



**Maryland Medical Cannabis Commission
Full Commission Meeting
June 11, 2020-2:00 pm
Conducted Online**

MINUTES

Commissioners Present

Brian Lopez, Commission Chairman
Phil Cogan
Konrad Dawson
Megan Dingus
Charles LoDico
Obi Onyewu
Tiffany Randolph
Nancy Rosen-Cohen
Saundra Washington

Commissioners Absent

Ehsan Abdeslahian
Jinlene Chan
Liz Hines
Scott Welsh

MMCC Staff Present

Will Tilburg, Executive Director
Lori Dodson, Deputy Director
Rebecca Jackson, Education and Research Analyst
Heather Nelson, Assistant Attorney General
Matt McCarthy, Assistant Attorney General
Christi Megna, Senior Regulatory Analyst
Kathryn Callahan, Policy Analyst
Marla Rosado Diaz, Policy Analyst
Tony Grover, Director of Enforcement and Compliance
Mary-jo Mather, Director of Administration

Call to Order and Welcome

Chairman Lopez called the meeting to order at 2:05 pm. A verbal roll call was conducted, which confirmed that a quorum was achieved. Chairman Lopez extended thanks to staff for the great job they are doing along with the challenges presented by the pandemic, and noted that the office remains open. Chairman Lopez briefly outlined the meeting order and matters to be considered, and noted that the Commission is resuming the application review process, which was delayed due to the pandemic, and that both the Compliance and Policy Committees recently held productive meetings since the last full Commission meeting

Approval of the September 18, 2019 and March 25, 2020 Meeting Minutes

There were no corrections to the minutes, and after the appropriate motions were offered, Commissioners unanimously approved the minutes.

Executive Director's Report

Executive Director Will Tilburg noted that over seventy people were virtually attending the meeting. He noted that the pandemic and civil protests had shone a spotlight on racial inequities in the areas of health care, criminal justice, and personal net worth, and that medical cannabis is at the nexus of these disparate issues. He emphasized that the Maryland General Assembly has tasked the Commission to design a program which reflects the racial, gender, and ethnic diversity of the State, and that work is ongoing for the Commission.

He noted that the Commission has worked to streamline ancillary business registrations, to ensure that anyone who wishes to participate in the cannabis industry may do so. He also reported that there sizable procurements awarded for the summer and fall, which will include MBE subcontracting goals. He added that the Commission would love and welcome any ideas as to how we can improve our program and be the best in the country. He commended Commission staff, and noted that in spite of the pandemic, the staff continued to provide the same high quality work during a period with vastly increasing workloads.

Mr. Tilburg reported that since March 16, 2020, there was a significant increase in patient, caregiver and provider applications. Since that date, the Quality Assurance staff processed over 14,000 Patient applications, 1,200 Caregiver applications, and registered over 400 new medical providers. The Call Center received over 15,000 calls, with the majority of issues presented solved in one call, within a few short minutes. Mr. Tilburg announced that staff has registered and badged over 600 new agents during this period.

The Commission issued nine Bulletins regarding the impacts of COVID-19, all providing guidance to safety protocols. Mr. Tilburg noted that since the last full Commission meeting, nine Committee and Subcommittee meetings convened and considered a very large number of matters. MMCC Enforcement and Compliance inspectors have transitioned to virtual inspections because of the pandemic, and every single Independent Testing Laboratory was inspected in this last quarter. The forthcoming procurements will cover two areas: an economic study covering the next five years, including a projection of the number of patients, and whether the current licensees will be able to meet patient needs; and secondly, a study which will examine public health and safety issues if

adult use is legalized in Maryland in an upcoming session of the Maryland General Assembly. Chairman Lopez commented that these RFPs were very important due to data they will provide.

Committee Reports

Chairman Lopez invited the standing committees of the Commission to present reports.

Finance Committee

Chairman Obi Onyewu presented the report from the May 20, 2020 public meeting of the Finance Committee. MMCC Director of Finance Ugo Osoh presented the budget report for both FY20 and FY21. The Commission remains in a strong financial position. There were no questions about the budget reports. Chairman Onyewu asked Will Tilburg to provide some background on the State hiring and spending freeze, as well as the new Compassionate Use Fund mandated by the passage of House Bill 870, which was adopted by the General Assembly this year, and effective October 1, 2020. Executive Director Tilburg noted that the Compassionate Use Fund is a special fund established to provide reduced-cost medical cannabis for MMCC patients who are enrolled in Medicaid or for Veterans enrolled in the VA health System. Based on the budgetary projections, the Finance Committee voted to allocate *up to 25%* of the MMCC revenue received from patient and caregiver fees, between \$600,000 and \$1,000,000, to be allocated to the Compassionate Use Fund.

