:23 167:11,21  
177:18 181:1  
**retailer** 5:9,9 25:22,25  
26:17,22 51:13 52:7,7  
169:18

**retailers** 17:6 19:7  
23:25 24:8 25:10 26:8  
26:10,12 27:8 34:8,15  
51:6,16 137:2,5,6,11  
175:17  
**retain** 162:14  
**retest** 56:17,20 57:2  
80:14  
**retested** 57:8  
**retesting** 80:5  
**reveal** 82:24  
**revenue** 68:19 77:18  
121:11,12 134:24  
**review** 79:1 96:20 97:3  
115:23 125:8 148:13  
**reviewed** 14:19 43:16  
**reviewing** 6:10 124:9  
**reviews** 74:4 99:18  
**revised** 14:4  
**revising** 6:19  
**revision** 6:19 19:17  
**revisit** 78:24 79:7,7  
**revisited** 79:1  
**revisiting** 105:3,5  
**rewarding** 149:14  
**rhetorical** 27:5  
**Rick** 75:7  
**rid** 125:4  
**riding** 59:15 66:25  
**right** 4:3 7:17 9:16,17  
10:6 14:22 15:10,11  
15:22,23,25 21:18,20  
22:1,18 23:12 24:9,13  
27:16 29:13 30:20,23  
30:25 31:20,21,24  
33:22 36:21 44:12  
45:7,22 49:4 53:6  
54:6,12,21 56:24  
59:14 60:5,7,16 65:7  
71:15 78:20 79:17  
80:22 83:7,17 84:20  
86:18 88:1 89:23 90:5  
91:5 93:18 96:2,13  
97:18 99:12 101:2,6  
101:15,18 102:8,12  
102:20,20 103:6,7  
104:17 107:10,17  
108:23 109:22 111:3  
112:10 114:10 115:4  
115:12,18 116:5,12  
116:13,22,24 117:19  
117:25 118:24 119:1  
123:23 124:6,10  
126:9 128:21 129:17  
129:19 130:11,19,20  
131:5,10,11,21,23,23  
132:9,19 134:16  
135:22 137:13,14

138:3 144:1,3,4 145:3  
 150:21 151:7,25  
 155:24 158:7 159:23  
 160:11 161:5,23  
 163:2 164:9 170:14  
 171:12 174:24 175:7  
 175:19 176:20,22  
 178:23 179:9 182:3,5  
 182:18 187:20  
**rights** 8:15 9:3  
**risk** 44:24 76:19  
**risks** 62:7 89:23  
**river** 119:25 122:23  
**road** 18:4  
**Robin** 2:4 116:15  
 124:11,15 126:19  
**robs** 183:18  
**robust** 165:20  
**role** 61:9 106:4 116:3  
**roll** 151:24  
**rolled** 63:21  
**rolling** 43:17,20 110:5  
**Roman** 60:11  
**room** 173:22  
**rooms** 12:3 147:23  
**root** 60:22  
**roughly** 151:9  
**round** 4:17 110:21  
 179:2  
**rounds** 110:11  
**route** 116:2 157:4  
**row** 59:21,24  
**rowing** 58:25 59:13,22  
**RSO** 75:7,12,15 124:24  
**RSO's** 75:8  
**Rueckgauer** 2:3 3:3  
 9:10 16:10,11,12  
 21:13 22:2 27:24  
**rule** 40:12 43:19 88:22  
 89:9  
**rulemaking** 1:7 4:19  
 5:10 6:1 25:24 28:6  
 37:8 133:13  
**rules** 4:9,18 5:13,17,23  
 6:4,21 22:13 38:2,9  
 38:21,25 39:13 40:10  
 41:10,12 46:21 79:24  
 87:24 190:3  
**ruling** 24:18  
**run** 11:20 61:3 71:1  
 85:24 107:12  
**running** 14:1 176:1  
**runs** 89:23

---

**S**


---

**S** 1:15  
**S-A-L-A-S** 126:20  
**S-L-A-U-G-** 154:23

**S-M-O-O-T** 160:15  
**S-T-E-V-E-N** 154:23  
**saddled** 66:17  
**safe** 5:20 10:25 20:18  
 32:23 33:11 48:25  
 59:8 63:14 81:21  
 82:25 107:22 133:20  
 146:11 147:1,7 157:6  
 165:3,11 184:22  
 185:6,12 187:15  
**safety** 5:24 17:24 52:11  
 86:17 146:20 147:21  
 150:3 185:12  
**sake** 6:24  
**Salas** 2:4 116:15  
 124:11,13,15,15  
 125:25 126:10,18,19  
 126:19,20 127:5,8,11  
 128:12 129:5  
**sale** 23:10 48:14 135:10  
 146:24  
**sales** 50:21 51:9 77:18  
 77:19 78:3,4 120:14  
 139:25 149:2 173:9  
**salmonella** 80:12  
**sample** 81:5 85:13 86:4  
**samples** 84:14,16,19  
 86:2  
**satisfaction** 74:1  
**satisfy** 34:9 40:8,10,13  
 41:1,2,17  
**sative** 127:20  
**saturation** 36:7 67:22  
**sauce** 82:10  
**Saurabh** 130:21  
**save** 108:15  
**saw** 96:23 130:14,15  
**saying** 47:12 87:3  
 89:12 96:24 100:2  
 137:23,24 143:3,11  
 145:14 169:3,8 174:3  
 174:14,14,15,25  
 175:6 177:4 178:16  
 180:10 181:24 184:10  
 184:23 186:10 189:2  
 189:6,9,10  
**says** 48:9  
**scale** 86:12 92:14 120:7  
 120:13 123:14 134:20  
 134:24 135:7,9  
**scenario** 26:16 45:3  
**schedule** 25:18 46:7  
 134:5 188:21  
**school** 91:24 92:3,7  
 115:2  
**schools** 17:4,14 28:11  
**sclerosis** 70:6  
**scope** 87:16

