



MARYLAND  
**MMCC**

Natalie M. LaPrade  
Maryland Medical Cannabis Commission

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**Meeting Minutes**

**October 23, 2017**

**1:00 pm**

Department of Legislative Services Building

Joint Hearing Room

90 State Circle

Annapolis, Maryland 21401

**Commissioners Present:**

Brian Lopez (Chairman)

J. Charles Smith (Vice Chairman)

James Pyles

Ehsan Abdeshahian

Charles LoDico

Barry Pope

Sandra Washington

**Commissioners Present by Telephone:**

Scott Welsh

Alvin Davis

**Commissioners Absent:**

Nancy Rosen-Cohen

Paul Davies

Rachel Rhodes

John Gontrum

Jeffrey Gahler

Jean Gilmor Marshall

**Staff Present:**

Patrick Jameson, Executive Director

Mary-jo Mather, Director of Administration

Heather Nelson, Assistant Attorney General

David Kloos Director, Bureau of Enforcement and Compliance  
Lori Dodson, Director of Compliance for Independent Testing Laboratories  
Fakiza Rahman, Quality Assurance Manager  
Myesha McQueen, Administrative Specialist  
Kristen Shreves, Quality Assurance Specialist

## **CALL TO ORDER**

Chairman Lopez called the meeting to order at 1:30 pm and welcomed the attendees. The roll call revealed that nine members were present in person or by telephone and a quorum was achieved.

## **APPROVAL OF THE MINUTES**

Chairman Lopez asked if Commissioners reviewed the draft minutes of the October 3, 2017 meeting and if there were any comments. He then asked for a Motion to Approve the Minutes, which was offered by Commissioner Smith and seconded by Commissioner LoDico. The October 3, 2017 minutes were approved unanimously.

## **EXECUTIVE DIRECTOR'S REPORT**

Executive Director Patrick Jameson began by setting public expectations in regard to medical cannabis supply and rollout, and noted that the medical cannabis rollout is completely dependent upon the industry's ability to make the pharmaceutical grade medicine and products. As stated in previous meetings, Mr. Jameson reiterated that this is a new industry and nobody should have expectations that the market will be fully supplied at the onset of the program. He noted that the industry is diligently working to move product to market, and when product is available the Commission will be making an announcement.

Prior to Mr. Jameson's arrival in his position, the Commission adopted an application process and he has previously made public statements regarding this process. Over the course of the last several months, there have been several incidents which have called into question the integrity of the application process. At this time the Bureau of Enforcement and Compliance has suspended the investigations into the application process concerning Doctor's Orders, LLC and Temescal Wellness of Maryland, LLC. To date the investigations have revealed no prima facie evidence that would preclude the Commission from making a recommendation one way or another in the licensing process. These investigations are related to licensing issues only. At this time the Commission has the authority under COMAR 10.62.34.03, Discipline and Enforcement, to make these determinations. In the event the Commission finds that a licensee, registrant, agent or employee violated a requirement of this subtitle, after written notice and hearing in accordance with the State Government Article, the Commission may impose fines, suspend the license, registration, licensee, registrant, employee or agent; or revoke the license or registration. The suspension of these investigations should not be construed as final closure at this time. If the Commission should receive or uncover any additional

evidence to the contrary, it still has the authority to revoke the license and take any appropriate legal action as necessary. Executive Director Jameson stated that the Commission takes its role concerning the integrity of the medical cannabis program and a fair application process very seriously, and will continue to closely monitor any and all situations of non-compliance to ensure the public trust. The Bureau of Enforcement and Compliance will continue to work with the Commission's counterparts and state and local government to ensure compliance with all laws.

There are 13,319 patients fully registered, 615 registered caregivers, and 600 registered medical providers.

The Bureau of Enforcement and Compliance has submitted reports for the Commissioners' review and consideration for licensure for Growers: Doctors Orders Maryland, LLC (Dorchester County); Processors: Doctors Orders Maryland, LLC (Dorchester County), and Temescal Wellness of Maryland (Baltimore City). Dispensaries for consideration include Allegany Medical Marijuana (Allegany County), Southern Maryland Relief, LLC (St. Mary's County), and Peninsula Alternative Health, LLC (Wicomico County).

