

**Maryland Medical Cannabis Commission**

**Meeting Minutes**

**October 3, 2017**

**2:00 pm**

Winchester Hall

12 East Church Street 1st Floor Meeting Room

Frederick, Maryland 21701

**Commissioners Present:**

Brian Lopez (Chairman)

J. Charles Smith (Vice Chairman)

John Gontrum

James Pyles

Jean Gilmor Marshall

**Commissioners Present by Telephone:**

Jeffrey Gahler

Charles LoDico

Scott Welsh

Saundra Washington

Barry Pope

**Commissioners Absent:**

Ehsan Abdeshahian

Nancy Rosen-Cohen

Alvin Davis

Paul Davies

Rachel Rhodes

**Staff Present:**

Patrick Jameson, Executive Director

Mary-jo Mather, Director of Administration

Myesha McQueen, Administrative Specialist

Kristen Shreves, Quality Assurance Specialist

Heather Nelson, Assistant Attorney General

David Kloos Director, Bureau of Enforcement and Compliance

Lori Dodson, Director of Compliance for Independent Testing Laboratories

**CALL TO ORDER**

Chairman Lopez called the meeting to order at 2:01 pm and welcomed the attendees. Chairman Lopez requested that Mary-jo Mather conduct the roll call. Ten members were present in person or by telephone and a quorum was achieved.

**APPROVAL OF THE MINUTES**

Chairman Lopez asked if Commissioners had had time to review the draft minutes of the August 28, 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 Gontrum. The August 28, 2017 minutes were approved unanimously.

**EXECUTIVE DIRECTOR’S REPORT**

Executive Director Patrick Jameson began by stating that now that the industry is operational, he and Chairman Lopez intend to meet with the industry working groups to facilitate a positive working relationship. He stated that additional METRC training will be provided; that the Independent Testing Labs will be trained on October 16, 2017 that additional training will be posted on the website for the growers, processors and dispensaries. Mr. Jameson noted that the specificity of METRC is causing some companies problems in regard to how the Commission expects information to be entered and the detail that is required. Mr. Jameson noted that it is important for industry to understand what the expectations are and the requirements for utilizing the Marijuana Enforcement Tracking Reporting and Compliance system. Another date will be set for additional training with METRC staff.

On September 28, 2017 the Commission received an advisory opinion issued by the Open Meetings Compliance Board. The Open Meetings Compliance Board found that the Commission had two procedural technical violations. One was a late adoption of Minutes and website posting; and the other was a Compliance Checklist that was maintained instead of a Closing Statement. No further action was necessary on the Commission’s part. Mr. Jameson would like to thank the Commission’s Director of Administration for her work in responding to the Board, and specifically thanked Commissioner Scott Welsh and Commissioner Rachel Rhodes for volunteering to serve as Open Meetings Act designees for the Commission, and for promptly completing the training required for Open Meetings Act designees. He noted that the willingness to serve shown by these Commissioners allowed the Commission to have two new designees named and trained in advance of the October 1, 2017 new Open Meetings Act requirement. Mr. Jameson also thanked the Commissioners for reaffirming their commitment to compliance with the requirements of the Open Meetings Act and all of their time and effort they have devoted to the Commission.

Mr. Jameson reiterated that the cannabis industry rollout is dependent upon the industry operators, stating again that this is a new industry in the State of Maryland, thus no one should have any expectations that market will be fully supplied at the onset of the program and that other states have experienced this same type if issue. Quality pharmaceutical grade medicine is what will be produced and is what is required for patients. The licensees; the growers and processors, must follow specific processes with their standard operating procedures, unique identification of every batch, and tracked through METRC. He stated that every batch and lot is required to be tested by Independent Testing Labs. He emphasized that the goal, as he has stated previously, is to produce effective pharmaceutical grade medicine that is consistent, but more importantly that the Commission protect public health and safety. Mr. Jameson stated does not want the public to have an unrealistic expectation that when the Commission announces the availability of medical cannabis, that on day one the market will be fully operational. The initial supply of medical cannabis will be limited. Our intentions are to keep the public informed by putting all of the information on our website as to its availability.

Mr. Jameson advised that to date there are 12,491 patient enrollees, 449 caregivers and 550 medical providers.

He noted that the Bureau of Enforcement and Compliance has submitted for the Commissioners’ review and consideration of licensure the following companies: for Growers: Kind Therapeutics USA LLC (Washington County); for Processors: Kind Therapeutics USA LLC (Washington County); AFS Maryland LLC (Wicomico County); Rosebud Organics LLC (Montgomery County), and Pharmaculture Corporation (Allegany County). For Dispensaries: Cannabus LLC (Montgomery County) and K&R Holdings DBA Kannavis (Frederick County). Commissioners will review and consider registrations for two Independent Testing Laboratories: Atlantic Test Labs, Inc (Anne Arundel County) and Green Analytics, dba Steep Hill (Howard County).