**scramble** 25:22  
**screen** 8:22 100:10,12  
**screening** 128:17  
**seat** 61:19,23  
**second** 4:17 23:23  
 30:24,25 31:6,18  
 34:16 40:5 46:22 54:5  
 80:15 98:7 100:14,14  
 100:16 120:8 130:1  
 159:11 182:4  
**second-hand** 11:12  
**secondhand** 10:24  
 24:16  
**Secondly** 122:20  
**seconds** 16:6,6 108:15  
**secret** 82:10  
**section** 16:25 17:2,14  
 24:10 56:14 69:17  
 83:10 84:22  
**sector** 12:15 162:13  
**secure** 182:25 185:12  
**security** 88:17,18,22  
 89:10,11 90:2,11 91:1  
 181:21 182:22,24  
 183:22  
**see** 7:21 9:15,18,18  
 26:17 27:17 54:15,18  
 72:6 78:21 82:14 87:5  
 89:15 95:8,14,22  
 102:18,21,21 106:12  
 108:1 112:20 125:23  
 128:17,25 130:17,22  
 130:22,25 132:22  
 137:25 138:5,8 139:8  
 140:23 144:11 160:13  
 160:23 161:7,8,12  
 163:2 168:5,9,10  
 173:8,21,23 174:4,11  
 175:1 184:9 188:7,21  
 191:3  
**seed** 135:10  
**seeds** 171:5  
**seeing** 18:21 113:12  
 130:17 159:21 161:25  
**seek** 77:21 106:15  
 108:5 146:11  
**seen** 30:18 68:11 92:4  
 111:9 124:7 128:23  
 162:20 187:1  
**seize** 168:3  
**self-** 25:19 67:8 72:15  
 138:22  
**self-certification** 73:3  
 133:16,17 142:3  
**self-certify** 4:24 23:12  
 142:2  
**self-test** 185:2  
**sell** 66:20 168:25

**selling** 51:6,14 52:2  
 83:5  
**send** 21:23 29:20 53:8  
 53:10 111:9 115:15  
 177:24 190:4  
**senior** 10:21 105:16  
**sense** 22:13 30:18  
 56:11,12 126:7 142:4  
 155:21 156:19  
**sent** 138:10  
**sentiment** 155:6  
**SEO** 154:3  
**separate** 13:24 147:9  
**separated** 25:7  
**separately** 14:2 37:4  
**sequestered** 94:8  
**serious** 140:6  
**seriously** 152:5,18  
 168:12  
**serve** 22:9 89:20 152:8  
 153:13  
**served** 10:20 24:21  
 26:2  
**service** 18:9 28:24  
 137:11 184:6,14  
**services** 35:10 51:8  
 157:16  
**servicing** 10:15 69:16  
**set** 13:24 19:8 45:2  
 53:14 58:21 67:19  
 83:17,25 104:8  
 123:13 156:23 157:17  
 162:19 163:18 166:21  
 178:18,19,20 179:5  
 187:9  
**set-** 41:13,23 43:4  
**set-aside** 41:7,10,16,18  
 42:10 43:7 49:9  
**sets** 6:9 24:7 156:17  
**setting** 163:5 167:25  
**settlement** 20:1 21:17  
 28:14  
**seven** 161:6 169:21  
 170:2 190:9  
**seventh** 119:21  
**severe** 70:5,19  
**severely** 74:5 75:3,9  
**sex** 129:8  
**shake** 123:9  
**share** 6:8 33:23 65:4  
 122:19 189:14,24  
**shared** 122:17,17  
**shelf** 123:8,15  
**shelves** 185:6 187:6  
**shift** 60:19  
**shining** 166:5  
**ship** 59:13  
**ships** 56:6