Compassionate Care Use Fund Vote

Chairman Lopez asked for a Motion to approve that, effective July 1, 2020, the Commission would allocate *up to 25%* of Patient and Caregiver ID card fees to the Compassionate Use Fund. A Motion to approve was offered by Commissioner Rosen-Cohen, and seconded by Commissioner Cogan. Commissioners voted unanimously to approve the request to fund the Compassionate Use Fund.

Policy Committee Report

Policy Committee Chairwoman Tiffany Randolph announced that there were four regulatory proposals to present and vote upon, and asked Taylor Kasky, the Director of Policy and Government Affairs, to provide background information on each proposal.

Universal Symbol Proposal

Ms. Kasky presented the proposed universal symbol, which would be affixed to any external packaging on any medical cannabis product. A Motion to approve the universal symbol was offered by Commissioner Rosen-Cohen, and seconded by Commissioner Washington. The Motion passed unanimously.

Ancillary Business Registration Proposal

Ms. Kasky explained that this proposal would amend existing ancillary business regulations in regard to third party businesses such as transport or delivery companies, green waste companies or security services. The proposal would authorize MMCC staff to administratively approve ancillary business registrations, instead of by a vote of the full Commission. A Motion to approve

this proposal was offered by Commissioner Rosen-Cohen, and seconded by Commissioner Randolph. The Motion passed unanimously.

Adding Physicians Assistants as Certifying Providers Proposal

Ms. Kasky noted that adding Physicians Assistants to MMCC regulations reflected passage of this additional certifying provider in the last legislative session in House Bills 617 and 378. A Motion to approve the new regulatory language was offered by Commissioner Rosen-Cohen, and seconded by Commissioner Dingus. The Motion passed unanimously.

Licensee-Related Provisions

Ms. Kasky noted that these provisions would change “30 days” from business days to calendar days. During discussion, Commissioner Washington asked for the reason for this change, and Ms. Kasky explained that medical cannabis businesses operate seven days a week. Chairman Lopez added that this change was endorsed by the medical cannabis industry. Commissioner Rosen-Cohen offered a Motion to approve this change, and it was seconded by Commissioner Washington. The Motion passed unanimously.

Final Review Subcommittee Report

Chairman Lopez invited Commissioner Rosen-Cohen to present the Report of the Final Review Subcommittee.

Revocation of Stage One Pre-Approval for A Medical Cannabis Dispensary License:

LinLar LLC

Chairwoman Rosen-Cohen provided background and facts for pre-approved Dispensary applicant LinLar LLC. The Final Review Subcommittee carefully reviewed the status of LinLar, LLC, who was awarded a Stage One pre-approval for a dispensary license on December 9, 2016 and who has failed to become operational or licensed, and who has failed to request an extension of time within which to become operational. The Subcommittee recommends that the Commission revoke the Stage One pre-approval awarded to LinLar LLC and in support of this recommendation finds the following findings of facts:

1. LinLar, LLC was awarded a Stage One pre-approval for a dispensary license on December 9, 2016.
2. LinLar, LLC has not met the requirements for issuance of a license under COMAR 10.62.25.07.
3. LinLar, LLC is not operational.
4. On April 11, 2019, the Commission issued Bulletin 2019-004, which stated “the Commission intends to rescind the Stage One Pre-Approval of any medical cannabis business issued an award prior to 2018, that is not licensed and operational by September 30, 2019. A request for an extension beyond September 30, 2019 will only be considered due to an unforeseen hardship outside of the business’s control.”
5. LinLar, LLC failed to submit a request for an extension pursuant to Bulletin 2019-004 and failed to become licensed and operational by the deadline of September 30, 2019.
6. The principal and point of contact for LinLar, LLC failed to respond to repeated Commission requests for information issued over the past year.
7. Because LinLar, LLC has never submitted a request for extension of time within which to become operational, there is no basis on which Commissioner can consider whether

LinLar has met the requirements for being granted additional time within which to become operational.

8. COMAR 10.62.25.06 E states that the Commission may rescind pre-approval of a dispensary applicant if the dispensary is not operational within 1 year of pre-approval.

Because LinLar, LLC was awarded Stage One pre-approval for a dispensary license in December of 2016, and LinLar has not become operational, and LinLar has not submitted any request for extension of time within which to become operational, the Final Review Subcommittee recommends that the Commission vote to rescind the pre-approval issued to LinLar LLC.

