

**Maryland Medical Cannabis Commission**

**Meeting Minutes**

**July 12, 2016**

**2:00 pm**

**Banneker Room, Howard County Government Campus**

**Ellicott City, Maryland**

**Commissioners Present:**

Dario Broccolino

William (Chris) Charles

John Gontrum

Michael A. Horberg

Robert Lavin

Jean Gilmor Marshall

Deborah Miran

Shannon Moore

Tina Paul

Eric Sterling

Allison Taylor

Jon Traunfield

Jean Gilmore Marshall

**Commissioners Present by Telephone:**

Harry (Buddy) Robshaw

Nancy Rosen-Cohen

**Staff Present:**

Patrick Jameson, Executive Director, MMCC

Mary-jo Mather, MMCC

Myesha McQueen, MMCC

Precious Wells, MMCC

Michael Weinfield, MMCC

Kristen Neville, DHMH, Legislation & Regulations Specialist,

Health Occupations Boards and Commissions

Heather Nelson, Assistant Attorney General

**CALL TO ORDER**

Chairman Davies called the meeting to order at 2:07 pm. He welcomed the attendees present in the auditorium, and those streaming the meeting.

**CHAIRMAN’S REPORT**

Dr. Davies recognized Dr. Morhaim in the audience and thanked him for attending, and extended the Commission’s thanks to Howard County Executive Allan H. Kittleman for allowing the Commission to use the space. He also thanked Commissioner Dario Broccolino for suggesting that this extraordinary venue be used for the meeting. Chair Davis then asked each of the members of the Commission to introduce themselves

**APPROVAL OF THE MINUTES**

Chairman Davies asked if all Commissioners had had an opportunity to review the Minutes from the previous meeting on May 17, 2106. There was no further discussion, and he asked for a Motion to Approve the Minutes. It was offered, and appropriately seconded, and the Minutes were approved, including by Commissioners Robshaw and Rosen-Cohen, who attended the meeting via telephone.

**Executive Director’s Report: Patrick Jameson**

Mr. Jameson began by bringing the Commission’s attention to some areas of internal deficiency and weaknesses he inherited and identified since his arrival almost 3 months prior. They include poor business planning, no long-term financial planning, no enforcement, regulatory and compliance structure enacted, and an inadequate staffing plan. He pointed out that the application process has taken too long, is too cumbersome and evaluations are too expensive, which has created numerous delays. There were minimal organizational policies and procedures put in place, as well as administrative controls. The patient and caregiver registries are still not ready. Due to delays some criminal justice system records may have expired. He is bringing this to the Commission’s attention to make them aware, to find solutions and increase transparency.

Mr. Jameson stated that moving ahead he will be implementing a five year staffing, organizational and financial plan. The Commission will be recommending a statewide regulatory and enforcement plan. He mentioned that a Request for Proposals (RFP) for a State-wide Seed to Sale tracking system has already been issued. Proposals are due by July 25. He will be hiring a Director of Enforcement and Compliance, and a Director of Communications. Under the Commission’s leadership the Policy Committee has held two public meeting to debate and discuss necessary Regulations changes and application process guidelines. He thanked the Commission for their hard work in respect to the regulations, and stated that none of these changes will delay the current application process, which is still on track to issue Stage 1 approvals in August. He stated that he wanted to make the public aware that no Maryland State Cannabis Commission ID cards have been issued. There may be some fraudulent cards in circulation, but none issued by the Commission. An announcement regarding the cards will be made on the website in the future.

**COMMITTEE REPORTS**

**Research Committee: Michael Horberg, Chair**

There were no significant updates since the report at the last meeting, however the Research Committee will be meeting again very soon. They will continue with initiatives already underway. They are also getting numerous inquiries about research and want to be certain they are handled correctly and effectively. The Research Committee report appears at the end of the Minutes.

**Education Committee: Deborah Miran, Chair**

Commissioner Miran reminded those in attendance that tomorrow, July 13, the first annual Maryland Cannabis Industry Association Conference and Symposium will be held at the UMBC Technology Center. Also at the end of June a large and previously mentioned International Society meeting was held in Poland and was a great success. Almost 200 Posters or presentations were given and over 30 countries were represented.

