

**Maryland Medical Cannabis Commission**

**Policy Committee Meeting**

**Monday, March 12, 2018 - 10:00 am**

**Maryland Health Care Commission**

**4160 Patterson Avenue, Conference Room 100**

**Baltimore, MD 21215**

**MINUTES**

**Commissioners Present Commissioners Absent**

Charles Smith, Policy Committee Chair Barry Pope

Charles LoDico Rachel Rhodes

Tiffany Randolph

**MMCC Staff Present**

Joy A. Strand, MHA, Executive Director

Lori Dodson, Deputy Director

Jennifer White, Director of Communications

Will Tilburg, Director of Policy of Policy and Government Relations

Christi Megna, Legislative Director

Heather Nelson, Assistant Attorney General

Mary-jo Mather, Director of Administration

**Welcome and Call to Order**

Commissioner Smith welcomed the attendees and called the meeting to order at 10:07am. The roll call was taken; a quorum was achieved. Mr. Smith announced and summarized violations of the Open Meetings Act by the Policy Committee found in opinions issued in September of 2017 and March of 2018.

Executive Director Joy A. Strand introduced the staff present, and introduced the new Director of Communications, Jennifer White.

**Approval of Minutes**

The Policy Committee Minutes from the December 14, 2017 meeting were unanimously approved, after motions offered by Commissioner Randolph and Commissioner LoDico.

**Proposed Changes to the Regulations**

Mr. Tilburg outlined the regulatory review process, stating that the promulgation process takes between four to six months from start to finish. The Commission will be preparing new regulations to submit to the Administration in the coming months. Mr. Tilburg presented legislative history, language presently in effect, and proposed amendments for the following sections of COMAR 10.62.

**COMAR 10.62.31.01 – Clinical Director**

After discussion, the motion to approve the proposed new language was offered by Commissioner Smith, and seconded by Commissioner LoDico. The Committee unanimously approved the following new language (**in bold**), which will be presented to the full Commission for approval at its next meeting:

A licensed dispensary **SHALL** appoint an individual who is a Maryland-licensed physician, nurse practitioner or pharmacist to function as clinical director.

**COMAR 10.62.01.01 – Qualifying Patient Definition**

After discussion, the motion to approve the proposed new language was offered by Commissioner Smith, and seconded by Commissioner LoDico. The Committee unanimously approved the following new language (**in bold**), which will be presented to the full Commission for approval at its next meeting:

(25) “Qualifying Patient” means an individual who:

 (a) Has been provided with a written certification by a certifying provider in accordance with a bona fide physician-patient relationship;

 (b) If younger than 18 years old, has a caregiver; and

 **(c) Meets the following requirements:**

 **(i) Is a resident of the State; or**

 **(ii) Is physically in the State; and**

 **1. Admitted to a Joint Commission on Accreditation of Health Care Organizations (“JCAHO)”) accredited medical facility where a medical provider on-staff has qualified the patient for treatment with medical cannabis, and**

 **2. Who will be dispensed the medical cannabis during the in-patient stay, and**

 **3. Will complete the treatment with medical cannabis prior to being released.**

**comar 10.62.23.04 – Heavy Metals**

After discussion and public comment, the motion to approve the proposed new language was offered by Commissioner Smith, and seconded by Commissioner LoDico. The Committee unanimously approved the following new language (**in bold**), which will be presented to the full Commission for approval at its next meeting:

A. An independent testing laboratory shall issue **to the licensed processor** a certificate of analysis for each lot, with supporting data, to report:

 (1) ~~Whether the chemical profile of the lot conforms to the specifications for the lot~~ **The concentrations of** the following compounds:

 (a) Δ9-Tetrahydrocannabinol (THC);

 (b) Tetrahydrocannabinolic Acid (THCA);

 (c) Cannabidiol (CBD);

 (d) Cannabidiolic Acid (CBDA);

 (e) The terpenes described in the most current version of the cannabis Inflorescence monograph published by the American Herbal Pharmacopeia (AHP);

 (f) Cannabigerol (CBG); and

 (g) Cannabinol (CBN); and

 (2) That the presence of the following contaminants do not exceed the levels ~~as required by the AHP monograph~~ **provided in the Commission’s current version of Technical Authority for Medical Cannabis Testing**:

 (a) Any residual solvent or processing chemicals;

 (b) Foreign material such as hair, insects, or any similar or related adulterant;

 (c) ~~Any microbiological impurity, including~~ **Microbiological impurities such as**:

 (i) Total aerobic microbial count (TAMC);

 (ii) Total yeast **AND** mold count (TYMC);

 (iii) ~~P. aeruginosa~~ **E. Coli**;

 (iv) ~~Aspergillus spp.~~ Salmonella spp.;

 ~~(v) S. aureus;~~

 ~~(vi)~~(v) Aflatoxin B1, B2, G1, and G2; and

 ~~(vii)(vi)~~ Ochratoxin A.; ~~and~~

 **(d) Pesticide residue;**

 **(e) Heavy metals; and**

 ~~(d)~~**(f)** Whether the batch is within specification for:

 (i) Odor; and

 (ii) Appearance.