- shop** 181:22  
**shopping** 148:8  
**shops** 37:18 103:22  
 178:19,24 179:4,5,8  
 179:11  
**short** 1:16 28:6 68:7,17  
 79:8,9,18 132:22  
 141:1,2,3 142:15,17  
 143:21 181:19  
**shortage** 34:7 163:3  
**shortages** 167:17  
**shortcomings** 60:21  
**shortcuts** 88:8  
**should've** 54:4  
**shouldering** 52:24  
 161:23  
**show** 22:22 83:22 85:9  
**showed** 168:19  
**shown** 23:7  
**shows** 188:13  
**shut** 12:24 27:9 51:23  
 103:24 156:10 158:1  
**shutter** 52:9  
**shuttered** 26:18  
**shuttering** 62:19  
**shutting** 177:19  
**sickest** 71:16  
**side** 75:11 76:16 87:21  
 152:20 170:5 172:14  
 176:20 185:8  
**sides** 185:18  
**signed** 188:2  
**significant** 37:21 43:1  
 44:5,24 69:25 89:23  
**significantly** 38:9  
 120:17  
**similar** 44:20 108:14  
 111:15  
**simple** 173:9  
**simply** 7:12 12:17  
 55:15 57:9 78:16  
 80:17 87:19 88:2,4  
 89:15 100:9 106:23  
**Simpson** 75:7  
**Simultaneous** 15:12,18  
 15:21 21:12,19 27:11  
 53:4 182:6  
**sincerely** 95:4  
**single** 86:6,6  
**sir** 10:7,7 14:17,21,23  
 15:4,6,20 16:1 27:17  
 27:20 29:14 32:12  
 37:3 45:20 54:15,24  
 55:3 60:4,6 65:12  
 69:4 78:21 89:4  
 116:10,23 119:6  
 124:2 150:19,22  
 159:5 160:17 164:10  
 181:5 184:15  
**sit** 96:22 176:7  
**sited** 17:3  
**sites** 17:6  
**situation** 24:8 42:18  
 49:20 67:25 92:22  
 125:8  
**situations** 18:23 20:8  
 72:25 146:5 149:22  
**six** 22:11 134:15 137:15  
**Slaughter** 2:4 144:9  
 154:20,22,23 155:1  
 158:8 178:8,11,12,14  
 178:15 179:20 186:7  
 186:8  
**sliding** 120:7,13 123:14  
 134:20,24 135:7,9  
**slim** 66:24  
**small** 44:6 66:7 67:23  
 114:2 121:16 145:16  
 146:18 148:16,21,25  
 149:4 156:18  
**smaller** 13:1 56:21 57:1  
 62:7 70:24 143:3  
**SMD** 27:25  
**smell** 12:8 21:2  
**smokable** 147:11  
**smoke** 10:23,24 11:12  
 11:22 12:5,6 23:6,9  
 24:16,19 136:17  
 143:1,16 180:1  
**smoked** 21:2 23:3  
**smokers** 24:23  
**smoking** 21:4,14 23:4  
 24:21 74:25  
**Smoot** 2:5 159:24 160:1  
 160:5,5,10,13,14,15  
 160:18 164:10 180:5  
 180:8,9  
**sneaker** 29:2  
**so-called** 120:14  
**sociable** 155:18 157:3  
 179:2  
**social** 5:4 19:8 29:8,10  
 35:12,19 38:5,10 39:4  
 39:6,7,9,10,12,14,16  
 39:21 40:2,6,9,11,15  
 40:23 41:2,3,7,13,16  
 41:23 42:15 45:2,4,8  
 45:9 46:14,22 49:9  
 51:25 57:1,13,14,22  
 58:4,16,17,21 62:6,17  
 62:20 63:16,20 64:2  
 64:22,25 66:16 93:20  
 93:20 94:22 95:13  
 104:7 105:5,18 106:1  
 106:5,10,21 107:6,8  
 107:11 108:25 109:4  
 109:15 110:5,6  
 111:15,18 113:5  
 114:14 122:14,18  
 154:1 165:5,8 166:5  
 166:12 167:1,24  
**socially** 32:21  
**sold** 68:25 151:10  
 170:4  
**solely** 75:20 120:1  
 121:17  
**soliciting** 20:14  
**solid** 136:9  
**solution** 107:1 122:15  
 128:11 176:4,11  
**solutions** 1:24 116:25  
 176:7,9,10  
**Solutions'** 117:5  
**SOLV** 154:3  
**solvents** 83:18 85:7  
**somebody** 183:14  
**somewhat** 47:24  
**son** 55:12 145:23  
**soon** 55:11 68:21 74:4  
 121:14  
**sooner** 19:5  
**sophisticated** 181:16  
**SOPs** 81:13  
**sorry** 6:6 20:20 29:15  
 31:11 47:14,17,21  
 50:20 54:13,18 70:13  
 84:17 99:21,22 101:8  
 101:9,10 110:2 130:9  
 130:11 150:20 165:17  
 178:11  
**sort** 13:15 51:19 78:2  
 78:10 112:22  
**sorts** 80:8  
**sought-after** 82:23  
**sounds** 184:19  
**source** 34:9 60:24  
**sources** 57:25 66:9  
**South** 148:14  
**space** 147:14 148:22  
 149:10 157:10 178:19  
**spaces** 24:5  
**speak** 7:8,10 16:6 46:19  
 54:22 55:17 64:9 69:5  
 104:10 120:11 131:15  
 131:20 138:18,19  
 150:25 153:9 155:4,9  
 156:3 157:11 160:13  
 172:23,25 173:1  
 178:10  
**speaking** 7:9 15:12,18  
 15:21 21:12,19 27:11  
 36:19 41:24 43:17  
 49:12,14 53:4 177:2,3  
 182:6  
**specialist** 8:15,17 9:6  
**specific** 8:20 51:16  
 79:4 80:5 82:2,9 86:3  
 108:2  
**specifically** 4:20 11:18  
 24:10 40:19 41:14  
 57:6 89:22  
**specifics** 57:11  
**specifies** 17:2 19:6  
**specify** 17:7 19:15  
**spectrum** 40:18  
**speed** 28:18 78:11  
 162:3  
**spell** 22:3 32:9 56:25  
 57:10 131:24 158:15  
 158:17,20 160:1,2  
**spelled** 57:7,8 154:23  
**spelling** 54:16  
**spend** 72:5 95:6  
**spending** 95:9  
**spiral** 150:10  
**spirit** 110:22 114:20  
**spoke** 87:13 155:12  
**spoken** 156:4  
**spotlight** 120:6  
**spread** 123:20  
**spreading** 122:16  
**square** 151:13 152:8  
 170:14 171:10,12  
 175:22  
**Sr** 3:9 53:16 54:4,7,14  
 54:20,23 55:1,2,6,11  
 60:3,4,18 64:23 66:13  
 80:4 81:2,24 82:5  
 83:16 84:7,15,18 85:4  
 86:22 87:6 88:20,25  
 91:13 93:2  
**stability** 167:14  
**stable** 63:13  
**staff** 2:2 6:24 12:14  
 13:6,16 14:6 25:16  
 32:16 33:17 65:19  
 98:12,22 106:7 116:4  
 141:16  
**stakeholders** 28:4  
 32:20 37:10,23 55:8  
 60:9 64:9,24 168:2  
**stand** 56:24 64:11  
 89:19  
**standard** 41:3 90:9  
 165:7  
**standards** 33:11 64:12  
 146:20  
**standing** 20:11 51:2  
 57:21 64:5  
**standpoint** 183:15  
 185:13,13  
**stands** 40:25

