

**Maryland Medical Cannabis Commission**

**Meeting Minutes**

**January 25, 2018**

**2:00 pm**

Winchester Hall, 1st Floor Meeting Room

12 East Church Street

Frederick, Maryland 21701

**Commissioners Present:**

Brian Lopez (Chairman)

J. Charles Smith (Vice Chairman)

Ehsan Abdeshahian

John Gontrum

Jeffrey Gahler

Jean Gilmor Marshall

Tiffany Randolph

Nancy Rosen-Cohen

James Pyles

**Commissioners Present by Telephone:**

Charles LoDico

Saundra Washington

Barry Pope

Rachel Rhodes

**Commissioners Absent:**

Alvin Davis

Scott Welsh

Charles Simmons

**Staff Present:**

Joy Strand, Executive Director

Mary-jo Mather, Director of Administration

Heather Nelson, Assistant Attorney General

David Kloos Director, Bureau of Enforcement and Compliance

Lori Dodson, Deputy Director

Myesha McQueen, Administrative Specialist

Kamilla Keldiyarova, Research and Education Analyst

**CALL TO ORDER**

Chairman Lopez called the meeting to order at 2:02 pm and welcomed the attendees. The roll call was conducted. Thirteen members were present in person or by telephone and a quorum was achieved.

**APPROVAL OF THE MINUTES**

Chairman Lopez asked if Commissioners had time to review the draft minutes of the December 14, 2017 meeting and if there were any comments. He asked for a Motion to approve the minutes, which was offered by Commissioner LoDico and seconded by Commissioner Rosen-Cohen. The December 14, 2017 minutes were approved unanimously.

**EXECUTIVE DIRECTOR’S REPORT**

Executive Director Joy Strand began by stating that it has been a very busy two months and that she has had the opportunity to get out and meet industry partners. She explained that the Commission is getting busier and additional staff is being added as a result. Ms. Strand introduced the new Director of Policy and Government Affairs, Will Tilburg. Mr. Tilburg has with worked extensively with tobacco and cannabis issues. Mrs. Strand stated that since cannabis became available, there has been a huge surge in patient registration, and as a result the QA staff has doubled to address this, adding two additional staff members, Rosario Campos and Luz Jean. The Commission is also planning on hiring a Director of Communications shortly, and interviews are being scheduled.

Currently there are 674 providers. 20,157 registered patients, of which over 13,000 are certified, and 8,200 pending patients. The Commission is getting between 200-400 applications a day and getting five times that amount of daily emails. The additional staff members will assist with the registry backlog. A notice will be put on the website explaining the delay in processing. There are 1,012 registered caregivers, with 180 pending. There are 77 minor patients and 80 hospice patients. Mrs. Strand advised since product has been available to dispensaries the applications received have nearly doubled.

Mrs. Strand explained to Commissioners that their packets contained the two required annual reports the Commission filed per the statutory requirements. They were submitted on time on December 29, 2017. The first report is a requirement reporting on the level of supply and demand in the market for medical cannabis. The report stated that the market is not overstocked, and there was no reason to believe diversion is occurring. Ms. Strand reported that there is much greater demand for medical cannabis than there is supply. The second report includes the number and types of the providers certified under the medical cannabis program and the number of medical cannabis licensees. There are currently 14 Growers licensed, 12 Processors licensed and 22 of the possible 102 Dispensaries are licensed. The Commission is busy working on the Dispensaries whose operations are in a variety of stages of operationalizing. More licenses will be considered at this meeting, and more in upcoming meetings. The Enforcement and Compliance Department and the administrative staff are working with individual Dispensaries to understand issues and obstacles in getting to the licensing stage.

Ms. Strand also reported that the Commission will be moving into its new office space within the in the same building located in Linthicum, which will better suit the growing staff. She advised that during the move the phones and computers will be shut down, but the move will not create much delay.