Chairman Lopez asked for a Motion to accept the findings and recommendation of the Final Review Subcommittee to revoke the Stage One pre-approval for a Dispensary license issued to LinLar LLC. It was offered by Commissioner Rosen-Cohen, and seconded by Commissioner Dawson. The vote to accept the Motion was unanimous.

Commissioner Rosen-Cohen continued with the Final Review Subcommittee Report.

Request for a Change in Location/Request to Operate Two Grower Facilities: MaryMed LLC Grower License

Chairman Lopez announced that the next matter for consideration was MaryMed LLC's request for a change of location of its grower facility, and a separate request to simultaneously operate two grower locations while winding down operations at its existing facility. MaryMed currently operates a licensed Grower and Processor facility in Hurlock, MD, and proposes to change the location of the Grower license only to Massey, MD. COMAR 10.62.08.09 requires a change of location request to be accompanied by:

1. A completed change of location application form, and
2. Payment of the fee specified in COMAR 10.62.35.

In addition, a licensee may not begin cultivation at the new location until all inspections have been passed.

The Final Review Subcommittee carefully reviewed the facts presented in MaryMed's request to change location, and to briefly operate at two separate locations while winding down operations at its Hurlock facility. This Subcommittee determined that MaryMed completed the required change of location application and paid the fee required under COMAR 10.62.35. In addition, as part of its application, MaryMed demonstrated (1) the business or economic necessity for the proposed change of location, (2) non-opposition from local government to the proposed change of location, and (3) that the proposed change of location would be within the same agricultural region. However, this Subcommittee found that COMAR 10.62.08.09, which allows a licensee to apply for a change of location, *does not permit a licensee to operate more than one licensed grower location in Maryland for any period of time.* Therefore the Final Review Subcommittee recommends that the Commission conditionally approve MaryMed's Request to Change Location to the Massey, MD facility, pending the new facility passing all inspections, but to Deny MaryMed's request to operate at two separate locations. There were no questions or further discussion. Chairman Lopez asked for a Motion to conditionally approve MaryMed LLC's change in location of its grower operations, and to deny MaryMed LLC's request to briefly operate its grower operations in two locations. The Motion was offered by Commissioner Rosen-Cohen, and seconded by Commissioner Washington. The Motion passed unanimously.

Renewal of Independent Testing Laboratory-Pinnacle CT INC

Chairman Lopez noted the regulatory requirements for a renewal: the completed registration form, payment of the registration fee specified in COMAR 10.62.35; submission of the assessment from the accreditation body; and period review of the proficiency testing of the independent testing laboratory's results.

The first request of the four independent testing laboratories requesting renewal of their registration is: PINNACLE CT INC in Westminster, MD. Ebony Cates-Brown was the investigator. The application, Investigative Summary, and Inspection Summary were provided by the inspector. The background checks conducted and documentation submitted resulted in no findings of activity in violation of COMAR 10.62 or ISO 17025 standards. The investigator confirmed that the required registration renewal fee specified in COMAR10.62.35 had been paid. The inspector was available via phone for the review of the material and to answer questions. Lori Dodson, Deputy Director, and Director of Enforcement and Compliance for Independent Testing Laboratories, noted that no information was identified that would prohibit the applicant from renewing their registration. The Final Review Subcommittee therefore recommends that the Commission approve the independent testing laboratory registration for Pinnacle CT INC be renewed for the two year term.

A Motion to approve the renewal was proposed by Commissioner Rosen-Cohen, and seconded by Commissioner Washington. The motion passed unanimously.

Renewal of Independent Testing Laboratory Registration: Green Analytics MD LLC

Vice Chairwoman Randolph announced that there was an additional Independent Testing Laboratory renewal for consideration at the meeting. As an introduction Ms. Randolph noted that this entity first registered with the Commission on October 3, 2017, with their final registration to have been renewed in October 2019. The entity filed a timely application, and in the meantime, continued to operate with its registration extended until September 3, 2020, to provide the Commission time to complete an investigation into certain information set forth in its renewal application. The parties have entered into a consent agreement which satisfactorily resolves the Commission's inquiry into Green Analytics' independence within the meaning of COMAR 10.62.15.05. Subsequently, Green Analytics' application to renew its registration may now be considered.