- start** 8:25 9:4,23 10:1,2  
13:5 15:16,19 22:17  
31:21,25 54:14,16  
55:1 103:12 104:17  
116:19,24 132:1  
139:22,24,25 140:1  
145:4,14 146:11  
156:21 168:21 169:22  
171:7 177:15,19  
179:4,11
- started** 187:25
- starting** 77:8,13 99:14
- state** 7:12 14:22 22:3  
26:20 54:12 62:3,16  
76:21 77:2 86:19,22  
87:3,4 91:22 109:14  
109:15,20,21 110:15  
119:14 131:24 141:21  
150:12 153:19,20  
155:14 158:10 160:1  
160:2 172:17 177:23
- stated** 48:21 63:24  
78:22 132:25 134:12  
140:13 168:10 175:10  
189:4
- statement** 79:10
- states** 61:19 67:7 72:22  
109:3,5,13 120:3  
151:22 153:19 162:20  
164:2 167:4 174:9  
186:13,14,19 187:10  
187:16
- stating** 24:20 54:17
- status** 39:4,6 40:9,16
- statute** 93:22 94:7  
108:25 112:4,6,7
- statutory** 38:16,22  
41:18 42:3,20 48:7  
49:8 111:24
- stay** 88:4
- steady** 165:15
- steep** 123:7
- step** 33:22 60:16  
179:23
- Stephanie** 3:11 53:18  
71:19,25
- steps** 187:12 190:24
- Steve** 155:1
- Steven** 2:4 144:9  
154:23 178:11,13
- stone** 187:9
- stop** 52:2 121:16 182:2  
182:5
- stopping** 21:9
- store** 26:9 114:6 146:1  
182:25 183:18 184:2
- stores** 51:18 68:18  
177:18 186:23 187:3
- storm** 66:25 139:7
- stout** 87:22
- straight** 28:14 177:24
- strain** 125:1
- strains** 127:15
- strands** 127:3
- strategies** 154:3
- strategy** 83:20
- street** 15:15 18:9,15  
21:10 28:2 184:1
- strengthened** 67:5
- stress** 138:22
- strike** 11:10 23:17  
34:22
- strong** 74:19 160:24
- stronger** 57:17
- struck** 11:15 85:17
- structure** 133:24  
148:12 180:2
- struggle** 34:9
- struggles** 181:9
- struggling** 66:15
- stuck** 100:17
- studied** 66:4
- study** 111:13 135:17,25  
136:8 137:25
- stuff** 129:9 163:19  
171:13
- subject** 28:23 46:12  
61:5 64:24 95:16
- subjected** 20:17
- submission** 28:16
- submissions** 30:14
- submit** 21:21 29:4  
30:21 45:21 73:10  
98:7 111:23 123:25  
123:25 137:20
- submitted** 28:19 43:15  
60:17 101:8 124:4  
189:25
- submitting** 37:8 100:22  
107:24
- subsequent** 40:18
- substances** 85:8
- succeed** 135:2
- success** 34:18 35:10  
58:22 59:15,21 62:11  
74:7 82:21 161:12,20  
166:2 190:16
- successful** 13:20 50:1  
56:5 58:5,19 82:18,20  
83:6 87:17 113:24  
139:14 158:3 165:1  
167:8,22 172:21
- successfully** 12:6  
103:20 164:3
- sufficient** 34:9 88:23  
89:12 149:17 169:9,9  
171:19 177:6,6,8
- Suffix** 60:11
- suggest** 123:5
- suggesting** 14:14 41:21
- suggestion** 128:11
- suggestions** 141:9
- suggests** 43:15,19
- suitable** 17:18
- summer** 11:1,5 13:23  
14:1,5,15 20:19 23:24  
24:6,25 25:3,4
- sunrise** 156:16
- sunset** 50:3 52:10
- sunsets** 48:13,25
- Superior** 11:14
- supply** 5:20 19:14  
33:25 34:14 35:17  
42:5 52:23 67:11  
71:14 117:18 120:24  
121:2 135:17,23  
148:2 149:18 163:2,2  
163:4 165:16 167:10  
167:12 172:3
- support** 33:7,25 35:6,9  
35:14 52:18 94:20  
114:8 115:24 133:11  
141:17 162:10 164:24  
171:19 175:10 180:14  
182:14 185:20 189:12
- supported** 126:1
- supporting** 125:12
- supportive** 48:17
- supports** 26:10 166:12
- supposed** 88:7 91:20  
128:13,24
- suppositories** 143:18
- Supreme** 11:14
- sure** 12:1 37:2 48:6  
49:25 58:3 82:25  
90:20 94:14,21 96:2,4  
102:14,17 107:9  
110:21 113:1 116:17  
118:4 124:25 138:9  
144:10 154:22 171:4  
175:4 180:1 183:16  
183:18,21 187:4
- Surely** 27:7
- surprised** 10:23
- surrounding** 68:17
- survey** 155:14
- suspect** 25:15
- sustain** 121:17
- sustainability** 167:14
- sustainable** 34:14 66:6  
161:2 165:4,11
- SUTF** 12:1,22 13:8,23  
14:1
- SUTFs** 10:25 11:5,13  
14:5
- sweeping** 4:14
- symposium** 109:9,10
- symptomatic** 60:22
- symptoms** 61:25 70:4  
145:22
- synthesize** 173:24
- system** 19:10 23:10  
29:4 99:1 100:8 110:4  
122:7 123:18 135:10  
140:2 157:6,8

---

**T**


---

- T-A-B-L-E** 3:1
- t-shirt** 55:16
- table** 61:19,24
- tackle** 57:12 152:6,20
- tackling** 152:14
- tactics** 150:2
- take** 14:20 58:3 64:11  
71:15 121:5 140:5,21  
151:20 156:2 157:3  
166:24 168:3,11,11  
171:22 173:6 175:22  
176:18 190:22
- taken** 30:9 62:3 86:14  
88:8 104:9 134:24  
179:21 180:1 187:12
- takes** 179:18,24 180:16  
180:17
- Takoma** 53:24 65:16  
69:12 72:1 74:18  
99:25 136:22
- talk** 55:20 56:11 104:24  
181:9,12 184:3,5  
185:10
- talked** 30:4,11 88:16  
108:12 170:17 171:23
- talking** 86:1 87:8 104:3  
105:2,18 106:19  
110:1 111:12 117:19  
118:11 124:22 151:8  
157:15 170:11 179:16  
179:17
- tall** 22:24
- tangible** 51:8
- tantamount** 91:24
- targeted** 35:7 135:7
- tavern** 25:11,13
- taverns** 25:19
- tax** 50:21,22,22 51:9  
65:22 66:24 68:19  
78:3,4 122:2,2,3,3  
134:25 147:24
- taxation** 61:21
- taxes** 33:7 50:13,17,18  
50:19 51:4 139:4,24  
183:5 184:11