Executive Director Strand stated that the Commission has received many requests from industry partners on “deli-style” sales, and working with the Department of Agriculture, the Commission has come up with a process licensed Dispensaries may use if they choose to make this type of sale. The Department of Agriculture regulates the certification of the scales that are used, and a Bulletin will be issued shortly on this topic, and the Dispensaries will be able to sell in this manner if they wish. This Bulletin will take effect on February 1, 2018.

Last, Ms. Strand stated she had the opportunity to visit industry partners, and visited three Growers, and is impressed with the level of sophistication, dedication, and commitment to professionalism from the staff at each operation.

**CHAIRMAN’S REPORT**

Chairman Lopez thanked the entire staff for all of their hard work, and stated that since the rollout of product in December 2017, the staff has done an amazing job, and there were very few hiccups. Chairman Lopez reported that he and Lori Dodson attended a conference in Florida and were part of a regulator panel which included regulators from Florida, Rhode Island, Michigan, Minnesota and Washington DC, and many other states. He advised it was very interesting and he left feeling that Maryland has some of the best regulations of all the states. He congratulated Mrs. Dodson on her phenomenal job serving on a panel which covered regulatory topics.

Mr. Lopez reported that the legislative session has begun and that Christi Megna, the Commission’s Legislative Director, is doing a great job. House Bill 2 has been introduced and has had a hearing, and this measure will have a direct impact on the Commission.

Chairman Lopez also introduced Kamilla Keldiyarova as the new Research and Education Analyst, who previously serving as an intern, but was recently brought on as a staff member.

Chairman Lopez announced that the long-awaited disparity analysis has been posted to the website. The Commission will be working with the legislators and the Attorney General’s office in the next few months related to the findings.

The next Commission meeting will be on February 22, 2018 and more information will be posted on the website when it is available. The Commission’s meeting calendar will be posted for the next year will also be posted. Meetings will be held on the fourth Thursday at locations still to be determined.

**COMMITTEE REPORT**

**Finance Committee: Commissioner John Gontrum**

Commissioner Gontrum advised that the December 31,2017 close out numbers were received and a longer report will be issued in February. Based on preliminary analysis the Commission is set to end FY18 with substantial reserves.

**Research Committee: Commissioner Charles LoDico**

Commissioner LoDico advised there was no report, but there is movement, with Ms. Strand suggesting that a meeting take place to discuss possible studies which might involve the Commission.

**Education and Outreach Committee: Commissioner Ehsan Abdeshahian**

Commissioner Abdeshahian advised there was no report, but with the addition of Ms. Keldiyarova, the group has been hard at work, and should have more to report in the next couple of months.

**Policy Committee: Commissioner Charlie Smith**

Commissioner Smith advised that the committee has not met since the last meeting, but with the addition of the new Director of Policy and Government Affairs, there are a lot of policy issues that will be discussed, and that he hoped this committee would meet prior to the next full Commission meeting.

**Minority Affairs Sub-Committee: Commissioner Saundra Washington**

Commissioner Washington advised that there was no new report.

Chairman Lopez advised that none of the committees met since the last Full Commission meeting due to the start of the legislative session.

**Final Review Subcommittee: Commissioner Nancy Rosen-Cohen**

Chairman Lopez extended thanks to David Kloos, the Director of Enforcement and Compliance, and to his team for getting the inspections and reports completed. Mr. Kloos has reached out to the remaining pre-approved Dispensaries in regard to possible extensions, and this information will be forwarded to the committee.

Commissioner Rosen-Cohen advised that in order for any of the pre-approved Dispensary applicants to receive final licensure, the findings must support the completion of a satisfactory Commission Initial Inspection Report, and compliance with all local laws, zoning, state/county fire marshal, weight and measures requirements, and meet all COMAR specifications. These were completed for each of the pre-approved dispensaries presented for the Commission consideration today.

