



MARYLAND
MMCC

Natalie M. LaPrade
Maryland Medical Cannabis Commission

Maryland Medical Cannabis Commission
Meeting Minutes
December 14, 2017
2:00 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)
Ehsan Abdeshahian
Charles LoDico
Saundra Washington
John Gontrum
Jeffrey Gahler
Jean Gilmor Marshall
Tiffany Randolph
Paul Davies

Commissioners Present by Telephone:

Scott Welsh
Barry Pope

Commissioners Absent:

Nancy Rosen-Cohen
Rachel Rhodes
Alvin Davis
James Pyles

Staff Present:

Joy Strand, Executive Director
Mary-jo Mather, Director of Administration
Heather Nelson, Assistant Attorney General
David Kloos, Director, Bureau of Enforcement and Compliance
Lori Dodson, Deputy Director

CALL TO ORDER

Chairman Lopez called the meeting to order at 2:03 pm and welcomed the attendees. He advised that the agenda is fairly full but would like to allow time for public comment toward the end of the meeting, and advised that the Commissioners will be going into Closed Session at 3:30 pm to receive legal counsel from Assistant Attorney General Heather Nelson regarding pending litigation. Chairman Lopez requested that Mary-jo Mather conduct roll call. Twelve members were present in person or by telephone and a quorum was achieved.

APPROVAL OF THE MINUTES

Chairman Lopez asked if Commissioners had time to review the draft Minutes of the November 20, 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 Marshall. The November 20, 2017 minutes were approved unanimously.

CHAIRMAN'S REPORT

Chairman Lopez began by congratulating the Commissioners, both past and present, as well as industry participants, for the huge milestone that has been accomplished. On November 17, 2017 the first medical cannabis was dispensed to patients in Maryland. On December 1, 2017 seven dispensaries opened their doors to dispense medical cannabis to patients. Chairman Lopez extended his thanks to the Staff and the Commissioners for their hard work in making this possible. He also stated that the Commission is aware that product is limited as the Growers continue to cultivate product. It is expected product will be limited through the end of the year and probably through the first quarter of 2018. Chairman Lopez stated further that the Commission is continuing to work hard to ensure the safe and efficient delivery of medical cannabis to patients as it becomes available over the next several months.

Mr. Lopez also stated that as product is available it is anticipated that the Patient and Caregiver Registry will grow as well. The total number of currently registered patient enrollees is nearly 18,000, with over 5,000 pending, with just over 10,000 patients certified. Seven hundred twelve Caregivers are registered, with over 154 pending. There are 14 Growers licensed, 12 Processors licensed, 10 Dispensaries and four registered Independent Testing Laboratories. Today the Commission will vote on 12 additional licenses. He added that Dispensary information is listed on the Commission's website. It is still recommended that patients contact the Dispensary prior to going to ensure there is product available.

Chairman Lopez introduced the new Executive Director, Joy Strand. He noted that the meeting day marked her 10th day with the Commission, and that she comes with a wealth of knowledge from her healthcare background. Executive Director Joy Strand commented that she is to be a part of the Commission staff, and explained she has spent over 40 years in the health care industry, starting as a nurse's aide. She emphasized that she is

aware of patients' struggles, and that as a Caregiver herself she has always kept the patient at the center of her focus, and will continue to do so at the Commission.

Chairman Lopez also introduced Tiffany Randolph, who fills the attorney vacancy on the Commission. Chairman Lopez also recognized Commissioner Davies, and former Commission Chairman, and expressed his thanks for his efforts and for getting the Commission to where it is today.

Chairman Lopez advised that out of the 102 preapproved Dispensaries, a majority of them have turned in their Phase II applications, and that he knows over 80 additional pre-approved Dispensaries have submitted their Supplemental Applications and are moving through the process. The Dispensaries had until December 8th to submit their applications or face the possibility of having their preapproval rescinded. He advised that the Commission would not be voting to rescind any preapprovals at the meeting. David Kloos, Director of Enforcement and Compliance, has been in contact with all the Dispensaries who have not submitted their Phase II applications, and Chairman Lopez urged any Dispensaries to contact the Commission if they had not responded to Mr. Kloos's email. Prior to the next Commission Meeting Chairman Lopez stated that he would like the Final Review Subcommittee to review the correspondence and discuss any potential preapprovals that might be rescinded.

COMMITTEE REPORTS

Finance Committee: Commission John Gontrum, Chairman

Commissioner Gontrum advised that there is no report.

Research Committee: Commissioner Charles LoDico, Chairman

Commissioner LoDico advised there is no report.

