



**Draft Minutes of the Social Equity in Cannabis Task Force
Special Meeting October 28, 2021
Virtual Meeting**

Workgroup Members Present:

Rep. Melanie Morgan	Yasmin Trudeau
Sen. Rebecca Saldaña	Cherie MacLeod
Sen. Curtis King	Tamara Berkley
Carmen Rivera	Raft Hollingsworth
Michelle Merriweather	Monica Martinez
Joe Solorio	Jim Makoso
Ollie Garrett	Micah Sherman
Christopher Poulos	Dorian Waller
David Mendoza	

Workgroup Members Absent:

Rep. Kelly Chambers
Craig Bill
Pablo Antonio Gonzalez

Guests and Other Participants:

Throughout the meeting, approximately 53 members of the public joined and participated. The Task Force (TF) thanks all of those who attended and shared their time, expertise, and lived experience to help shape this important work.

Staff Support:

Christy Curwick Hoff	Joy Hollingsworth
Anzhane Slaughter	Crystal Ogle

Call to Order

Rep. Melanie Morgan, Chair called the public meeting to order at 9:02 a.m. read from a prepared statement (on file). Anzhane Slaughter, Staff shared the Zoom protocol, conversation norms, and reviewed the agenda. Anzhane Slaughter, Staff facilitated introductions of members.

1. Approval of Agenda

Rep. Melanie Morgan, Chair amends the agenda to remove the approval of minutes from the September 14th Task Force meeting, as she explains the minutes will be approved at the next regularly scheduled Task Force meeting.

2. Approval of September 14, 2021, Meeting Minutes

This agenda item was amended and will be addressed at the November 16th Task Force meeting.

3. Disproportionately Impacted Areas Workgroup Proposal – Scoring rubric elements and prioritization

Christopher Poulos, Workgroup Co-Lead, supported by Sen. Rebecca Saldaña, and Yasmin Trudeau, Members present the first proposal which came out of the Disproportionately Impacted Areas Workgroup on Scoring Rubric and Identifying Criteria Elements using a prepared presentation (on file). Prior to beginning the presentation, Yasmin Trudeau, member, addresses the Task Force by reminding members that such social equity programs are new across the country and have inherent risk. This is a new area, new approach, and new field in terms of states adopting and legalizing programs. She reminds the Task Force that they are here to be bold and she's here to support them. Sen. Rebecca Saldaña, member makes a point that many of our systems and policies including the constitution are products of a time which we didn't fully recognize the treaties with Sovereign Nations an imbedded anti-blackness yet these were still made. Following the members statements, Christopher Poulos, Workgroup Co-Lead, begins the presentation. There are 4 elements which make up the Social Equity Application. 1. Eligibility Criteria 2. Social Equity Plan Elements 3. Business Viability 4. Other Priority Criteria. Due to the limited number of licenses, applicants with the highest scores are prioritized. See presentation (on file).

4. Discussion – Scoring Rubric Elements and Prioritization

Rep. Melanie Morgan, Chair opens the Scoring Rubric and Prioritization agenda item for discussion beginning with eligibility. Sen. Curtis King asks how family is defined and is concerned that all drug offences, not just cannabis, are being considered. Yasmin Trudeau, member clarifies that family is taken from a definition in statute, from Family Medical Leave. Christopher Poulos, Co-Lead explains that all drug offences come from statute, if we are not to include all drug offences, it would be a legislative matter. Micah Sherman, member says the Task Force has heard from community that race-based categorization should consist of more substantial points and be included in this eligibility section. Rep. Melanie Morgan, Chair asks Sen. Saldaña or Yasmin Trudeau to speak to race based use in statute. Yasmin Trudeau, member reminds the Task Force that she is not a legal advisor for the Task Force. Generally speaking there is scrutiny at a higher level especially when data doesn't back up the use. The tendency to be more inclusive is usually less risky. Raft Hollingsworth, Co-Lead asks if the risk would be striking down the entire proposal or just this part. Yasmin Trudeau, member says it's uncharted territory but reminds the Task Force that the LCB has their own policies for looking into legal risk. The Task Force makes it's recommendations to the LCB and it's the LCB's job