1. The Final Review Subcommittee recommends the Commission find that the following prerequisites have been satisfied.
   * 1. That the application for Medical Cannabis Dispensary License was awarded a pre-approval in December of 2016.
     2. Since that time, as part of its application:
     3. An audited financial statement the Dispensary and any proposed Dispensary agents was received; and payment of the stage 2 application fee specified in COMAR 10.62.35.01
   1. The Bureau of Enforcement and Compliance has reported to the Final Review Subcommittee that:
      1. Examination of financial statements, criminal history reports, and Stage Two application materials have revealed no evidence of any non-compliance with the regulations;
      2. All inspections, including inspections of standard operating procedures and inspections of premises, have been passed and the Dispensaries’ operations conform to the specifications of the application as pre-approved;
      3. The premises prepared:
         1. are under the legal control of the Dispensary;
         2. comply with all zoning and planning requirements; and
         3. conform to the specifications of the application as pre-approved.
      4. The first year's license fee as specified in COMAR 10.62.35.01 has been paid.
   2. The Final Review Subcommittee therefore recommends that a license to dispense medical cannabis be issued pursuant to COMAR 10.62.25.07.

Commissioner Rosen-Cohen reported that the Final Review Subcommittee had met after receiving the final reports from the Bureau of Enforcement and Compliance. The first review was on AltPharm LLC (Prince George’s County) The MMCC Investigator was James Pilchard. The Investigative Summary, Financial Summary, and Inspection Summary were provided by the inspector. No information was identified that would prohibit the applicant from being licensed. Notice of Inspection, Pre-Inspection Checklist, the Dispensary Inspection Report, and Investigative Background Checklist were provided and in good order.

The Investigator was available via phone for the review of the material and to answer questions. No additional investigative information was necessary or provided. The Final Review Subcommittee, by a vote of 5-0, determined that the applicant has met the requirements, and recommends that the Commission issue a Dispensary License. Commissioner Rosen-Cohen offered a Motion to issue a Dispensary license to Altpharm LLC. Commissioner Marshall seconded this motion. The Commission voted unanimously to issue the Dispensary license to Altpharm LLC.

Commissioner Rosen-Cohen reported that the second review was on Euphoria Wellness Maryland, LLC (Frederick County). The MMCC Investigator was Mark Rodeheaver. The Investigative Summary, Financial Summary, and Inspection Summary were provided by the inspector. No information was identified that would prohibit the applicant from being licensed. Notice of inspection, pre-inspection checklist, Dispensary inspection report, and the Investigative Background Checklist were provided and in good order. The Investigator was available via phone for the review of the material and to answer questions. No additional investigative information was necessary or provided. The Final Review Subcommittee, by a vote of 5-0, determined that the applicant has met the requirements, and recommends that the Commission issue a Dispensary license to Euphoria Wellness Maryland LLC. Commissioner Rosen-Cohen offered a Motion to issue a Dispensary license. Commissioner Randolph seconded this motion. The Commission voted unanimously to issue the Dispensary license to Euphoria Wellness Maryland LLC.

Commissioner Rosen-Cohen reported that the third review was on GDP, LLC (DBA: Green Point Wellness) (Anne Arundel County): The MMCC Investigator was James Pilchard. The Investigative Summary, Financial Summary, and the Inspection Summary were provided by the inspector. No information was identified that would prohibit the applicant from being licensed. The Notice of Inspection, Pre-Inspection Checklist, Dispensary Inspection Report, and Investigative Background Checklist were provided and in good order. The Investigator was available via phone for the review of the material and to answer questions. No additional investigative information was necessary or provided. The Final Review Subcommittee, by a vote of 5-0, determined that the applicant has met the requirements and recommends that the Commission issue a Dispensary license to GPD LLD (DBA: Green Point Wellness). Commissioner Rosen-Cohen offered a Motion to issue the Dispensary license. Commissioner Randolph seconded this motion. The Commission voted unanimously to issue the Dispensary license to GPD LLC (DBA: Green Point Wellness).