- teams** 183:3  
**Teamwork** 55:24  
**technical** 5:11 12:12  
13:25 35:8 164:12  
190:16  
**technically** 51:9  
**tedious** 163:17  
**tell** 13:18 63:22 87:9  
131:19 153:2 170:15  
170:16 186:23  
**telling** 97:17 171:13  
172:11  
**Temple** 53:21 101:20  
103:2  
**Temporarily** 165:19  
**temporary** 164:24  
**ten** 52:24 72:2 76:6  
154:6  
**tend** 162:22  
**tenders** 127:12  
**tenders'** 127:19  
**Tennessee** 148:14  
**tenth** 69:15  
**tenuring** 149:19  
**term** 40:17 166:2  
181:19  
**terminal** 75:10  
**terminate** 107:23  
**terms** 86:23 87:8 91:3  
111:16 171:23 183:1  
183:16,24  
**Terrence** 2:6 144:8  
150:16 151:1 155:11  
155:12 186:9  
**test** 51:13,17 80:14  
85:23,24,24,25  
**tested** 133:21  
**testified** 29:16 46:1  
78:21 105:7,10 170:3  
**testify** 7:20,23 8:3,8,10  
8:14,21,23 9:14 16:1  
22:5 37:6 104:18  
130:6 140:23 144:15  
144:20,21 159:24  
188:3 189:22  
**testifying** 6:23 7:11  
97:8 103:3,14 130:5  
130:10  
**testimony** 6:9 7:2,4  
10:9,12,14 14:18,19  
16:13 29:21 32:14  
37:1 45:19 46:7,8,10  
50:12 53:9 60:20 84:4  
101:15 107:25 111:10  
115:17 116:6 124:1  
125:24 126:9 132:24  
134:6,23 136:25  
137:20 140:13,14,17  
142:20 143:22 152:25  
153:10 154:17 155:9  
158:5 164:6,11 172:9  
**testing** 51:21 56:13,16  
76:9 80:24 81:4,16,18  
82:4,14 83:11,19,23  
83:25 84:23 85:5,6,9  
86:1,15 88:13 90:18  
147:16 184:23,25  
185:4  
**tests** 85:14  
**thank** 4:6 6:7 10:4,8  
14:16,17,20,21 16:11  
21:21 22:1,4 27:13,17  
27:21 28:2 29:11,14  
30:19,20,23,25 31:7  
31:21 32:13 36:10,11  
36:16 37:5,6 45:19,23  
45:24 46:5,6,9 48:4,9  
51:11 53:1,1,3,5,6,6  
53:12 54:9 55:6 59:23  
60:2,4,9 65:4,6,9 69:2  
69:3,4 71:18,23 74:13  
74:15 78:18,21 79:16  
79:18 80:23 96:11,13  
101:3,6,14,16 102:13  
104:12,21 108:22,24  
111:4,22 112:9,11,14  
112:20,20 114:15  
115:10,11,13,14,19  
116:6,7,10,23 118:23  
118:25 119:7,17  
124:3,5,7 126:8,10,22  
129:2,4,11,15,15,18  
132:3,14,20 133:8  
138:4,12,21 140:10  
140:14 141:11 142:15  
143:21,24 144:2  
150:13,14,24 154:18  
158:8,24 160:21  
164:7,10,10 168:8,14  
181:3 182:21 184:16  
185:15,19 186:2  
189:21 190:6,20  
191:9  
**thankful** 33:16  
**thanks** 32:15 55:5  
71:17 130:8 169:24  
**THC** 76:7,9,10 123:10  
148:4  
**themselves** 9:22  
**theoretical** 49:16  
**theoretically** 128:12  
**therapeutic** 70:14  
147:2 165:23  
**thick** 22:25  
**thing** 46:13 80:11 82:17  
95:2 105:13 114:7  
175:19,20 176:22  
**things** 55:19 80:20  
81:14 82:6,9 83:23  
89:15 90:23 108:6,8  
111:11 125:16,17,19  
128:20 129:8 139:13  
139:22 141:16 146:21  
148:12,17 150:10  
151:19 153:8 154:3  
157:12,15 172:18  
176:8 181:10,11  
183:7 185:10 187:2  
**think** 28:22 30:12 48:11  
48:18,23 49:11 50:11  
50:13 62:9 79:10 87:1  
87:23 90:1,7,23 91:1  
94:4,6,10,19 95:19,22  
106:3,8,21 107:2,4,7  
107:8,14,14,17  
108:10,12 109:23  
110:15,18,25 111:14  
112:2,23 113:11  
114:18 116:3 125:16  
127:10,18 128:8  
131:15 132:4,7,8  
134:1,12 135:15  
140:5 141:6,12  
144:18 150:5 152:5,9  
152:17 155:20 156:4  
156:5,17 157:1,14,21  
157:22 159:7 160:8  
163:14 171:2 173:6  
178:1,4 180:11 181:9  
183:9 184:17 185:17  
190:8,16  
**thinking** 151:21  
**Third** 25:8 41:6  
**thought** 93:12 103:6  
108:16 130:14  
**thoughtful** 113:2  
**thoughtfully** 28:5  
**thoughts** 6:8 113:20  
145:15 189:24  
**thousand** 171:10  
**thousands** 12:25  
145:24  
**threat** 27:8  
**threatened** 103:24  
**three** 8:9 10:12 28:6  
29:15 31:4 41:1 50:9  
78:3 79:15 102:16,17  
102:18 131:20 134:8  
142:13 143:6 148:23  
170:6 174:9 175:20  
**three-month** 75:18  
**three-tiered** 110:4  
**three-year** 19:1  
**thrive** 68:2 136:3 149:1  
**thriving** 62:20 64:15  
166:1 168:1  
**tier** 110:9  
**time** 4:12 7:5,21,22  
8:10,18,22 17:16 25:1  
28:3 31:9 37:3 42:21  
45:7,23 46:6 50:3  
52:8 53:2 59:23 62:5  
65:5 70:9 74:13 77:6  
78:11,18 80:14,15  
81:22 86:2 92:4,4  
95:6,9 96:9,11 97:22  
110:20 113:12 120:21  
122:12 126:6 131:15  
131:18 142:6,10  
150:13 156:23 160:3  
160:21 164:8 166:24  
168:3,11 178:18,20  
180:17,23 181:8  
189:22  
**timeframe** 156:11,15  
**timeline** 45:7 107:12  
163:12  
**timelines** 162:22  
**timely** 22:5 98:13  
**timer** 7:18,21 9:19 10:1  
10:3 103:12 117:2  
132:1 158:11  
**times** 20:22 73:22 86:4  
100:11 143:7 149:24  
**tinctures** 74:22 123:10  
143:17 179:18  
**tirelessly** 74:6 119:14  
**tissue** 84:13,15,18  
85:14 86:2,4  
**tobacco** 21:4 23:9  
**today** 4:7,17 6:8,23  
7:24 10:23 16:13  
22:12 30:21 32:13  
37:7 45:19 46:8 60:20  
68:23 69:16 79:15  
94:17 101:7,15 103:3  
104:3 108:7,8 112:21  
115:15 116:6 117:12  
118:23 124:20 142:20  
151:3,18 152:25  
154:17 155:4,5,8,9  
158:6 161:14,19  
164:7,24 166:21  
188:13 189:20,22  
190:7,21 191:4  
**today's** 32:16  
**told** 13:16 144:4,5,7  
**tolerance** 70:7,9  
**tomorrow** 170:14  
**ton** 95:15  
**tools** 154:16  
**top** 52:9 123:8,15