Education and Outreach Committee: Commissioner Ehsan Abdeshahian, Chair

Commissioner Abdeshahian advised there is no report.

Policy Committee: Commissioner Charlie Smith, Chairman

Commissioner Smith advised that the Policy Committee met publicly just prior to this Commission meeting and discussed a couple of topic, the first being the definition of "qualifying patient." The other was in regard to Grower/Processor stability and retention sampling. The Policy Committee tabled the qualifying patient vote, as they would like further input from the legislation is needed. Mr. Smith stated that the Subcommittee drafted language they felt complied with the legislative mandate to make cannabis available to some out of state patients, and which also satisfied the mandate of the Cole Memorandum. The Policy Committee reiterated the administrative hold on all out of state applicants pending or until the input regarding the legislative intent is received. He reported further that proposed language was also heard regarding COMAR10.62.15.07 and COMAR 10.62.23.06. The Policy Committee approved language in regard to both Grower and Processor stability testing and retention samples. He advised that once the policy language has been approved by the Policy Committee, the Committee would provide a recommendation to the full Commission that the new language be voted upon.

COMAR 10.62.15.07

Current:

- B. A licensed Grower shall retain a sample from each released batch:
 - (1) Sufficient to provide for follow-up testing if necessary; and
 - (2) Properly store the sample for one year past the date of expiration of the batch

Proposed:

- B. Retention samples retained from each released batch shall:
 - (1) Sufficiently provide for testing by a registered independent testing laboratory other than the original certifying laboratory following an adverse event reported to the Commission.
 - (2) Be properly stored by the licensed Grower.

Commissioner Smith offered a Motion to approve the revised language for 10.62.15.07, the Motion was seconded by Commissioner LoDico. The Commission voted unanimously to approve this new proposed language.

COMAR 10.62.23.06

Current:

- B. A licensed Processor shall retain a sample from each released lot:
 - (1) Sufficient to provide for follow-up testing if necessary; and
 - (2) Properly store the sample for one year past the date of expiration of the batch

Proposed:

- B. Retention samples retained from each released lot shall:
 - (1) Sufficiently provide for testing by a registered independent testing laboratory other than the original certifying laboratory following an adverse event reported to the Commission.
 - (2) Be properly stored by the licensed Processor.
 - (3) Be properly discarded six months after the expiration date of the lot.

Commissioner Smith offered a Motion to approve the revised language for COMAR 10.62.23.06, the Motion was seconded by Commissioner LoDico. The Commission voted unanimously.

Commissioner Smith advised that the language regarding stability testing was removed from the vote as they would like to further discuss the proposed language.

Final Review Subcommittee: Commissioner Sandra Washington

Chairman Lopez advised that Commission Rosen-Cohen has stepped down as the Chair for the Final Review Subcommittee, and that the new Chair will be Rachel Rhodes. Mr. Lopez advised that Commissioner Rhodes could not be at the meeting, and that Commissioner Washington would be reading the Final Review Subcommittee reports, and Commissioner Smith will be reading the Final Review Subcommittee recommendations.

Commissioner Washington 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 Positive Energy 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 5-0, determined that the applicant has met the requirements and recommends to the Commission to issue a Dispensary License to Positive Energy. Commissioner Washington offered a Motion to issue a dispensary license to Positive Energy Commissioner Marshall seconded this Motion. The Commission voted unanimously to issue the Dispensary license.

Commissioner Washington reported the second review was on Harvest of Maryland 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 5-0, determined the applicant has met the requirements and recommends to the Commission to issue a Dispensary license to Harvest of Maryland. Commissioner Washington offered a Motion to issue a Dispensary license to Harvest of Maryland. Commissioner Davies seconded this Motion. The Commission voted unanimously to issue the Dispensary license.

Commissioner Washington reported that the third review was on Maryleaf, LLC (DBA: Bloom Medicinals) 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 5-0, determined that the applicant has met the requirements and recommends that the Commission issue a Dispensary License to Maryleaf, LLC (DBA: Bloom Medicinals). Commissioner LoDico offered a Motion to issue a Dispensary license to Maryleaf, LLC (DBA: Bloom Medicinals.) Commissioner Marshall seconded this Motion. The Commission voted unanimously to issue the Dispensary license.

Commissioner Washington reported that the fourth review was on Maryland Compassionate Care and Wellness, LLC (DBA: Herbology) 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 5-0, determined that the applicant has met the requirements, and recommends to the Commission to issue a Dispensary license to Maryland Compassionate Care and Wellness, LLC (DBA: Herbology). Commissioner LoDico offered a Motion to issue a Dispensary license to Maryland Compassionate Care and Wellness, LLC (DBA: Herbology). Commissioner Washington seconded this Motion. The Commission voted unanimously to issue the Dispensary license.