Commissioner Rosen-Cohen reported that the fourth review was on G&J Pharmaceuticals, LLC (DBA: Greenwave Maryland) (Calvert County). The MMCC Investigator was James Pilchard. The Investigative Summary, Financial Summary, and Inspection Summary were provided by the inspector. No information was identified that would prohibit the applicant from being licensed. Notice of inspection, pre-inspection checklist, Dispensary Inspection Report, and Investigative Background Checklist were provided and in good order. The Investigator was available via phone for the review of the material and to answer questions. No additional investigative information was necessary or provided. The Final Review Subcommittee, by a vote of 5-0, determined that the applicant has met the requirements, and recommends that the Commission issue a Dispensary license to G&J Pharmaceuticals LLC (DBA: Greenwave Maryland). Commissioner Rosen-Cohen offered a Motion to issue the Dispensary license. Commissioner Abdeshahian seconded this motion. The Commission voted unanimously to issue the Dispensary license to G&J Pharmaceuticals LLC (DBA: Greenwave Maryland).

Commissioner Rosen-Cohen reported that the fifth review was on Herbiculture INC (Montgomery County). The MMCC Investigator was Garrett Keene. The Investigative Summary, Financial Summary, and Inspection Summary were provided by the inspector. No information was identified that would prohibit the applicant from being licensed. The Notice of Inspection, the Pre-Inspection Checklist, Dispensary Inspection Report, and Investigative Background Checklist were provided and in good order. The Investigator was available via phone for the review of the material and to answer questions. No additional investigative information was necessary or provided. The Final Review Subcommittee, by a vote of 5-0, determined that the applicant has met the requirements and recommends that the Commission issue a Dispensary License. Commissioner Rosen-Cohen offered a motion to issue the Dispensary license. Commissioner Abdeshahian seconded this motion. The Commission voted unanimously to issue the Dispensary license to Herbiculture INC.

Commissioner Rosen-Cohen reported that the sixth review was on Hippocratic Growth, LLC (DBA: Ash + Ember) (Queen Anne’s County). The MMCC Investigator was James Pilchard. The Investigative Summary, Financial Summary, and Inspection Summary were provided by the inspector. No information was identified that would prohibit the applicant from being licensed. The Notice of Inspection, Pre-Inspection Checklist, Dispensary Inspection Report, and Investigative Background Checklist were provided and in good order. The investigator was available via phone for the review of the material and to answer questions. No additional investigative information was necessary or provided. The Final Review Subcommittee, by a vote of 5-0, determined that the applicant has met the requirements and recommends that the Commission issue a Dispensary License. Commissioner Rosen-Cohen offered a Motion to issue a Dispensary license. Commissioner Abdeshahian seconded this motion. The Commission voted unanimously to issue the Dispensary license to Hippocratic Growth LLC (DBA: Ash + Ember).

Commissioner Rosen-Cohen reported that the seventh review was on PharmKent LLC (Cecil County). The MMCC Investigator was James Pilchard. The Investigative Summary, Financial Summary, and Inspection Summary were provided by the inspector. No information was identified that would prohibit the applicant from being licensed. The Notice of Inspection, Pre-Inspection Checklist, Dispensary Inspection Report, and Investigative Background Checklist were provided and in good order. The Investigator was available via phone for the review of the material and to answer questions. No additional Investigative information was necessary or provided. The Final Review Subcommittee, by a vote of 5-0, determined that the applicant has met the requirements and recommends that the Commission issue a Dispensary License. Commissioner Rosen-Cohen offered a Motion to issue a Dispensary license. Commissioner Abdeshahian seconded this motion. The Commission voted unanimously to issue the Dispensary license to PharmKent LLC.

Commissioner Rosen-Cohen reported that the eighth review was on Holistic Industries, LLC (DBA Liberty) (Montgomery County). The MMCC Investigator was Mark Rodeheaver. The Investigative Summary, Financial Summary, and Inspection Summary were provided by the inspector. No information was identified that would prohibit the applicant from being licensed. The Notice of inspection, Pre-Inspection Checklist, Dispensary Inspection Report, and Investigative Background Checklist were provided and in good order.   
The Investigator was available via phone for the review of the material and to answer questions. No additional investigative information was necessary or provided. The Final Review Subcommittee, by a vote of 5-0, determined that the applicant has met the requirements and recommends that the Commission issue a Dispensary License. Commissioner Rosen-Cohen offered a Motion to issue a Dispensary license. Commissioner Abdeshahian seconded this motion. The Commission voted unanimously to issue the Dispensary license to Holistic Industries LLC (DBA Liberty).