Mr. Jameson wanted to remind everyone that the Commission office has moved and is now located at 849 International Drive in Linthicum, the complete address and contact information is listed on the website.

**COMMITTEE REPORT**

Chairman Lopez requested brief summaries of the meetings held by the subcommittees.

**Finance and Budget Committee Report: Commissioner John Gontrum**

Commissioner Gontrum advised that the Finance Committee met and reviewed the first quarter of the FY 18 budget numbers and the FY 19 budget submission. He reported that the Commission is on stable financial footing. He stated that the application and licensing fees will get the Commission through the operational phase. In FY19 the Commission will be looking at a stable budget.

**Research Committee: Commissioner Charles LoDico**

Commissioner LoDico advised that no Research Committee meeting had held since the last full Commission meeting. There is a meeting scheduled tentatively for October 16, 2017. Commissioner LoDico mentioned that Lori Dodson, Director of Compliance for Independent Testing Laboratories, has reached out to him regarding a proposal for a research project which he would like to discuss with the Research Committee prior to bringing it to the attention of the full Commission, and he would provide a brief summary would be provided to the Chairman, followed by a full summary will be given to the full Commission.

**Education and Outreach Committee: Chairman Brian Lopez**

Chairman Lopez advised that he sat on the Committee and stated that Commissioner Abdeshahian has conveyed his desire to reach out to Med Chi to assist with the education piece for the Commission. Chairman Lopez advised that Commissioner Abdeshahian will provide more information at the next scheduled meeting. The Committee met to discuss administrative matters, and Commissioner LoDico requested further education starting with the Commissioners.

**Policy Committee: Commissioner Charlie Smith**

Commissioner Smith advised that the Committee met prior to this Commission meeting and resolved all issues in regards to the votes. He advised that the Committee has not met since the meeting on September 7, 2017 but announced that the Policy Committee’s next meeting will be on October 5, 2017, at which time the Committee plans to discuss revisions to the regulations to include: out-of-state patients, definitions of standards for individuals and entities for registration and licensing; and retention sample storage and stability testing. The Committee will be taking public comment on the three issues, with comment limited to three minutes. The Committee will also receive comment on what issues the public feels should be addressed by the Commission in terms of regulations. Chairman Lopez requested clarification from Assistant Attorney General Heather Nelson in regard to the timeframe for policy revisions and draft regulations. Mrs. Nelson advised that generally once regulations are approved by a body, it will take 4-6 months for the policy to be fully signed off and take effect. Mr. Jameson advised that in addition to the three topics that are slotted for Policy Committee discussion he would like to add disposal of green waste; and revocation of licenses and registration to the next Policy Committee Agenda.

**Final Review Subcommittee Report: Chairman Brian Lopez**

Chairman Lopez 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 Kind Therapeutics USA, 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 Subcommittee, by a vote of 4-0, determined that the applicant had met the requirements, and recommends to the Commission to issue a grower license to Kind Therapeutics USA, LLC. Commissioner Washington offered a Motion to issue a grower license to Kind Therapeutics USA, LLC. Commissioner Smith seconded this Motion. The Commission voted unanimously to issue the grower license; a roll call vote was conducted for the Commissioners present via telephone. The Commission voted unanimously to issue the grower license.

Chairman Lopez reported the second review was for Kind Therapeutics USA, 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 Subcommittee, by a vote of 4-0, determined the applicant had met the requirements, and recommends to the Commission to issue a processor license to Kind Therapeutics, LLC. Commissioner Washington offered a Motion to issue a processor license to Kind Therapeutics USA, LLC. Commissioner Pyles seconded this motion; a roll call vote was conducted for the Commissioners present via telephone. The Commission voted unanimously to issue the processor license.

Chairman Lopez reported the third review was for Pharmaculture Corporation 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 Subcommittee, by a vote of 4-0, determined that the applicant had met the requirements and recommends to the Commission to issue a processor license to Pharmaculture Corporation. Commissioner Washington offered a Motion to issue a grower license to Pharmaculture Corporation. Commissioner Gilmor Marshall seconded this motion, a roll call vote was conducted for the Commissioners present via telephone. The Commission voted unanimously to issue the processor license.

Chairman Lopez reported the fourth review was on Rosebud Organics 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 Subcommittee, by a vote of 4-0, determined that the applicant had met the requirements, and recommends that the Commission issue a processor license to Rosebud Organics. LLC. Commissioner Washington offered a Motion to issue a processor license to Rosebud Organics LLC. Commissioner Gilmor Marshall seconded this motion; a roll call vote was conducted for the Commissioners present via telephone. The Commission voted unanimously to issue the processor license.

Chairman Lopez reported the fifth review was for AFS 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 Subcommittee, by a vote of 4-0, determine that the applicant had met the requirements and recommended that the Commission issue a processor license to AFS Maryland, LLC. Commissioner Washington offered a Motion to issue a processor license to AFS Maryland, LLC. Commissioner Gilmor Marshall seconded this Motion; a roll call vote was conducted for the Commissioners present via telephone. The Commission voted unanimously to issue the processor license.