180:18  
**topic** 22:6  
**tossed** 56:7  
**total** 26:22 27:2 34:1  
 86:24  
**touched** 60:18 81:14  
**touches** 81:5  
**tourists** 148:8  
**toxic** 75:11  
**toxins** 23:8 24:22,23  
 83:18 85:7  
**tracking** 148:7  
**tracks** 135:10  
**Trade** 132:16 133:2  
**trading** 58:1  
**traditional** 57:24 66:9  
**traffic** 18:7,18,20  
**training** 25:23  
**transcript** 158:19  
**transfer** 81:23  
**transition** 44:3 157:25  
 188:10  
**transitioning** 42:1,7  
 179:10  
**trash** 18:13  
**travel** 76:25  
**travesty** 95:23  
**treat** 12:6  
**treated** 12:7  
**treatment** 10:25 11:2  
 20:19 70:15  
**treatments** 118:21  
**tremendous** 25:14  
**trial** 47:8  
**trickle-down** 40:17  
**tried** 73:12  
**trucks** 18:13  
**true** 111:18 161:21  
 174:23  
**truer** 56:1  
**truly** 113:14 139:20  
**try** 82:19 85:16 114:1  
 146:15 173:23 188:7  
 191:3  
**trying** 12:20 29:3 46:17  
 49:3,18 50:23 93:1  
 99:10 107:18 109:2  
 109:14 113:24 114:9  
 114:21 115:25 118:11  
 128:4 138:17,18  
 140:20,21 162:4  
 169:2 171:17 182:8  
 182:19 185:22  
**tuned** 128:1  
**turn** 9:17 31:23 75:7  
 117:2 158:11 160:3  
 162:5  
**turned** 66:5 118:5

**turns** 12:2  
**twice** 26:23 103:23  
**two** 6:9 19:1 22:22  
 25:13 40:8,10 90:22  
 99:15 102:1,3 106:25  
 108:17 120:5 127:22  
 134:8 143:6 159:8  
 170:17 171:7 186:22  
 190:15  
**two-year** 18:25  
**type** 93:14 114:6 125:8  
 126:2 128:6 154:3  
 162:11

---

**U**


---

**U** 15:15 28:2  
**U.S** 33:15 80:1  
**uber-wealthy** 66:21  
**UFCW** 120:4  
**ultimately** 38:19  
**unable** 72:9,25 76:16  
**unanticipated** 96:5  
**unbalanced** 167:18  
**uncapped** 39:8 41:19  
 43:13 44:22,22 89:16  
**unchecked** 65:25  
**undercapitalized** 135:4  
 135:5  
**undermine** 42:6  
**undermined** 63:24  
 77:20  
**undermining** 76:19  
**understand** 12:12 36:6  
 52:10 98:18 104:8  
 116:1 155:15 176:17  
 177:14 178:6 185:20  
 185:22  
**understanding** 13:7  
 48:6 51:5 52:4 127:11  
**understands** 52:13  
**understood** 50:13  
**undo** 63:18  
**undue** 93:14  
**uneducated** 124:21  
**unemployment** 122:2  
**unfair** 25:21 29:4 93:15  
**unfairly** 135:6,6  
**unfit** 57:9  
**unfortunately** 58:2  
 67:18 128:14 189:15  
**unfounded** 44:18  
**uniform** 17:17  
**unintended** 18:16 43:8  
 135:3  
**unionized** 120:3  
**unionizing** 120:3  
**unique** 35:21 38:1  
 70:12,12 83:5 146:5

165:5  
**uniquely** 120:11  
**United** 61:19 120:3  
**unlicensed** 4:25 27:7  
 37:21 38:14 39:2  
 40:22 41:8,12,20,25  
 42:11,16,18 43:6,9,13  
 43:14 44:2,10,21  
 107:10 161:3,11  
**unmute** 138:7,11,15  
 150:17,18  
**unmuted** 138:15  
**unnecessarily** 62:14  
 75:23  
**unparalleled** 61:21  
**unprecedented** 63:3  
 64:18,19,20 161:7  
**unquote** 24:24  
**unregulated** 38:7 71:12  
**unrivalled** 149:6  
**untested** 71:13  
**unwanted** 76:15  
**upholding** 146:20  
**urge** 20:14 35:14  
 167:19 173:6  
**urgent** 150:3  
**use** 10:25 14:12 18:6,19  
 20:19,23 22:18 23:16  
 23:18 49:17 57:9  
 67:24 72:20 74:10  
 78:1,13 82:11 83:3,21  
 91:8 100:15,18  
 114:19 115:22 124:25  
 127:22 128:19,21  
 131:15 178:3  
**useful** 163:22  
**user** 124:23  
**users** 11:11,15  
**uses** 17:14  
**usually** 24:4  
**utilize** 148:15 150:1  
**utilized** 189:3  
**utilizing** 118:10 169:11  
**utmost** 165:12

---

**V**


---

**V-E-T-T-E** 132:15  
**vaccination** 28:25  
**vacuum** 177:24  
**value** 34:2 95:8  
**values** 65:4  
**vapable** 180:20  
**vape** 75:24 136:17  
 142:25  
**vaporizing** 74:25  
**variety** 38:24  
**various** 5:3,10 122:9  
 123:16

**vastly** 76:1  
**vehicular** 17:24  
**vendors** 188:20  
**Venus** 44:12  
**Vernon** 183:21  
**version** 104:4  
**versus** 17:19 127:21  
 161:21  
**veteran** 125:15  
**veterans** 33:3  
**viability** 5:18 42:5  
**Vice** 2:4 155:1  
**videoconference** 1:11  
**view** 20:9 23:25  
**views** 20:10 189:19  
**violations** 14:13  
**violence** 183:19  
**Virginia** 145:12 146:6  
 150:10  
**viroid** 85:17,24  
**virtual** 7:15 190:12,17  
**visible** 7:18  
**visit** 73:3 77:15 78:15  
 152:10  
**visitor** 68:6 78:2,5,14  
 100:14  
**visitor's** 78:13,17  
 100:17  
**visitors** 147:17  
**visual** 30:17,19  
**vital** 72:13 166:7  
**voice** 119:10 164:24  
**voices** 59:17  
**volume** 56:21  
**voluntary** 10:16 183:15  
**volunteer** 16:24  
**vote** 6:2  
**vulnerable** 63:7 66:11