**Public Comment**

Chairman Lopez advised that public comment is usually heard at the Policy Committee meetings; however, since a meeting was not held the Commission would open up this meeting for public comment on the following topics: Clinical Director requirement for Dispensaries, CRISP as a repository for medical-cannabis patient information and medical information in regard to cannabis amounts and modalities dispensed; defining the frequency of follow-up for medical cannabis patients by the patients' registered medical providers; defining the scope of practice for authorized medical cannabis providers (Physicians, Dentists, Podiatrists, Nurse Practitioners and Midwives) in regard to recommending medical cannabis; and adding the requirement (at Dispensary point of sale) to collect key clinical data regarding the use of medical cannabis.  Chairman Lopez advised that written comment was received from Peake ReLeaf LLC; Martin Sheridan, MD; Julia Worchester, Law Office of J. William Pitcher, on behalf of the Nurse Practitioner Association of Maryland; Patricia Frye, MD; Darrell Carrington; and Americans for Safe Access.

The following people provided public comment in person:

* George Vereling on behalf of Allegany Medical Marijuana Dispensary, stated that the Dispensary believes that there are many more people qualified to fill the Clinical Director position, not to be limited by title. He stated that the issue of out-of-state patients must be resolved, and that his Dispensary is 500 yards from the State border, and his business plan was based on allowing the out-of-state patients to register as defined in the law. He suggested that something be put in the patient attestation to explain that it is illegal to transport cannabis across State lines.

Chairman Lopez advised all speakers to comment only to the referenced topics. He advised that the topic of out-of-state patients would not be discussed at this meeting. Dr. Abdeshahian advised that the reasoning behind the proposed requirement of having a pharmacist, nurse practitioner or doctor as the Clinical Director is to prevent any interactions with any other medications. He advised that if anyone has suggestions on any other person who is qualified to fit the Clinical Director role that the Commission will be open to hear those suggestions.

* Darrell Carrington, on behalf of Greenwell Consulting and several other clients, stated that he would like to have further discussion regarding the Clinical Director requirement and is pleased to hear that it has been tabled. He would like to applaud the Commission on the amendment offered for HB 2 which would have a supply and demand market study annually. He stated that his clients believe that would be a smart idea as Maryland currently has the highest prices for medical cannabis.

Commissioner Smith asked if Mr. Carrington if his clients had any qualifications in place for the Clinical Director, or if they feel anyone can fill this position. Mr. Carrington advised that his clients have interviewed many qualified people, including podiatrists and dentists, and he hopes that shortly after the legislative session this requirement will catch up to the requirements for certifying providers, and that any medical professional able to certify patients for cannabis use can also fill a Clinical Director position. Chairman Lopez questioned where he obtained his data on pricing. Mr. Carrington advised that his group looked at states similar in size to Maryland, looked at how many patients they had, how many Growers they had, and then looked at the price per ounce.

* David Cole, on behalf of Nature’s Care and Wellness, stated his group believes the Clinical Director position should not be limited to nurse practitioners, pharmacists and doctors. They have a registered nurse with 30 years’ experience and extensive experience working for John’s Hopkins University hospital, and feels the Clinical Director role should not be limited to nurse practitioners and nurse midwives, and should include registered nurses.

Commissioner Abdeshahian advised that the Commission is not trying to limit the position, and if a registered nurse has the knowledge to help the business run that is great. However, the Commission does not feel it can open the position to any registered nurse with any sub-specialty.

* Carey Tilghman asked for further clarification on CRISP. She understands that the Commission would like to collect data; however, she has concerns as to whether the patient’s name would be shared and if the diagnosis be tied to that name. She expressed that she does not mind data being collected. She stated she feels she is competent as a caregiver to inform any provider what is being used and how much is being used. She stated her daughter’s records are in enough systems, and any provider she sees has access to those records. She does not mind statistics such as the number of patients who came into to the Dispensary with a certain diagnosis. She stated she would also like to have access to raw cannabis, instead of dried or pre-oiled forms. She stated she is aware that the topic of out-of-state patients will not be heard, however she urges the Commission to make a quick decision.