B. **That** residual levels of volatile organic compounds (VOCs) shall be below the levels ~~specifications as set by the United States Pharmacoepeia (USP Chapter 467)~~ **provided in the Commission’s current version of Technical Authority for Medical Cannabis Testing**.

**COMAR 10.62.35.01 – Independent Testing Laboratory Fees**

After discussion and public comment, the motion to approve the proposed new language was offered by Commissioner Smith, and seconded by Commissioner LoDico. The Committee unanimously approved the following new language (**in bold**), which will be presented to the full Commission for approval at its next meeting:

A. The following fees are established by the Commission:

 (8) Independent Testing Laboratory fees:

 (a) Registration fee - ~~$100~~ **$5,000**;

 (b) ~~Renewal~~ **ANNUAL** fee - ~~$100~~ **$10,000**;

 (9) Independent Testing Laboratory Employee fees:

 (a) Registration fee - $200;

 (b) Replacement identification card fee - $100;

**COMAR 10.62.18.05 – Authorizing Licensees to Pick-Up Medical Cannabis**

After discussion and public comment, the motion to approve the new language was offered by Commissioner Smith, and seconded by Commissioner LoDico. The Committee unanimously approved the following new language (**in bold**), which will be presented to the full Commission for approval at its next meeting:

A. Either a secure transportation company or a ~~shipping~~ licensee shall transport products containing medical cannabis.

B. A ~~shipping~~ licensee shall use ~~one~~ **at least two registered grower agents, registered processor agents, registered dispensary agents or** transportation agent**S**, who shall carry identification approved by the Commission, to:

(1) Accompany shipment of products containing medical cannabis; and

(2) Ensure that the product is secured at all times during transport **in accordance with the requirements of this chapter**.

**COMAR 10.62.01, 10.62.18 – Secure Transportation Company**

The Policy Committee adjourned briefly at 11:30 am and reconvened at 11:45 am. After Commissioner Smith called the meeting back to order, a discussion and public comment followed on the topic of Secure Transportation Companies, the motion to approve the new language was offered by Commissioner Smith, and seconded by Commissioner LoDico. The Committee unanimously approved the following new language (**in bold**), which will be presented to the full Commission for approval at its next meeting:

**10.62.01.01**

(31) “Transportation agent” means~~:~~

 ~~(a) A registered grower agent, registered processor agent or a registered dispensary agent, authorized by the licensee to transport products containing medical cannabis, who meets the criteria specified in COMAR 10.62.18; or~~

 ~~(b) A licensed and bonded courier of a secure transportation company~~ **An owner, a member, an employee, a volunteer, an officer or a director of a registered secure transportation company**.

*10.62.18.01*

A. The following terms have the meanings indicated.

B. Terms Defined.

 (1) “Receiving licensee” means the licensee that receives the shipment.

 (2) “Secure transportation company” means a business that is ~~licensed~~ **registered with the Commission**, whose employees are bonded, and that provides highly secure vehicles for the transportation of valuables, and can assure that medical cannabis is secured at all times during transport.

 (3) “Shipping licensee” means the licensee that initiates the shipment.

**10.62.18.02**

A. A licensee shall install an electronic manifest system to record the chain of custody for the shipment of products containing medical cannabis.

B. An electronic manifest system shall include a chain of custody that records:

 (1) The name and address of the shipping licensee;

 (2) The shipping licensee's shipment identification number;

 (3) The weight and description of each individual package that is part of the shipment, and the total number of individual packages;

 (4) The name of the registered grower agent**,** **registered processor agent** or registered dispensary agent that prepared the shipment;

 (5) The name and address of the receiving licensee or other receiving party if applicable; and

 (6) Any handling or storage instructions.

*10.62.18.03*

A. An electronic manifest shall be created by the shipping licensee for each shipment of products containing cannabis.

B. The electronic manifest shall contain, at a minimum, the following entries as a chain of custody, in the order listed:

 (1) An entry by ~~the~~ **A** registered grower agent, **a registered processor agent** or **a** registered dispensary agent who has prepared the shipment, including the date and time of preparation;

 (2) An entry by **A registered grower agent, a registered processor agent or A registered dispensary agent**~~, or a shipping licensee's transportation agent~~, of the date and time of the placement of the shipment into the medical cannabis transport vehicle;

 (3) An entry by **the receiving** licensee's agent receiving the shipment including the date and time of the acceptance; and

 (4) If any other person had custody or control of the shipment, that person's identity, the circumstances, duration, and disposition.