---

**W**


---

**W** 1:11,14  
**wage** 92:14  
**wait** 43:21 68:9,23 99:9  
 156:11,23 182:4  
**waiting** 42:21,25 43:4  
 72:17 98:14 99:8  
 138:14,19 147:23  
**walk** 141:22 161:15  
**Walker** 2:4 116:15  
 124:11,15 126:18  
**want** 6:16 7:16 30:20  
 32:15 52:25 53:1,2,8  
 55:20 60:9 69:2,16  
 79:19,23 87:4 90:16  
 90:20 92:1 95:2 96:13  
 96:13,22 97:6 100:1  
 105:1 106:11,18  
 112:20 114:22 116:17

117:12,17 118:16  
 128:7 129:3 134:18  
 136:4,5 138:16 139:2  
 139:20 140:20,21,23  
 144:19 145:14 147:1  
 154:13 156:3 160:20  
 161:11 164:7 168:17  
 168:20 169:19 170:15  
 172:21 173:12,13,21  
 174:1 176:9 182:13  
 188:15 189:5,21  
**wanted** 99:19 104:11  
 118:23 153:9 155:3  
 180:6,9 181:4 186:8  
**wants** 62:25 103:7  
 144:15 188:7  
**war** 63:18 110:12 166:9  
**ward** 19:22 20:14 50:10  
 69:9 119:23 135:5,6  
**warehouses** 178:19  
**Warriors** 2:4 124:17  
**Washington** 11:17  
 24:17 33:25 34:19  
 35:16 60:14 63:19  
 64:14 133:7 161:5  
**wasn't** 30:2 119:19  
 128:1  
**wasting** 124:25  
**watch** 104:14  
**watched** 67:3 145:23  
 150:10  
**water** 122:5  
**way** 5:25 26:22 42:9  
 43:18 58:20 82:11  
 83:17 106:17 114:13  
 114:20 125:3,17  
 127:19 136:9 139:13  
 141:14 142:8,22  
 162:24 167:5 169:17  
 171:4 172:3 176:16  
 176:16 187:22,22  
 188:3  
**ways** 38:24 46:14 67:5  
 110:13  
**we'll** 8:21 10:11 69:5  
 93:18 116:18 131:11  
 173:23 188:18,18,22  
**we're** 30:7 33:1 37:8  
 46:17 49:11 69:15  
 83:1,24 86:13 90:20  
 93:1 99:2 101:25  
 102:9 104:3,13 108:1  
 112:23 116:13 118:11  
 125:12,14 126:3  
 129:20,21,23 137:4  
 137:23 138:14,18  
 143:11 151:8,25  
 152:19,19 153:23,23

169:2,4 176:17 177:3  
 179:16,17 185:14  
 187:8 188:22 189:4,7  
**we've** 37:20 48:25  
 60:16 73:1,22 79:5,7  
 79:14 92:4 99:9  
 103:22,24 120:9  
 152:7 186:11,15  
 187:3,12,16 190:10  
 190:12  
**wealth** 63:17 66:18  
**weather** 66:10  
**weathered** 139:6  
**web** 98:6  
**WebEx** 1:11  
**website** 73:11 98:6  
 100:21  
**Wednesday** 1:8  
**weeds** 89:2  
**week** 23:5 72:5 182:25  
 185:10,11 188:20  
**weekend** 101:1  
**weekends** 73:16  
**weekly** 186:12  
**weigh** 19:23  
**weight** 161:23  
**welcome** 30:21 65:3  
 94:13 186:4  
**welcomed** 184:20  
**welfare** 5:24  
**well-** 26:16  
**well-regulated** 76:20  
**wellbeing** 165:22  
**Wellness** 2:3 53:25  
 65:16 69:12 72:2  
 74:18 100:1 136:22  
**went** 102:6 109:8,10  
 137:17 191:12  
**weren't** 108:6  
**west** 15:14 28:2 49:20  
 186:14  
**whatsoever** 141:22  
**whims** 28:24  
**White** 2:6 144:9 150:16  
 150:17,17,18,20,23  
 151:1 154:19 155:12  
 168:22 169:22 174:7  
 174:23 175:19 176:6  
 176:23 177:8 182:2,5  
 182:7,19,21,22 185:2  
 185:25 186:4  
**Whitney** 66:3  
**wholeheartedly** 79:10  
**wide** 22:24 86:12  
**Wild** 49:19  
**willed** 172:22  
**William** 101:21  
**Williams** 103:2

**willing** 55:8 125:9  
**win** 24:7 154:4  
**window** 45:10 184:10  
**windows** 24:12  
**wish** 168:4,5  
**withstand** 56:22 62:14  
**witness** 7:4 8:1  
**witnessed** 37:16  
**witnesses** 6:25 8:4 46:1  
 53:15 126:13 140:24  
 187:23  
**women** 33:3  
**wonderful** 55:7 168:9  
 168:10  
**word** 124:19  
**words** 57:9 62:15  
**work** 25:15 46:7 55:22  
 55:24 57:13 64:13  
 72:10,12 74:14 92:8  
 104:12 115:5 117:9  
 133:9 135:4 172:16  
 186:16  
**workable** 109:4  
**workaround** 72:14,22  
 73:23 74:11 98:24  
**worked** 10:19 71:5 74:6  
 103:24 113:23 119:13  
**working** 33:12 46:12  
 51:19 59:1,4 73:16  
 94:12 99:5 108:6,8,19  
 111:17 141:7  
**workman's** 122:3  
**works** 109:16,16  
**world** 68:11 175:25  
**worry** 24:15  
**worse** 44:16 66:8  
**worst** 26:16  
**wouldn't** 82:15,16  
 85:10 92:24 114:5,23  
 170:12  
**wound** 176:3  
**Wounded** 2:4 124:16  
**write** 112:5  
**written** 10:9 11:5 14:19  
 21:21,23 29:20 30:22  
 45:21 46:7 53:8 60:17  
 79:20 84:4 93:10 95:5  
 96:17,17,20,21 97:1  
 100:20 101:7 111:10  
 115:16,16,16 123:25  
 134:6 136:24 137:20  
 189:25  
**wrong** 98:3  
**wrongly** 113:17