Commissioner Abdeshahian advised that generally physicians use CRISP to see what controlled substances patients are using, and that it is important for providers to know if there will be any adverse reactions to medications the patient is taking. He advised it is more of a portal system allowing providers to view medications. Commissioner LoDico stated that there is very limited data the Commission has in regards to the patient’s diseases and the efficacy of the medication. The information will not be released and it will be maintained in a HIPAA-compliant manner. Mrs. Strand stated that she is very familiar with CRISP, and the best medical care for patient occurs when there is communication. She further stated that in healthcare there is a lot of mobility. Access to CRISP is on a need –to-know basis. Ms. Strand emphasized that patient privacy is extremely important to the Commission. The registry is a patient data base, and it is HIPAA Compliant. Security is built into the CRISP system as well.

* Dr. Craig Houser, Clinical Director for Kannavis Dispensary, commented that he prefers the term Medical Director, because that is what he is doing. The goal is to provide high quality *medical* cannabis, not recreational cannabis. The agents at his Dispensary have access to him at all times; and the Dispensary requires quarterly continuing education courses for all agents. He also provides outreach in the community to educate the population.

Chairman Lopez advised that the Commission is trying to work with outside providers for education.

* Sharron Sample, on behalf of Maryland Earthworks, commented that she is unsure why more controls are being added at this point, since the industry has had a very difficult time getting up and running. She does not oppose the Clinical Director regulation, however, she feels there should still be more flexibility. Her only concern as she is not familiar with CRISP, she would like to see as little disruption to the patients as possible.

Chairman Lopez stated that these topics were brought up in a Policy Committee meeting and currently there have been no proposed regulations.

* Steve Sherman, an insurer for multiple dispensaries, commented that it would be beneficial to have a Medical Director. For physicians, their malpractice insurance will cover any issues if they are sued; however, any non-clinical person will be susceptible if sued for bad advice.
* Lisa Napier, CRNP, who is also a qualifying medical provider, asked the Commission if there will be any continuing education on medical cannabis pharmacology. The national certifying organizations have a prohibition as to going against federal statutes in terms of practice, which is prohibitive. She stated, however, that she also has an obligation to educate her patients.
* Emily Burns, an attorney with Offit Kurman, stated she has a few concerns regarding the Clinical Director requirement. When using the term “Clinical Director”, this terminology gives patients a false sense of security. If the goal is to have patient protection, the Commission should think about this term and the impact it may have on patients. In regards to “deli-style” packaging, California recently banned this type of packaging because children have easier access to the product since it is not in child-protected packaging. Last, she stated that HIPAA is federal law, and that the registry is not a covered entity so it is not protected information.

Mrs. Strand stated that when a Dispensary repackages product, it must be labeled in exactly the same manner as the original package, and that the repackaged medical cannabis must be in a child resistant package.

* Patricia Frye, MD, a recommending provider, stated she would like to address follow-up visits. She stated she does not feel follow-up visits are an issue, and that it is the *initial* visit that is becoming an issue. There are providers who are coming into the State who are not educating the patients at all. She is seeing patients who have already been certified but have no cannabis knowledge. She believes there should be stronger regulations in regard to provider offices. She saw a patient who was seen by a registered medical provider and certified in three minutes.

Commissioner Abdeshahian stated that the Commission is working with the medical boards to work on regulations. Adding follow up visits is a way to ensure the patients are being properly monitored.

Chairman Lopez advised that there will be more opportunity for public comment, and more public forums to allow the public to address any issues of concern.

**New Business**

Chairman Lopez asked the Commissioners for new business items. None were suggested.

**Adjournment**

There being no further discussion, Chairman Lopez adjourned the meeting at 3:26 pm.