Ebony Cates-Brown was the investigator. The application, Investigative Summary, and Inspection Summary were provided by the inspector. The background checks conducted and documentation submitted resulted in no findings of activity in violation of COMAR 10.62 or ISO 17025 standards. The investigator confirmed that the required registration renewal fee specified in COMAR 10.62.35 had been paid. The investigator was available via phone for the review of the material, and to answer questions. Lori Dodson, Deputy Director, and Director of Enforcement and Compliance for Independent Testing Laboratories, noted that no information was identified that would prohibit the applicant from renewing their registration. Therefore, on behalf of Commissioners who considered this issue and renewal, I recommend that the Commission approve renewal of the independent testing laboratory's renewal.

There were no questions, and no discussion. Chairman Lopez requested a Motion to approve the renewal and it was offered by Commissioner Rosen-Cohen, and seconded by Commissioner Washington. The vote to approve the renewal was unanimous.

Ancillary Business Registrations: Elite Asset and Personal Protection LLC (Secure Medical Cannabis Transport Company); Tactical American Security Consulting LLC (Security Guard Agency); Tactical American Security LLC (Medical Cannabis Secure Transport Company); Battle Tested Security LLC (Security Guard Agency) and Green Line Security Solutions LLC (Security Guard Agency)

The Final Review Subcommittee has received and evaluated five requests to register ancillary businesses. The Subcommittee carefully reviewed the submissions made in support of those requests and carefully considered the Commission's prior guidance.

Elite Asset and Personal Protection LLC (Secure Medical Cannabis Transport Company):

A Motion to approve this ancillary business registration was offered by Commissioner Rosen-Cohen, and seconded by Commissioner Dingus. There was no discussion. The vote to approve was unanimous.

Tactical American Security Consulting LLC (Security Guard Agency):

A Motion to approve this ancillary business registration was offered by Commissioner Rosen-Cohen, and seconded by Commissioner Dingus. There was no discussion. The vote to approve was unanimous.

Tactical American Security LLC (Medical Cannabis Secure Transport Company):

A Motion to approve this ancillary business registration was offered by Commissioner Rosen-Cohen, and seconded by Commissioner Dingus. There was no discussion. The vote to approve was unanimous.

Battle Tested Security LLC (Security Guard Agency): A Motion to approve this ancillary business registration was offered by Commissioner Rosen-Cohen, and seconded by Commissioner LoDico. There was no discussion. The vote to approve was unanimous.

Green Line Security Solutions LLC (Security Guard Agency):

A Motion to approve this ancillary business registration was offered by Commissioner Rosen-Cohen, and seconded by Commissioner Cogan. The vote to approve was unanimous.

Medical Provider Compensation Request: Alan Mitnick, MD

Chairman Lopez provided that the Commission's regulations provide that: (1) A certifying provider may not receive compensation, including promotion, recommendation, advertising, subsidized rent, or anything of value, from a licensed grower, licensed processor, or a licensed dispensary unless the certifying provider submits an application to the Commission for approval for the compensation. (2) The Commission shall deny an application for compensation if the compensation is based on any agreement or arrangement for the certifying provider to refer, direct, or recommend qualifying patients to the licensed grower, licensed processor, or licensed dispensary to obtain medical cannabis. (3) The Commission shall deny an application for compensation if the compensation would violate the patient referral laws codified at Health Occupations Article, §1-301 et seq., Annotated Code of Maryland. (4) The Commission may deny an application for compensation if the compensation agreement may create an appearance

that the compensation compromised the independent judgment of the certifying provider in the treatment of a patient.

Chairwoman Rosen-Cohen noted that the Final Review Subcommittee discussed the relevant regulations, application documents, and the facts presented. The Subcommittee made a distinction between compensation requests for presenting outreach and education, and patient certifications and referrals. Based on these factors, the Final Review Subcommittee did not recommend approving Dr. Mitnick's Compensation Request because the form of compensation requested could compromise Dr. Mitnick's independent judgment in the treatment of patients.

There was no discussion, and no questions. Chairman Lopez asked for a Motion to Deny the Compensation Request, and it was offered by Commissioner Rosen-Cohen and seconded by Commissioner Washington. The vote to deny this request was unanimous. Chairman Lopez thanked Chairwoman Rosen-Cohen and her Subcommittee for their time and efforts reviewing these requests. Commissioner Rosen-Cohen extended her thanks to Commissioners, and to the staff for their work, including Mr. Tilburg, Ms. Dodson, and Ms. Mather. Commissioner Cogan asked about which Committee reviews Compensation Requests, and Chairman Lopez noted that the Final Review Subcommittee considers these requests.

New Business and Next Commission Meeting

There was no new business discussed. Chairman Lopez remarked that he hoped that the next Commission meeting might be held in person. The meeting and venue are not known as of this date.

Adjournment

After the appropriate Motions were offered, the meeting adjourned at 3:15 pm.