**Policy Committee: Eric E. Sterling Esq., Chair**

Mr. Sterling announced that since the last Commission meeting the Policy Committee had held two open meetings to consider a number of significant recommendations for changes in the regulations. A compilation of the proposed changes has been posted on the Commission’s website. Mr. Sterling made a motion to adopt the package of amendments identified as COMAR REVISIONS (Version 3). It was seconded and Mr. Sterling proceeded to then describe all of the changes that had been made with emphasis on the key ones. There was discussion as to how the Seed to Sale RFP might affect the regulations if the timing did not align properly. A motion was made and adopted that Counsel would formulate language to deal with the possibility. Mr. Sterling then pointed out a language change that had been recommended that applied to page 5 of the handout (Chapter15, 05b). Commissioner Taylor recommended that further revisions to the regulations include language that the Seed-to Sale system provisions would be enforced after the system is implemented. Commissioner Sterling mentioned that there are four places which refer to the Seed-to-Sale software. Commissioner Miran commented that the issue is the timing, and Commissioner Taylor stated that she wanted to cover contingencies so that all of the regulations be in compliance with the law. Mr. Jameson stated that it was intended that the Seed-to-Sale system would be in place before the awards were made. After further clarification, a motion was made to accept the amendment by Commissioner Sterling, seconded by Commissioner Taylor and unanimously approved with revisions as amended.

**NEXT MEETING**

Dr. Davies announced that the next meeting which will be of special importance due to the announcement of pre-approval licenses has a preliminary date of August 5. However, it is quite likely that for unavoidable reasons it may be moved back by a week or two. He asked everyone to check the website for a final announcement of any alternative date. Dr. Davies also announced that the calendar for remaining Commission meetings is going to be finalized as quickly as possible. It will be published on the website as soon as it is finished.

**Task Group-Administrative Tasks and Evaluation:**

Discussion then turned to next month’s meeting when Growers and Processors are to be selected for pre-approval by the Commission. Chairman Davies proceeded to provide in significant detail the manner in which the Commissioners would make the selections allowing applicants to move from Stage 1 to Stage 2. In the coming days RESI will provide in a spreadsheet format the scores and rankings of the applicants in a coded format, redacted of all known identifying information. Commissioners will be required to sign an “Affirmation of Responsibility” reaffirming their commitment to safeguard all of the information. RESI will make a presentation regarding the spreadsheet rankings to the Grower and Processor subcommittees and answer questions regarding the scoring and rankings. The subcommittees will then present recommendations to the full Commission for discussion, debate and a vote in an open meeting in August. It was pointed out to the Commission members that the folders they received at the start of this meeting contain “Administrative Tasks for Evaluation of Processor Applications” and a similar handout for Processors.

A question was raised by a Commissioner about the availability of Flash Drives that Commissioners were supposed to have two weeks prior to a vote containing redacted, but otherwise complete application information. Staff assured the Commission that the flash drives would be available and Chairman Davies indicated that no Commission meeting would be scheduled before the Commissioners had the drives two weeks or more in advance. It was pointed out that Forms 1-5 would not be included with the Drives as they contain far too much identifying information.

A motion was made to adopt the task force recommendations. It was seconded and unanimously approved by all present as well as the two absent Commissioners by phone.

**New Business**

**Appointment of Commissioner Marshall**

Chairman Davies introduced the newest Commissioner, Jean Gilmor Marshall. Ms. Marshall was appointed to fill the Commission slot for a nurse experienced in hospice care.

**Comments by Delegate Dan Morhaim**

Chairman Davies recognized Delegate Dan Morhaim, who asked if he could make a few remarks. Chair Davies invited Delegate Morhaim to the podium. Delegate Morhaim stated that he wanted to share some comments, and also complemented Commissioner Broccolino on the great venue, and expressed his hope that the Commission would have future meetings in the Banneker Room. The Delegate addressed Commissioner Horberg’s research report and commented that medical cannabis research is built into the legislation. His hope was that a medical cannabis entity could grow and process medical cannabis and then “divert” it to a research institution. He stated that the regulations are silent on this, but the entities and Commission would not violate Federal law. He stated that he has been a strong supporter; that any regulations could be designated as “emergency” regulations, and that the Secretary could expedite things through AELR, of which he stated he is also a member. He also stated that Commission members will be privy to private, sensitive information and that the Commissioners are subject to State laws regarding disclosure, during and after their terms as Commissioners.

Delegate Morhaim also commented that some Growers also want to be Processors, and suggested that if a Grower has already applied to be a Processor, that if the Processor application meets the basic threshold that they be granted a Processor license, regardless of the Commission’s imposition of limits to 15 Processor licenses. He further stated that limiting Processor licenses was not the legislative intent.