## **COMMITTEE REPORT**

### **Policy Committee: Commissioner Charlie Smith**

Commissioner Charlie Smith advised that the committee met just prior to this Commission meeting. The first order of business was in regard to proposed changes to MMCC Regulation 10.62.01.25 and the definition of "Qualified Patient", and an amendment to the regulations by the Policy Committee to change the definition to:

"Qualifying Patient" means an individual who:

- (a) Has been provided with a written certification by a medical provider in accordance with a bona fide physician-patient relationship; and
- (b) If younger than 18 years old, has a caregiver; and
- (c) Meets the following requirements:
  - 1. Is a resident of the State; or
  - 2. Is physically in the State; and
    - i. 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
    - ii. Who will be dispensed the medical cannabis during the in-patient stay, and
    - iii. Will complete the treatment with medical cannabis prior to being released.

At this time these proposed changes are not being brought to the full Commission for vote until more is known about JCAHO- accredited medical facilities and whether that language

is too restrictive, and could perhaps eliminate hospice as well as other medical facilities. Committee Chair Smith hopes to bring this proposed new definition to the full Commission, with vote before the full Commission at the next full Commission meeting.

The next matter that Committee Chair Smith would like to bring to vote is in COMAR 10.62.34.03 – Discipline and Enforcement. There was a unanimous affirmative vote by the majority of the Policy Committee that the Commission adopt the following language:

Specifically add subsection D. The Commission may deny an application, license or registration if the applicant does not meet the requirements of this subtitle or any rule or regulation that the Commission adopts under this subtitle. Committee Chair Smith advised that the Commission has this authority, however he feels the extra clarification is needed. Chairman Lopez asked for a motion to adopt the proposed change, which was offered by Commissioner LoDico and seconded by Commissioner Abdeshahian. Eight Commissioners voted to adopt the proposed revisions, Commissioner Davis abstained. The Motion carried.

The next matter that the Policy Committee voted unanimously to pass is language in COMAR 10.62.11.03:

Green Waste.

1. A licensee shall:
  - (a) Store, manage and dispose of solid and liquid wastes generated during cannabis production and processing in accordance with applicable state and local laws and regulations.
  - (b) Store cannabis waste in a secured waste receptacle in the possession of and under the control of the licensee.
  - (c) If the waste is generated post-harvest, or if an entire cannabis plant greater than 8 inches tall is designated as waste, the waste must be held on the licensed premises for at least three business days prior to disposal.
  - (d) Upon Commission notification of disposal, the licensee shall record the disposal of green waste using the licensee's video surveillance system.
2. A licensee must maintain accurate and comprehensive records regarding waste material that accounts for, reconciles, and evidences all waste activity related to the disposal for cannabis.

Chairman Lopez asked for a motion to adopt the proposed changes, which was offered by Commissioner LoDico and seconded by Commissioner Washington. Eight Commissioners voted to adopt the proposed changes, Commissioner Davis abstained. The Motion carried.

The next matter up for vote is COMAR 10.62.06.04-Change of Name or Address. The proposed new language is:

- (4) If there is any change in the qualifying patient or the caregiver name or address, the qualifying patient or caregiver shall:
  - A. Notify the Commission within 30 days;
  - B. Provide the Commission with:
    - (1) Copy of Marriage License or registration or Certificate;

- (2) Court Order of Adoption;
  - (3) Court Order verifying a change in name.
- C. If seeking a replacement identification card, pay the identification card replacement fee to obtain a new identification card.

Committee Chair Smith advised that Committee would also like to reduce the fee for a replacement card in the event of name or address change. Commissioner Washington questioned what the Commission would require in the event of an address change. Chairman Lopez suggested the addition of (4) Evidence of Change of Address. Chairman Lopez asked for a Motion to adopt the amended proposed language, which was offered by Commissioner Washington and seconded by Commissioner Smith. Seven Commissioners voted to adopt the amended proposed language; Commissioner Davis and Commissioner Welsh abstained. The Motion carried.