to assess risk. Ollie Garrett, member, agrees that LCB will do their own risk analysis. She also wants to know why the personal questions under criminal conviction question are there. Do they have points assigned to them? If not, why are they there? Sen. Rebecca Saldaña responds that the questions are not meant to retraumatize folks but it helps focus on the people most impacted by the war on drugs. Sen. Curtis King, member asks about 51% ownership. Does this apply to an individual, or group? Does one individual have the 51% or two, three, or more that make up the 51%? Christopher Poulos, Co-lead answers by explaining if one applicant is owner and identifies as a SE applicant, that's 100%. Anzhane Slaughter, Staff, further clarifies by saying 51% means the majority of people on the application. Dorian Waller, member asks how zip code is a part of criteria. Cherie MacLeod, Co-Lead responds by saying rather than using zip codes, they are using census tracks. These tracks are used widely in other programs and allows for use of data such as race, income, etc.. Michelle Merriwether, member says community members would like to see the questions in 3 a, b, c, be removed because they would like the focus to be on African Americans who were harmed as part of the War On Drugs. Also the census tracks go back to 2000 and that does not reflect the height of the War On Drugs, going back to 1990 would better reflect that. Christopher Polous, Co-Lead explains that these questions were included to give points to black and brown families who were harmed at greater rates by the war on drugs as a way of addressing collateral consequences such as losing a home or housing, losing your kids, etc.. Rep. Melanie Morgan, Chair asks Michelle what questions they should be replaced with? Michelle Merriwether, member explains that it's more about weight, if they are going to stay, there needs to be further discussion on how the questions would be weighted. Rep. Melanie Morgan, Chair believes the question shouldn't assume home ownership and should include those who don't own homes and rent. In the following slide, Business Viability, Dorian Waller, member mentions that question 2, regarding qualifications, is a loaded question for people in DIA's as well as question 3 about diversity goals. He makes the point that SE applicants are already diverse. Are these questions asked of white applicants? Sen. Rebecca Saldaña explains she pushed for these questions because they want businesses to be successful. She's also heard from community members that businesses are opening and not hiring community members. We also want to encourage partnering locally. Rep. Melanie Morgan, Chair speaks about trauma in the African American community around being qualified and suggests changing the wording to the exact qualification you are trying to find out. How long have you been an owner, ect. Dorian Waller, member suggests rewording question 3 about diversity, or better yet, take the whole thing out. Are White folks being asked this question? Rep. Melanie Morgan, Chair If you are looking for goals, those should be outlined in the business plan. Jim Makoso, member believes the people reviewing the business plan, which only accounts for 16% of points will consider it as a small component of the business plan, it's a suggestion for what to put in the business plan and important criteria. Sen. Curtis King, member says he would totally take it out we shouldn't dictate people's business plans. Sixteen points is sixteen points. We are trying to get these individuals who were discriminated against licenses. Dorian Waller, member agrees, take it out. Rep. Melanie Morgan, Chair lets strike it out. Ollie Garrett, member points

out areas that would be included in an executive summary or other areas of a business plan. Christopher Poulous, Co-lead explains that a portion of the section would give points to previous owners who were potentially locked out of the market. Anzhane Slaughter, Staff clarifies that portions of this section are purposefully separated for the Liquor Cannabis Board to identify different areas. Micah Sherman, member wants to address public input and suggests bringing 5, race identification up to the eligibility portion of the application. Race should play more of a part in the application process. Michelle Merriwether, member and Dorian Waller, member agree and add the need to be mindful of unconscious bias in the application process. After discussion, Rep. Melanie Morgan, Chair asks to move the race question to eligibility and reminds the Task Force that these are recommendations and let lawyers and legislators determine if somethings possible or not. She then calls for a vote on the current slide.

Passed: Yea 12, Nay 1, Abstain 0

The Task Force moves the discussion to other areas. Sen. Curtis King, member questions why other races are not included and those not convicted of drug charges. Anzhane Slaughter, staff and Rep. Melanie Morgan, Chair explain that data was used as rationale which support Blacks, Hispanics and Native Americans and that the focus of the bill was to right wrongs using current data. Camren Rivera, member agrees with Rep. Morgan. Yasmin Trudeau, member says that we have to look at how courts will analyze data and the data we have is what can be argued. Micah Sherman, member wonders why we can only use arrest rates. The damage from 80 years of bad policy reaches further than just arrests. Dorian Waller, member and Michelle Merriwether agree and add that there are other data rates such as education rates that have also stemmed from the war on drugs and have forced kids from schools to prison. Sen. Curtis King, member and Rep. Melanie Morgan, Chair discuss the difference between ownership and controlling members in regards to concerns that the requirement could be taken advantage of. Micah Sherman, member, adds there are voting shares and non -voting shares. Sen. Rebecca Saldaña, member likes using the term controlling interest and thinks it should be included. There is discussion as to the rationale around some of the questions. Sen. Rebecca Saldaña, member suggests asking applicants to tell about their plans for a safe working environment, diversity hiring and living wage standards and to tell share partnerships with the community. Micah Sherman, member suggests asking if an applicant has previous experience in cannabis business. Cherie MacLeod, Co-Lead provides rationale behind a couple of the questions which include an understanding of experience which contributes to viability and to address community concerns regarding being locked out of the industry, which industry experience targets. Rep. Melanie Morgan, Chair believes that the executive summary in a business plan would speak to experience and someone could put their experience in the business plan. Sen. Curtis King, member expresses concern for giving credit to people who broke the law, and suggests to leave it at cannabis experience. Next the Task Force moves on to discuss who an applicant will partner with in the community. Christopher Poulos, Co-lead explains the intent was to know if and encourage