Delegate Morhaim also asked that the Commission might want to consider, in the future, how a licensee would transfer a license, as the license becomes a valuable thing.

He addressed Executive Director Jameson and commented that Mr. Jameson’s report began with quite an intense list of problems, and that he has taken on a long list of things to do, and that he appreciated his candor. He stated further that the legislative body would be happy to work on staffing, budget, etc. Delegate Morhaim stated that he is pleased science is changing in regard to medical cannabis as referred to in Commissioner Miran’s report. He stated that a new line of pharmaceuticals will become available, such as a THC inhalation test. He also mentioned potential workers’ compensation issues which he stated are beyond the scope of the Medical Cannabis Commission. He concluded by stating that the bottom line is that it is his goal for the Program to be operational, and that he would not be satisfied until the first patient goes to a medical provider and can then go seamlessly to a dispensary to obtain medical cannabis. He also stated that the medical cannabis legislation passed with broad legislative support, with a vote of 175 to 10 votes, and that “we should all be holding hands and working together”, which was met by applause from the audience. He concluded by thanking the Commission for letting him speak.

He continued his comments by stating that in 2018 the Commission can do a “look back” to see if there is a necessity to add further licenses other than the limits to 15, which was met by applause by the audience.

A discussion continued among Commissioners about setting Processor license limits.

Commissioner Broccolino commented that perhaps if the Processor applicant met the basic requirements for licensure that the Commission not limit the number. Commissioner Moore commented that she did not believe the Commission should set the limit to 15 Processor licenses. Commissioner Sterling offered a Motion that the Commission limit the Processor licenses to 15, seconded by Commissioner Broccolino. Commissioner Moore opposed the Motion, reasoning that if the Commission gave the Growers preference for vertical integration, that using the same logic, the same opportunity should be given to Dispensaries. Furthermore, this would also be unfair to those who applied and paid for sole processor applications. She stated further that the legislation does not guarantee vertical integration, and that she would not support the Motion. Commissioner Broccolino withdrew his seconding of the Motion. The Motion failed for a lack of a second. Delegate Morhaim interjected that we had not anticipated that there would be so many Processor applicants, and that so many applicants would have applied for all three categories of licenses. He thanked the Commission for all of their hard work.

Commissioner Sterling offered a Motion that when Commissioners review Processor applications that we look at Grower applicants who are selected to see if they have also applied to be Processors and select on that basis. Commissioner Broccolino seconded the Motion. A discussion continued as to any operational issues that might ensue if the Commission would issue more than 15 Processor licenses. Chairman Davies stated that if the Commission limited Processors to 15 licenses, this was no attempt to discourage vertical integration, and that the Commission just wanted to ensure that pre-approvals would have no effect on patients. Commissioner Sterling stated that it was critical that Processors be limited to 15 because of staff limitations for inspections and background checks. Commissioner Horberg commented that if you have 15 Grower/Processor operations you are limiting competition to other stand-alone Processors, and asked that the motion be tabled. Chair Davies stated that this was a very complex issue. Executive Director Jameson stated that more exploration would be needed, but at the 11th hour of the application review, the fact is that more than 15 Processor licenses would severely tax staff resources, and that the initial licensing was not intended to be the final universe of licenses. Changing the number of Processor licenses would require the rules just voted on to be changed. Commissioner Taylor commented that she understood Dario and Eric’s point of view, but the Commission has always thought of the licensing structure as being three *separate* licenses, and in the interest of fairness we should continue to consider this. Commissioner Traunfeld stated that the Commission was talking about extending special considerations for those applicants who wish to vertically integrate, which would create a disadvantage for individual applicants for Processor licenses. Chair Davies stated that he did not want to jeopardize the work of the Commission at the 11th hour. Commissioner Broccolino stated that he realized that fellow Commissioners did not support his view and withdrew his Second.

**Adjournment**

There being no further discussion, Commissioner Taylor offered a Motion to Adjourn, which was appropriately seconded, and the meeting adjourned at 3:34 pm.

**xxxx**

**MMCC Research Committee Report**

**May 17, 2016**

The Committee met in January and with additional e-mail communications. The RC approved its charter (see attachment). The purpose of the committee is to promote research in the field of medical cannabis. This will entail the curation of quality data, including the development of medical cannabis patient registries, relational databases, and process and outcome data for the purposes of increasing generalizable medical knowledge related to cannabis. The RC will seek collaborations with research institutions within and outside the state of Maryland, and issue grants and requests for proposals to develop this research agenda.