Committee Chair Smith advised that the Committee tabled the discussion on Retention Samples and the Clinical Director of a Dispensary and also stated that no date had been set for the next Policy Committee Meeting.

#### **Final Review Committee: Commissioner Ehsan Abdeshahian**

Commissioner Abdeshahian reported that the Final Review Sub-Committee had met after receiving the final reports from the Bureau of Enforcement and Compliance. The first review was for Doctors Orders Maryland, LLC to consider the report provided by Senior Investigator James Pilchard. The investigative summary, financial summary, and inspection summary were provided, and no information was identified that would prohibit the applicant from being licensed. The Final Review Sub-Committee, by a vote of 5-0, determined that the applicant has met the requirements, and recommends that the Commission issue a Grower license to Doctors Orders Maryland, LLC. Commissioner Smith offered a Motion to issue a grower license to Doctors Orders Maryland, LLC. Commissioner Abdeshahian seconded this Motion. The Commission voted unanimously to issue the grower license.

Commissioner Abdeshahian reported that the second review was for Doctors Orders Maryland, LLC (Processor) to consider the report provided by Senior Investigator James Pilchard. The investigative summary, financial summary, and inspection summary were provided and no information was identified that would prohibit the applicant from being licensed. The Final Review Sub-Committee, by a vote of 5-0, determined that the applicant has met the requirements, and recommends that the Commission issue a Processor license to Doctors Orders Maryland, LLC. Commissioner Smith offered a Motion to issue a Processor license to Doctors Orders Maryland, LLC. Commissioner Abdeshahian seconded this Motion. The Commission voted unanimously to issue the Processor license.

Commissioner Abdeshahian reported the third review was for Temescal Wellness of Maryland to consider the report provided by Senior Investigator Garrett Keene. The investigative summary, financial summary, and inspection summary were provided and no

information was identified that would prohibit the applicant from being licensed. The Final Review Sub-Committee, by a vote of 5-0, determined that the applicant has met the requirements, and recommends that the Commission issue a Processor license to Temescal Wellness of Maryland. Commissioner Pyles offered a Motion to issue a Processor license to Temescal Wellness of Maryland. Commissioner Smith seconded this Motion. The Commission voted unanimously to issue the processor license.

Commissioner Abdeshahian reported the fourth review was for Peninsula Alternative Health, LLC to consider the report provided by Senior Investigator James Pilchard. The investigative summary, financial summary, and inspection summary were provided and no information was identified that would prohibit the applicant from being licensed. The Final Review Committee, by a vote of 5-0, determined that the applicant has met the requirements, and recommends that the Commission issue a Dispensary license to Peninsula Alternative Health, LLC. Commissioner Smith offered a Motion to issue a Dispensary license to Peninsula Alternative Health, LLC. Commissioner LoDico seconded this Motion. The Commission voted unanimously to issue the Dispensary license.

Commissioner Abdeshahian reported that the fifth review was for Southern Maryland Relief, LLC, to consider the report provided by Senior Investigator Mark Rodeheaver. The investigative summary, financial summary, and inspection summary were provided and no information was identified that would prohibit the applicant from being licensed. The Final Review Sub-Committee, by a vote of 5-0, determined the applicant has met the requirements and recommends that the Commission issue a Dispensary license to Southern Maryland Relief, LLC. Commissioner Smith offered a Motion to issue a Dispensary license to Southern Maryland Relief, LLC. Commissioner LoDico seconded this Motion. The Commission voted unanimously to issue the Dispensary license.

Commissioner Abdeshahian reported that the sixth review was for Allegany Medical to consider the report provided by Senior Investigator Mark Rodeheaver. The investigative summary, financial summary, and inspection summary were provided and no information was identified that would prohibit the applicant from being licensed. The Final Review Sub-Committee, by a vote of 5-0, determined that the applicant has met the requirements and recommends that the Commission to issue a Dispensary license to Allegany Medical. Commissioner Pyles offered a Motion to issue a Dispensary license to Allegany Medical. Commissioner LoDico seconded this Motion. The Commission voted unanimously to issue the Dispensary license.