Commissioner Washington reported that the fifth review was on Nature's Cure and Wellness 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 Subcommittee, by a vote of 5-0, determined the applicant has met the requirements and recommends that the Commission issue a Dispensary license to Nature's Cure and Wellness. Commissioner LoDico offered a Motion to issue a Dispensary license to Nature's Cure and Wellness. Commissioner Davies seconded this Motion. The Commission voted unanimously to issue the Dispensary license.

Commissioner Washington reported that the sixth review was on Pure Life Medical, 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 Subcommittee, by a vote of 5-0, determined the applicant has met the requirements and recommends that the Commission issue a Dispensary license to Pure Life Medical. Commissioner LoDico offered a Motion to issue a Dispensary license to Pure Life Medical. Commissioner Davies seconded this Motion. The Commission voted unanimously to issue the Dispensary license.

Commissioner Washington reported that the seventh review was on Freestate Partners, LLC (DBA: Revolution Relief), 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 5-0, determined that the applicant has met the requirements, and recommends that the Commission issue a Dispensary license to Freestate Partners, LLC. Commissioner LoDico offered a Motion to issue a dispensary license to Freestate Partners, LLC. Commissioner Davies seconded this Motion. The Commission voted unanimously to issue the Dispensary license.

Commissioner Washington reported that the eighth review was on Charm City Medicus, LLC, 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 Subcommittee, by a vote of 5-0, determined the applicant has met the requirements, and recommends that the Commission issue a Dispensary license to Charm City Medicus, LLC. Commissioner LoDico offered a Motion to issue a Dispensary license to Charm City Medicus, LLC. Commissioner Davies seconded this Motion. The Commission voted unanimously to issue the Dispensary license.

Commissioner Washington reported that the ninth review was on Freestate Wellness (DBA: Zenleaf), 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 Subcommittee, by a vote of 5-0, determined that the applicant has met the requirements and recommends that the Commission issue a Dispensary license to Freestate Wellness (DBA: Zenleaf). Commissioner LoDico offered a Motion to issue a Dispensary license to Freestate Wellness (DBA: Zenleaf). Commissioner Davies seconded this Motion. The Commission voted unanimously to issue the Dispensary license.

Commissioner Washington reported that the tenth review was on Temescal Wellness of Maryland, LLC 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 Subcommittee, by a vote of 5-0, determined that the applicant has met the requirements and recommends that the Commission issue a Dispensary license to Temescal Wellness of Maryland, LLC. Commissioner LoDico offered a Motion to issue a Dispensary license to Temescal Wellness of Maryland, LLC. Commissioner Davies seconded this Motion. The Commission voted unanimously to issue the Dispensary license.

Commissioner Washington reported that the eleventh review was on MCNA Wellness (DBA: Haven) 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 Subcommittee, by a vote of 5-0, determined that the applicant has met the requirements and recommends that the Commission issue a Dispensary license to MCNA Wellness (DBA: Haven). Commissioner LoDico offered a Motion to issue a Dispensary license to MCNA Wellness (DBA: Haven). Commissioner Davies seconded this Motion. The Commission voted unanimously to issue the Dispensary license.

Commissioner Washington reported that the eleventh review was on Medical Products and Services, LLC (DBA: Maggies), 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 Subcommittee, by a vote of 5-0, determined that the applicant has met the requirements, and recommends that the Commission issue a Dispensary license to Medical Products and Services, LLC (DBA: Maggies). Commissioner LoDico offered a Motion to issue a Dispensary license to Medical Products and Services, LLC (DBA: Maggies). Commissioner Davies seconded this Motion. The Commission voted unanimously to issue the Dispensary license.

Chairman Lopez advised that the next two reviews were regarding transfer of ownership. Per COMAR regulations 10.62.19.0, a change of ownership has four criteria. The Commission has received notice of the transfer, the transferee has forwarded the criminal history information and audited financial statement. The Commission does not object to the transfer, and the transferee has paid the required fees.