---

**X**


---



---

**Y**


---

**Y** 1:18  
**Y-** 132:14  
**yeah** 29:25 37:6 47:11  
 117:3 124:12 127:10  
 130:16 164:8  
**year** 25:9,10 37:12 39:7  
 44:1 103:25 108:4,4  
 151:2,8 153:3 156:1  
 173:18,19 175:25  
 177:21  
**year-to-year** 152:11  
**yearly** 122:8  
**years** 6:15 10:19,21  
 22:11 26:12 37:19  
 50:9 52:24 72:2  
 113:24 118:18 134:15  
 154:6 186:22 190:9  
 190:11  
**York** 109:11 153:20  
**York's** 149:2  
**Yvette** 1:18 129:25  
 130:13,20 131:4  
 132:14,25 141:4  
 155:10

---

**Z**


---

**Z-A-C-H** 27:23  
**Zach** 3:4 14:22 27:22  
**Zachary** 9:9  
**zero** 21:6 45:17 122:1  
 165:9  
**zone** 18:19,20 21:14  
 110:9  
**zones** 18:6

---

**0**


---

**05** 83:10

---

**1**


---

**1** 3:2 107:4  
**1,351,239.80** 121:10  
**1,351,239.80** 121:12  
**1.5** 121:14  
**1:02** 102:6  
**1:04** 102:7  
**10** 3:3 95:12 134:7  
 142:1,9  
**10,000** 175:22  
**10:30** 124:4  
**10:45** 190:14  
**100** 27:1 51:3 105:19  
 190:18  
**10th** 6:6  
**11** 140:22  
**11:06** 4:2  
**12** 6:2 22:24 77:14  
**120** 6:4  
**13,000** 170:9

**14** 22:24  
**14-year-old** 75:10  
**15** 23:5 134:8 142:12  
**15,000** 170:9  
**15.4** 88:18  
**150** 115:4  
**16** 3:3  
**1671.05** 84:22  
**171** 51:13  
**18** 175:23  
**1A** 9:9  
**1A01** 1:22  
**1st** 4:12 26:1 41:9 42:12  
 45:10 68:10 73:19  
 77:13,25 99:14  
 134:12  


---

**2**  
**2** 3:5 14:3 16:25 22:25  
 50:10 77:10 121:15  
**2,000** 151:9 153:3,5  
 170:4  
**2.5** 121:15  
**2:52** 191:12  
**20** 16:5 75:17 101:9  
 120:14 134:21 163:3  
 170:11  
**200** 27:3  
**2011** 69:14  
**2013** 65:16 69:12  
**2015** 37:14 71:5 117:7,8  
**2017** 146:1  
**2018** 165:8  
**2019** 103:22 121:12  
**2020** 4:12  
**2022** 4:21 66:6 67:20  
 133:14  
**2023** 1:9 4:22 6:2,6  
 37:12 41:9 42:17  
 45:11 50:8 165:9  
 190:2  
**2024** 41:15 42:15  
**21** 3:4 6:15 181:22  
 183:16  
**21st** 45:20 53:10 101:10  
 101:10,11 115:18  
 140:18 190:1  
**22nd** 4:22 18:9,15  
**24** 33:5 72:17  
**24/7** 98:23  
**240** 77:6  
**25** 10:18 21:15 77:17  
 120:25 134:15 151:14  
 152:15  
**25-314** 17:14  
**26** 66:5  
**27** 3:4  
**28** 120:25

**280E** 122:3  
**29th** 45:10  
**2B** 9:10,12 16:15 27:25  
**2B02** 2:3 3:3 16:13  
**2B08** 3:4 27:23  


---

**3**  
**3** 3:8  
**30** 53:12 68:15 73:15  
 75:21 76:7,11,24  
 77:11,12,16 78:6,6  
 98:20 101:13 121:25  
 133:22 134:1,2,7,8  
 141:9,9 142:7,10,12  
 142:12 151:14 152:15  
 153:6 163:4 170:11  
 170:13 175:15  
**30-** 29:22  
**30-day** 29:23 69:21  
 77:6 120:8 138:22  
 162:3 190:2  
**30-days** 77:5  
**300** 17:4,18 52:1 121:9  
**301.1** 69:18  
**31** 152:10  
**31st** 26:7  
**32** 3:6  
**33** 76:9  
**35** 6:22  
**36** 3:7,7  
**3D** 3:3 9:8  
**3D01** 1:21 10:5  
**3rd** 77:8  


---

**4**  
**4** 69:9  
**4:00** 100:25  
**40** 153:6  
**400** 17:6,14,19 26:8  
 66:4 120:4  
**444** 183:25  
**45** 134:8  
**450** 23:2  


---

**5**  
**5** 16:6 134:6 141:25  
 142:9  
**50** 19:6,12 25:13 26:20  
 41:6,16,23 45:1 73:1  
 97:25  
**500** 88:6 148:19  
**5200.1** 16:25  
**54** 3:9 88:18  
**5417.1** 19:6  
**5421.5** 17:20  
**5425** 19:16  
**55** 65:19  
**5626.4** 24:10

**57** 108:15  


---

**6**  
**60** 3:9 77:10 91:16  
**600** 19:19  
**65** 3:10  
**650** 154:14  
**6600** 56:14  
**69** 3:10  
**6B** 9:13 22:8 24:1 25:12  
**6B's** 22:9  
**6B06** 1:23 22:8  


---

**7**  
**7** 1:9 85:25 119:23  
 121:2 135:5  
**7-16** 83:10  
**7-1671.03** 91:6,6  
**7-1671.5** 83:10  
**70** 24:2  
**71** 3:11 31:14  
**72** 72:17  
**74** 3:11  
**74,000** 76:10  


---

**8**  
**8** 77:9,11,16 85:25  
 135:6  
**8,000-dollar** 43:3  
**8.8** 152:8  
**80** 24:2 76:7 91:16  
**800,000** 152:8  
**88,000** 151:12  


---

**9**  
**9** 121:3  
**9:30** 140:25  
**90** 85:18  
**99** 105:19

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Medical Cannabis Rulemaking

Before: DC ABCA

Date: 06-07-23

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.



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Court Reporter

**NEAL R. GROSS**

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