### **Research Committee: Commissioner Charles LoDico**

Commissioner LoDico advised that the Research Committee had an administrative meeting on October 16, 2017 which was attended by telephone which included Commissioner Welsh, Commissioner LoDico, Lori Dodson and guest speaker Dr. Ryan Vandrey. Commissioner LoDico advised that the Research Committee's mission is to advance research relating to Medical Cannabis. Lori Dodson invited Dr. Vandrey to attend.

Dr. Vandrey is an Associate Professor at Johns Hopkins University and is a lead principle investigator in a federally-funded human exposure study supported by NIH.

### **Guest Speaker Dr. Ryan Vandrey**

Dr. Vandrey advised that he was one of the Governor-appointed members of the work group that helped craft the legislation for the Medical Cannabis program. One of the things that he tries to express and encourage to be adopted is data collection within the scope of the Program. Dr. Vandrey feels that the states that have started programs before Maryland's program have failed to capitalize on the opportunity that exists when had a new program is rolled out. At the time of the meeting there are 13,000 patients who are looking to gain access to Medical Cannabis. Generally-speaking there is no adequate data to assess what the consequences of medical cannabis treatment are, both for health and harm. Dr. Vandrey stated that there was an executive summery put out by the National Academies of Science that details where the gaps of knowledge are, and per the report there is somewhat adequate data to support use for three health conditions. Dr. Vandrey would like to encourage expansion of the data that will be captured by the State. Dr. Vandrey advised that it is important for the data to be systematic, representative, and tailored to the patients that are involved. Other states with Medical Cannabis programs have issued annual reports on the impact of their programs. This data includes rates of use among children, adolescents and adults, data on emergency room department visits, and data on motor vehicle accidents. However, there is no data on clinical outcomes, acceptability of Cannabis as a medication, or what impact it has on the individual medical cannabis user. It is more broad population data, and it is correlational, so a study cannot attribute the impact of the program on those outcomes. You cannot say that the rollout of the Medicinal Cannabis program is responsible for an increase or decrease in motor vehicle accidents or deaths, or opioid overdoses. Dr. Vandrey would like to encourage the State and the Commission to do something with the data that is available, and use the opportunity to help understand the impact of this data; help the physicians involved; and to determine if cannabis is acceptable treatment for specific conditions. With the data that is currently collected, (name, date of birth, gender, race), we can determine who was helped, however, we cannot determine if anyone had adverse effects, if certain conditions were treated, or what the best route or dosage is. Timing is also a very important factor and to collect this data as to where patients were prior to the program starting. Dr. Vandrey would encourage the State to adopt some additional data collection, and to include it in the registration process prior to cannabis being available.

Chairman Lopez suggested that the Research Committee meet and discuss whether they would like Dr. Vandrey to run a research study with the backing of Johns Hopkins, or whether they would like Dr. Vandrey to just provide information that should be gathered and the Commission run the data. Dr. Vandrey advised he would be able to put a proposal together to share with the Commission.

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

Chairman Lopez introduced Commissioner Abdeshahian as the new Chair of the Education and Outreach Committee. He advised that Commission Marshall has stepped down due to health issues.

Commissioner Abdeshahian advised that the Committee is working on a platform to provide education for clinicians, patients, workers and the general public. He feels this will be a comprehensive program for everyone working in the field, and there will be live and online education available. For providers the education is directed towards several key areas such as clinical uses of medical cannabis, legal issues, patient selection and management, medication management and safety, and practice management issues associated with cannabis. The plan is to work with the public as well as Growers, Processors, and Dispensaries, as well as the community providers, to develop education for patients. This education can be used as a referral source for patients. Finally, the Committee is working to develop informational materials that can be used to educate the public on medical cannabis and its place in Maryland healthcare. Overall the objective is to produce a unified teaching platform that covers all areas in one comprehensive educational effort.

### **New Business**

Chairman Lopez advised that Commissioner Washington is the Chair of the new Minority Affairs Sub-Committee.

### **Adjournment**

There being no further discussion, and after the appropriate Motion and Seconding of the Motion, Chairman Lopez adjourned the meeting at 2:39 pm.