**10.62.18.04**

A. A **REGISTERED GROWER AGENT, A REGISTERED PROCESSOR AGENT, A REGISTERED DISPENSARY AGENT** **OR A** transportation agent driving a medical cannabis transport vehicle shall have a current driver's license.

B. ~~While on duty,~~ **While in transit, A registered grower agent, a registered processor agent, a registered dispensary agent or** a **REGISTERED** transportation agent may not wear any clothing or symbols that may indicate ownership or possession of cannabis.

**10.62.18.05**

A. Either a secure transportation company **or a licensed grower, processor, or dispensary** ~~shipping licensee~~ shall transport products containing medical cannabis.

B. ~~A shipping licensee shall use one transportation agent, who shall carry identification approved by the Commission, to~~ **A secure transportation company or a LICENSED grower, processor or dispensary shall comply with all of the following**:

 ~~(1) Accompany shipment of products containing medical cannabis; and~~

 ~~(2) Ensure that the product is secured at all times during transport.~~

 **(1) Each medical cannabis transport vehicle shall be operated with at least two registered grower agents. registered processor agents, registered dispensary agents, or transportation agents;**

 **(2) at least one registered grower agent, registered processor agent, registered dispensary agent, or a registered transportation agent must remain with the vehicle at all times during the transport of medical cannabis; AND**

 **(3)** **ALL medical cannabis shall be transported in one or more locked and SECURE storage containers and not be accessible while in tranSIT.**

**10.62.18.06**

A medical cannabis transport vehicle:

A. Shall have and display current registration from the State;

B. Shall be insured as required by law; and

C. May not display any sign or illustration related to medical cannabis or a licensee.

**10.62.18.07**

**A. A secure transportation company shall register with the Commission.**

**B. To register, a secure transportation company shall submit:**

 **(1) A completed secure transportation company registration form;**

 **(2) The name, address, and date of birth and Social Security Number of each transportation agent and a copy of the registration form completed by each transportation agent;**

 **(3) A security plan, including protocol in cases of emergency; and**

 **(4) ANY SECURE TRANSPORT VEHICLE FOR INSPECTION BY THE COMMISSION.**

**C. A secure transportation company shall pay the registration fee specified in COMAR 10.62.35.01.**

**D. the registration is valid for two years.**

**E. The registration may be renewed by submitting to the commission:**

 **(1) a copy of the secure transportation company registration form;**

 **(2) payment of the registration fee specified in comar 10.62.35**

 **(3) Proof that fingerprints have been submitted to CJIS and the FBI for every transportation agent; and**

 **(4) Proof that each secure transport vehicle has been inspected by the Commission.**

**10.62.18.08**

**A. A transportation agent shall be registered with the Commission before the agent may volunteer or work for a secure transportation company.**

**B. A registered secure transportation company shall apply to register a transportation agent by submitting to the Commission:**

 **(1) The name, address, date of birth and Social Security Number of the transportation agent;**

 **(2) Documentation of the submission of fingerprints of the transportation agent to the Central Registry; and**

 **(3) The request for the criminal history record information of the transportation agent to be forwarded to the Commission.**

**C. A prospective transportation agent may not be registered by the Commission if the prospective transportation agent has ever been convicted of a felony drug offense.**

**D. The Commission, after review of the criminal history record information, may disqualify any prospective transportation agent from registration for an absence of good moral character.**

**10.62.18.09**

**A. The Commission shall issue to each registered transportation agent an identification card that shall include a photograph of the face of the registered transportation agent taken no more than 6 months before the date of the application.**

**B. while transporting medical cannabis every registered transportation agent shall visibly wear the identification card issued to the transportation agent by the Commission.**

**C. The identification card shall be renewed every 2 years.**

**D. If a registered transportation agent's identification card is lost, destroyed or stolen, within 24 hours of becoming aware of the loss, destruction or theft, the secure transportation company shall:**

 **(1) Report the loss, destruction or theft to a the Commission;**

 **(2) Apply for a replacement card; and**

 **(3) Pay a replacement card fee specified in COMAR 10.62.35.**

**E. An identification card remains the property of the Commission and the Commission may order the return or seizure of an identification card if the registration is revoked or expires.**

**F. If a registered Transportation agent's identification card is lost, destroyed, or stolen, a copy of notification to the Commission shall be evidence of registration until a new card is obtained from the Commission.**

**10.62.18.10**

**A. As soon as possible upon termination of a registered transportation agent's association with a secure transportation company, the secure transportation company shall:**

 **(1) Take custody of the terminated registered transportation agent's identification card;**

 **(2) Obtain any keys or other entry devices from the terminated registered transportation agent; and**

 **(3) Ensure the terminated registered transportation agent can no longer gain access to the premises of the secure transportation company.**