The Commission received a letter dated 11/6/2017 from Blair Wellness Center II, LLC (BWC,II) giving notice of their intent to sell their membership interests in BWC, II, to Green Leaf Medical, LLC. The proposed transaction states that the Processor license originally awarded to BWC, II (P-17-00001) on 8/14/2017 will remain with BWC, II, however, 5% or more of the membership interests in BWC, II would transfer to Green Leaf Medical, LLC. Chairman Lopez asked David Kloos, Director of Enforcement and Compliance, if the four criteria had been met. Mr. Kloos confirmed that all criteria had been met. Chairman Lopez asked for a Motion to approve the transfer. Commissioner Washington offered the Motion, which was seconded by Commissioner Smith. The Commission voted unanimously to approve the transfer of ownership.

Mr. Lopez reported that PalliaTech Maryland, LLC is requesting the Commission approval to purchase Pharmaculture Corporation, Licensed Cannabis Processor (P-17-00008) located in Cumberland, Allegany County, Maryland.

Upon approval of the sale, PalliaTech is requesting that the Processor license entity name change from Pharmaculture Corporation to PalliaTech Maryland, LLC (DBA: Curaleaf Maryland, LLC)

Chairman Lopez asked David Kloos, Director of Enforcement and Compliance, if the four criteria had been met. Mr. Kloos confirmed that all criteria had been met. Chairman Lopez asked for a Motion to approve the transfer of ownership and name change. Commissioner Gahler offered the Motion, which was seconded by Commissioner Smith. The Commission voted unanimously to approve the purchase and name change.

Mr. Lopez reported that the Commission had received a request to change the location of Grow West MD LLC's Grower facility, which was tentatively approved by the Commission on October 3, 2017 pending inspection of the new facility. The inspection of the new facility was completed on December 8, 2017. All related fees have been paid. Chairman Lopez asked for a Motion to approve the move. Commissioner LoDico offered this Motion, which was seconded by Commissioner Marshall. Chairman Lopez asked if there was any discussion. Commissioner Washington wanted it stated on the record that the new facility is in the same Agricultural Region as the old facility location. The vote passed unanimously.

New Business

Chairman Lopez asked if there was any new business from any of the Commissioners. Commissioner Davies stated that he is impressed with Chairman Lopez and the new Commissioners, and the enormous amount of work that has been performed since the appointment of the new Chairman and Commissioners.

Commissioner Washington stated that the Minority Affairs Subcommittee had not yet met, but they have been reviewing some material provided by the Commission staff.

Public Comment

Chairman Lopez opened up for public comment.

Darrell Carrington representing Green Will Consulting, as well as Maryleaf (DBA Bloom Medicinals), thanked the Commission for approving their second stage application and issuing a license. He stated that several of his other clients are having issues with zoning, and also with landlord approving Dispensaries as legitimate businesses. He also thanked Commissioner Davies for all of his hard work, as well as Chairman Lopez.

Bob Dubuquer with Citiva MD stated they are the 16th ranked Processor and wanted to know with MaryMed being denied a Processor pre-approval, if there would be any new issuances of Processor licenses. Chairman Lopez advised that because it is an ongoing legal matter he was not able to comment.

Gail Rand with ForwardGro wanted to thank the Commission for opening up the meeting for public comment. She wanted to again request that Autism be added as a qualifying condition. She stated that there is new research from Israel that will shed some light on the benefits of cannabis, especially in children with self-injurious behavior. Also, due to the opioid epidemic, she asked the Commission to consider adding opioid addiction as a condition. Lastly, she suggested that the Commission permit product pickup directly from

the cultivators. She believes this will help get product to the Dispensaries faster, and will also help with the Dispensaries setting their costs. Executive Director Strand questioned if this would include pickup from Processors as well. Gail stated she is not a Processor, but imagined that this would be beneficial as well. Commissioner Davies stated that he believes the addition of opioid addiction as a qualifying condition is a great idea and hopes the Commission will look into this and autism as well.

Closed Session

Chairman Lopez advised that the Commission would go into closed session. The meeting will be closed under General Provision Article 3-305B, only to consult with counsel to obtain legal advice on pending or potential litigation. Chairman Lopez asked for a Motion to close the meeting, which was offered by Commissioner Gahler and seconded by Commissioner LoDico. Eleven members voted to close the session, with Commissioner Pope abstaining. All Commissioners, Executive Director Strand, Deputy Director Dodson, AAG Heather Nelson, and staff member Kristen Shreve attended the closed session. The meeting closed at 3:16 pm. Chairman stated that the Commission members had met with counsel and only received legal advice on pending and potential litigation. The Commission meeting reconvened at 3:53 pm with all closed meeting attendees rejoining the open session.

Adjournment

There being no further discussion, Chairman Lopez offered a Motion to adjourn the meeting, which was seconded by Commissioner LoDico. The Motion was passed unanimously, and the meeting adjourned at 3:56 pm