applicants to partner with other SE businesses to further equity. Rep. Melanie Morgan, Chair points out that other applicants for licenses aren't required to show community partnerships, and that as a business owner they should have a right to do business with anyone they choose. Cherie MacLeod, member agrees. Sen. Curtis King, member believes the question should be deleted entirely, Micah Sherman, member agrees it should be deleted. Rep. Melanie Morgan then calls for a vote on the slide.

Passed: Yea 16, Nay 1, Abstain 0

Next the Task Force moves to discussing the Scoring Rubric. Christopher Poulos, member begins by referencing feedback on the scoring rubric from community. Task Force members were provided a detailed scoring rubric community members assembled (copy on file in Public Comment). This was a separate scoring rubric from what the DIA workgroup is proposing. Feedback is that community wants eligibility to be most important and make up the most points. Michelle Merriwether, member clarifies that she believes community is not set so much on the amount of points, but that they want to see greater weight on race in eligibility. Rep. Melanie Morgan, Chair asks Yasmin what greater weight in court looks like. Yasmin Trudeau, member reminds members and the public that she is not here to give legal opinion or counsel to the Task Force. In general she can say that the more weight something is given, the more risky it becomes. She also points out that the Liquor Cannabis Board will do their own risk analysis on recommendations before implementation. Dorian Waller, member wants to take that risk. Rep. Melanie Morgan, Chair says she's willing to take risks, but wonders at what expense? Shutting down the entire program? Micah Sherman, member agrees with Dorian.

Rep. Melanie Morgan, Chair has to excuse herself for another engagement and turns over the Chair position to Sen. Rebecca Saldaña, member and now acting Chair.

David Mendoza, member voices concern that it would be overturned in courts due to I-200 and would like to get an official legal opinion on it and suggests coming up with a plan a and b in case the legal opinion says too risky. Michelle Merriwether, member, reminds Task Force members that we got here because of race and to dismiss it as a Social Equity Task Force, then we wouldn't be doing our jobs. Sen. Rebecca Saldaña, Acting Chair, believes bold recommendations are how change is made but recognizes as the same time, people are hungry for licenses and likes the a and b option. Yasmin Trudeau, member says an official opinion can be requested by legislature, and AG opinions are a process that take 6 months to a year. LCB will have counsel that will complete a risk analysis and the Task Force's consideration is what we are going to give them. Ollie Garrett, member says she agrees 100% on giving the highest points to Black, Hispanic and Native American. Micah Sherman, member, reminds members that we are operating under a bill that assigns us the task of working to amend something that was explicitly racially targeted and we can't get around it without addressing race. Ultimately he believes the evidence is in the

bill the Task Force is tasked with implementing. Task Force members then discuss how to reassign points within the rubric. At the end of the discussion, Sen. Rebecca Saldaña, Acting Chair calls for a vote on making race the highest weighted item in the scoring rubric, Tamara Berkley, member seconds and it's put to a vote.

Passed: Yea 12, Nay 1, Abstain: 0

5. Disproportionately Impacted Areas Workgroup Proposal – Application Process

Due to time, this agenda item will be moved to the November 16, 2021 Task Force Meeting.

6. Discussion – Application Process

Due to time, this agenda item will be moved to the November 16, 2021 Task Force Meeting.

7. Public Comment

Public comments included praise for the Task Force in getting things accomplished today. One public member felt that the primary goal should be identifying the most qualified people and experience is not reflected enough. Another comment agreed that racial bias is imbedded in this process and asking applicants to prove items such as foreclosure is racist.

Rep. Melanie Morgan, Chair thanks the public for their comments and encourages the public to email further comments.

8. Next Steps

Anzhane Slaughter, Staff provides dates for future meetings

- Technical Assistance & Mentorship Workgroup November 2, 1pm – 4pm
- Licensing Workgroup November 10, 1pm – 4pm
- Task Force Meeting November 16, time TBD

She encourages the public to sign up for the email distribution list by visiting healthequity.wa.gov

Good of the Order & Adjournment

Sen. Rebecca Saldaña thanked everyone for joining us and adjourned the meeting at 1:02 p.m..

To request this document in an alternate format or a different language, please contact Kelie Kahler, Washington State Board of Health Communication Manager, at 360-236-4102 or by email at kelie.kahler@sboh.wa.gov TTY users can dial 711.

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