**B. Within 1 business day of the termination of a registered transportation agent's association with a secure transportation company, the secure transportation company shall:**

 **(1) Notify the Commission:**

 **(a) Of the termination and the circumstances of a termination; and**

 **(b) Whether the terminated registered transportation agent has returned the agent's identification card; and**

 **(2) Initiate delivery of the terminated registered transportation agent's identification card to the Commission.**

**C. The Commission shall revoke an identification card of a transportation agent upon receiving notification that a transportation agent is no longer associated with a secure transportation company.**

**D. If a registered transportation agent did not return the agent's identification card within 30 days, the Commission shall notify the Maryland State Police and place a notice in the register of that fact.**

**10.62.35.01**

A. The following fees are established by the Commission:

 **(11) Secure Transportation Company Fees:**

 **(a) Registration fee - $5,000;**

 **(b) Annual fee - $10,000;**

 **(12) Secure Transportation Company Agent Fees:**

 **(a) Registration fee - $200;**

 **(b) Replacement identification card fee - $100;**

**COMAR 10.62.01, 10.62.18, 10.62.22, 10.62.28 – Medical Cannabis Transport Vehicle**

After discussion and public comment, the Policy Committee decided to table any further consideration of new proposed language regarding medical cannabis transport vehicles. New language will be drafted clarifying the type of vehicle, the security requirements of the vehicle, the amount and packaging of medical cannabis being transferred, the distance traveled for the transfer, and other requirements.

**COMAR 10.62.06.01 – Patient Identification Cards**

After discussion and public comment, the motion to approve the proposed new language was offered by Commissioner Smith, and seconded by Commissioner LoDico. The Committee unanimously approved the following new language (**in bold**), which will be presented to the full Commission for approval at its next meeting:

A. A qualifying patient ~~may~~ **SHALL** apply to the Commission for an identification card as part of the qualifying process by logging onto the Commission website and submitting:

 (1) The completed application form as provided by the Commission;

 (2) A current, clear photograph of the applicant's face taken within 6 months of application;

 (3) A copy of the qualifying patient's government identification card or other proof of identity; and

 (4) The required fee as specified in COMAR 10.62.35.

B. An identification card shall contain:

 (1) The name and date of birth of the cardholder;

 (2) An expiration date 2 years from the date of issue;

 (3) A current, clear photograph of the applicant's face taken within the previous 6 months; and

 (4) The qualifying patient registry number assigned by the Commission.

C. A qualifying patient in hospice care is exempt from obtaining an identification card.

**COMAR 10.62.01.01 – Definition of Medical Cannabis-Infused Product**

After discussion and public comment, the motion to approve the proposed new language was offered by Commissioner Smith, and seconded by Commissioner Randolph. The Committee unanimously approved the following new language (**in bold**), which will be presented to the full Commission for approval at its next meeting:

(21) Medical Cannabis-Infused Product.

 (a) “Medical cannabis-infused product” means oil, wax, ointment, salve, tincture, capsule, suppository, dermal patch, cartridge or other product containing medical cannabis concentrate or usable cannabis that has been processed so that the dried leaves and flowers are integrated into other material.

 (b) “Medical cannabis-infused product” does not include a food as that term is defined in Health-General Article, § 21-101, Annotated Code of Maryland, **a potable liquid, OR AN ORALLY DISSOLVED OR CANDY-LIKE SUBSTANCE TO which a cannabinoid concentrate or extract or the dried leaves or flowers of cannabis have been incorporated**.

**Other Policy Revisions – Organizational Policies**

Mr. Tilburg described suggested changes to the Organizational Policies. A motion to approve the changes was offered by Commissioner Smith, and seconded by Commissioner LoDico. The following changes will be presented to the full Commission for approval at its next meeting:

1. Page One: 02. Membership (B): A technical change removes the phrase “managed by the Commission and staff”;
2. Page Two: (G)(1): Strikes the words “in person”;
3. Page 2-3: Standing Committees (B) Compliance Committee: This standing committee will be eliminated, with the staff in Division of Enforcement and Compliance to handle all compliance matters going forward;
4. Page 3-4: Standing Committees (D) Executive Committee: This standing committee will be eliminated;
5. Page 4-5: Standing Committees (G) (5) Research Committee: Strikes “Assist the Finance Committee in the application for appropriate grants”;
6. Page 6: 08. Conflicts of interest: Strikes the entire section:

“A. Members of the Commission must at all times comply with the Maryland Public Ethics Law.

 B. Members of the Commission must complete the on-line training required by the

Maryland State Ethics Commission.

 C. Members must file before April 30 of each year a financial disclosure with the Maryland State Ethics Commission.”

**New Business**

There was no new business.

**Adjournment**

Chairman Smith adjourned the meeting at 1:06 pm.