

IN THE MATTER OF

*

BEFORE THE MARYLAND

Shelly Hawkins,

*

MEDICAL CANNABIS COMMISSION

Respondent

*

Case No.: 20-00230

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* * * * *

FINAL ORDER OF REVOCATION OF CAREGIVER REGISTRATION

The Maryland Medical Cannabis Commission (the “Commission”) previously notified Shelly Hawkins (the “Respondent”) of its intent to revoke her caregiver registration, no. CG03-00D8-05DB-B365, pursuant to its authority to regulate medical cannabis under Md. Code Ann., Health-Gen. § 13-3301, *et seq.* (2015 Repl. Vol. and 2018 Supp.), which states:

§ 13-3301. Definitions

(m) “Processor” means an entity that:

- (1) Transforms medical cannabis into another product or extract; and
- (2) Packages and labels medical cannabis.

§ 13-3309. Licensure of medical cannabis processors

(a) A processor shall be licensed by the Commission.

(b) To be licensed as a processor, an applicant shall submit to the Commission:

- (1) An application fee in an amount to be determined by the Commission in accordance with this subtitle;

...

(i) The Commission may inspect a processor licensed under this section to ensure compliance with this subtitle.

...

(k) The Commission may impose penalties or rescind the license of a processor that does not meet the standards for licensure set by the Commission.

§ 13-3313.1. Advertisements

...
(b) An advertisement for a grower, a processor, a dispensary, an independent testing laboratory, a certifying provider, or a third-party vendor may not:

...
(2) Contain a design, an illustration, a picture, or a representation that:

(i) Encourages or represents the recreational use of cannabis;

(ii) Targets or is attractive to minors, including a cartoon character, a mascot, or any other depiction that is commonly used to market products to minors;

...

§ 13- 3316. Regulations

The Commission shall adopt regulations to implement the provisions of this subtitle.

Furthermore, the applicable regulation in the Code of Maryland Regulations

(COMAR) states as follows:

COMAR 10.62.34.03. Violation of Requirements

A. A licensee, registrant, agent, or employee may not violate a requirement of this subtitle or Health-General Article, §§13-3301—13-3316, Annotated Code of Maryland.

...
C. In accordance with the hearing provisions of Regulation .05 of this chapter, the Commission may deny, suspend, or revoke the license or registration of a licensee, registrant, agent, or employee who violates §A of this regulation.

The Commission's notice to the Respondent also informed her that unless she requested a hearing in writing within thirty (30) days of receipt of said notice, the Commission would sign this Final Order, a copy of which was enclosed with the notice. More than thirty (30) days have elapsed, and the Respondent failed to timely request a

hearing. Therefore, this revocation is final.

FINDINGS OF FACT

The Commission finds the following facts:

1. The Respondent is registered with the Commission as a caregiver. Accordingly, the Respondent is authorized to purchase and administer medical cannabis to a Maryland resident registered as a patient with the Commission.
2. The Respondent's registration as a caregiver does not authorize her to transform medical cannabis into another product or extract and package and label medical cannabis. Any entity that does so is defined as "processor" pursuant to Health-Gen. § 13-3301(m). The Commission has not licensed the Respondent to process medical cannabis pursuant to Health-Gen. § 13-3309.
3. On or about May 29, 2020, the Respondent appeared in a video posted to social media in which she described her services as a caregiver and principal of an entity name "Road Runner." In several instances, the Respondent stated on the video that she and other caregivers affiliated with the Road Runners Canna Caregivers Collective purchase various medical cannabis concentrates for patients and process the medical cannabis into various forms of edible products for the patient for a fee.
4. Beginning on or about April 2020, Road Runner Canna Caregivers Collective posted several advertisements on social media. One such social media posting stated that "we can pick up your meds for you and bring them to you or turn them into edibles!" Other postings advertised food products described as "infused." An August 20, 2020 posting described infused white chocolates as "20 mg each, 40 pieces in one batch!!! For pricing and assistance, please send us a message!"

5. Several advertisements posted in April 2020 include illustrations of cartoon characters from television and film and a children's book.
6. On or about August 2020, the Respondent began advertising her services processing medical cannabis into edibles through an entity named "Girl Gang Medibles."
7. By transforming medical cannabis into edibles without having been duly licensed by the Commission, the Respondent violated Health-Gen. § 13-3309 and COMAR 10.62.34.03.
8. By advertising her services as a processor using advertisements that contains a design, an illustration, a picture, or a representation that is attractive to minors, the Respondent violated Health-Gen. § 13-3313.1 and COMAR 10.62.34.03.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the Commission concludes that the Respondent, violated COMAR 10.62.34.03 by processing medical cannabis contrary to the requirements of § 13-3309 and by advertising her services as a processor using representations that are attractive to minors, including cartoons and illustrations from a children's book contrary to the requirements of Health-Gen. § 13-3313.1.

Based on the foregoing facts, the Commission now intends to revoke the Respondent's caregiver registration pursuant to COMAR 10.62.34.03.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 22
day of April 2021, by a majority of a quorum of the Commission hereby

ORDERED that the Respondent's caregiver registration in the State of Maryland is
hereby **REVOKED**; and it is further

ORDERED that the Respondent shall return to the Commission her caregiver
identification card within five (5) days of the date of this Order; and it is further

ORDERED that the effective date of this Order is the date that it is signed by the
Commission; and it is further

ORDERED that this document constitutes a formal disciplinary action of the
Commission and as such is a **PUBLIC RECORD** pursuant to Md. Code Ann., Gen. Prov.
§§ 4-101 *et seq.* (2014 Vol., 2018 Supp.).

4/22/21
Date



Brian Lopez, Chairman
Maryland Medical Cannabis Commission