Chairman Lopez reported the sixth review was for Green Analytics (dba Steep Hill) to consider the report provided by Director of Laboratory Compliance, Lori Dodson. The investigative summary was provided. The Final Review Subcommittee, by a vote of 4-0, determined that the applicant had met the requirements and recommended that the Commission issue a provisional registration for a period of one year pending issuance of a certificate of accreditation. Commissioner Washington offered a Motion to issue a provisional registration pending the issuance of a certificate of accreditation. Commissioner Pyles seconded this motion; a roll call vote was conducted for the Commissioners present via telephone. The Commission voted unanimously to issue the provisional registration.

Chairman Lopez reported the seventh review was for Atlantic Test Labs, Inc to consider the report provided by Director of Laboratory Compliance, Lori Dodson. Also present at the inspection were Investigator Garrett Keene and Investigator Mark Rodeheaver. The investigative summary was provided. The Final Review Subcommittee, by a vote of 4-0, determined that the applicant had met the requirements and recommended that the Commission issue a provisional registration for a period of one year pending issuance of a certificate of accreditation. Commissioner Washington offered a Motion to issue a provisional registration pending the issuance of a certificate of accreditation. Commissioner Pyles seconded this motion; a roll call vote was conducted for the Commissioners present via telephone. The Commission voted unanimously to issue the provisional registration.

Chairman Lopez reported that the eighth review was for K&R Holdings, INC (dba Kannavis) 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 Subcommittee, by a vote of 4-0, determined that the applicant had met the requirements and recommended that the Commission issue a dispensary license to K&R Holdings, Inc. dba Kannavis. Commissioner Gilmor Marshall offered a Motion to issue a dispensary license to K&R Holdings, Inc. dba Kannavis. Commissioner Pyles seconded this motion; a roll call vote was conducted for the Commissioners present via telephone. The Commission voted unanimously to issue the dispensary license.

Chairman Lopez reported the ninth review was for Cannabus, LLC (dba Potomac Holistics) 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 Subcommittee, by a vote of 4-0, determined the applicant had met the requirements and recommended that the Commission issue a dispensary license to Cannabus, LLC dba Potomac Holistics. Commissioner Gilmor Marshall offered a Motion to issue a dispensary license to Cannabus, LLC dba Potomac Holistics. Commissioner Washington seconded this Motion; a roll call vote was conducted for the Commissioners present via telephone. The Commission voted unanimously to issue the dispensary license.

Chairman Lopez reported the tenth review was for a request to change locations for Grow West MD. Grow West was inspected and received their final license to operate a growing facility in Garrett County. The facility was originally inspected by Inspector Rodeheaver. Mr. Rodeheaver confirmed that the facility was ready for operation. The Final Review Subcommittee voted 4-0 to recommend that Grow West be allowed to change the physical location of its grower’s license after confirmation that the Fee has been paid and that the new facility receives and passes its final inspection. Commissioner Gontrum questioned if the facility needs to be inspected prior to the Commission voting to approve the move, or if the Commission would vote after the facility will be inspected. Executive Director Jameson advised that it will be contingent upon the final inspection and suggested that the Investigator would inspect the facility prior to the Commission voting. It was determined that the Commission will vote today contingent upon the final inspection from the Bureau of Enforcement and Compliance and final approval by the Commission. Commissioner Pyles offered the Motion to approve the move contingent upon the final inspection from the Bureau of Enforcement and Compliance and final approval by the Commission. Commissioner Smith seconded this motion; a roll call vote was conducted for the Commissioners present by telephone. The Commission voted unanimously to approve the move contingent upon the final inspection from the Bureau of Enforcement and Compliance and final approval by the Commission.

**New Business**

Chairman Lopez stated that Commissioner Rosen-Cohen was on Capitol Hill the day of the meeting speaking on the opioid crisis in the nation and on October 4, 2017, and that she would be receiving the Facing Addiction Community Service Award, and he offered her his congratulations on this honor.

Chairman Lopez stated that he, along with Executive Director Jameson, were invited to speak at the Legislative Black Caucus public hearing, and recently met with Delegate Cheryl Glenn. He advised that the Commission will be starting a Minority Affairs Subcommittee to help address some of the concerns regarding minority participation in the industry. Delegate Glenn was very focused on having a Compassionate Care Hardship Fund, which was discussed briefly with the Executive Committee and Finance Committee. As the cannabis industry is a cash business, and health insurance will not cover the medication, low income patients may have difficulty paying, and that most states offer a hardship fund. There was also a brief discussion on the disparity study, however, there is no update on when this will be released.

**Adjournment**

There being no further discussion, Commissioner Gilmor Marshall offered a Motion to Adjourn, which was appropriately seconded by Commissioner Pyles. The Motion passed unanimously and the meeting adjourned at 3:11 pm.