Further, the RC will assist in the translation of research findings into medical practice and the promotion of evidence based medicine with regards to medical cannabis. To help achieve this purpose, the RC will work in cooperation with the MMCC Education Committee to review and distribute scientifically and medically worthy publication on cannabis research.

There are many immediate concerns for the MMCC that fall within the focus of the RC. While not limited to these areas, they include:

1. Development of the MMCC Registry
   1. What data elements need to be included
   2. Database structure
   3. Governance of database and use by non-MMCC
   4. Annual reporting, as required by statute and for promotion of registry use
2. Collaboration with research institutions
   1. Structure of such collaborations
   2. Criteria for collaboration
   3. In-state vs. out-of-state
3. Potential Research Grants and Requests for Proposals

Initial discussion centered on difference between physician and patient registrations on website to database of the registrations and follow-up data as submitted by dispensaries to use of data for a research registry. Generally accepted that this would be used as limited data sets or de-identified data. Likely would have access fees attached to potential researchers and require IRB approved studies. Some degree of acknowledgment or consent by patients at registration would be required. As data would be observational, issue of opt-out discussed.

Tasks were assigned from the meeting, including:

1. Create initial draft of language for use of data in patient registration
2. Confirm SSN are collected in patient registration
3. Check that CRISP (or equivalent) database can be linked to other databases (with appropriate approvals)
4. Inform IT committee that consent/acknowledgment language will be included in registration

In follow-up from that meeting, language was proposed for the patient registration site, but it was felt not necessary at this time to include. If in the future such language is needed, we have language prepared.

Respectfully Submitted,

Michael Horberg, MD MAS

MMCC RC Chair

Attachment:

**State of Maryland Natalie M. LaPrade****Medical Cannabis Commission (MMCC) Research Committee Charter**

**Initial Membership:** Kenneth Chen; Paul Davies; Michael Horberg (Chair); Robert Lavin; Debbie Miran; Nancy Rosen-Cohen

**Purpose of the Research Committee:**  The purpose of the MMCC Research Committee (RC) is to promote research in the field of medical cannabis. This will entail the curation of quality data, including the development of medical cannabis patient registries, relational databases, and process and outcome data for the purposes of increasing generalizable medical knowledge related to cannabis. The RC will seek collaborations with research institutions within and outside the state of Maryland, and issue grants and requests for proposals to develop this research agenda.

Further, the RC will assist in the translation of research findings into medical practice and the promotion of evidence based medicine with regards to medical cannabis. To help achieve this purpose, the RC will work in cooperation with the MMCC Education Committee to review and distribute scientifically and medically worthy publication on cannabis research.

**Logistics:** The RC will meet quarterly, either in-person or telephonically (Webex included). Between meetings communications within the RC will be e-mail or telephone. The Chair will be cc’d on all communications related to RC business, so that the Chair can assist with coordination and ensuring successful completion of tasks.

**Roles and Responsibilities:** RC members will attend 3 out of 4 meetings in the calendar year. All members will be expected to give input into all final products of the RC. RC members will be expected to educate themselves about all topics under consideration, and share expertise and information as required. RC members are NOT expected to perform medical cannabis research, but are not precluded from doing so. If grants or proposals are under consideration that a RC member is a principal investigator or co-investigator, they are expected to recuse themselves from that deliberation.

**Communications with MMCC other than the RC:** The RC will regularly provide updates to the MMCC and weigh in on issues and topics that fall under the rubric and expertise of the RC. Communications can be written or oral. Updates at MMCC meetings will be at the discretion of the MMCC Chair or Executive Director, in consultation with the RC Chair.

**The initial goals and efforts of the RC:** There are many immediate concerns for the MMCC that fall within the focus of the RC. While not limited to these areas, they include:

1. Development of the MMCC Registry
   1. What data elements need to be included
   2. Database structure
   3. Governance of database and use by non-MMCC
   4. Annual reporting, as required by statute and for promotion of registry use
2. Collaboration with research institutions
   1. Structure of such collaborations
   2. Criteria for collaboration
   3. In-state vs. out-of-state
3. Potential Research Grants and Requests for Proposals

Respectfully Submitted,

Michael A. Horberg, MD MAS

MMCC RC Chair