

**Maryland Medical Cannabis Commission**

**Meeting Minutes**

**August 5, 2016**

**1:00 pm**

**University of Maryland Medical School-Taylor Lecture Hall**

**Baltimore, Maryland**

**Commissioners Present:**

Dario Broccolino

William (Chris) Charles

John Gontrum

Robert Lavin

Jean Gilmor Marshall

Deborah Miran

Shannon Moore

Buddy Robshaw, Vice-Chairman

Nancy Rosen-Cohen

Eric Sterling

Allison Taylor

**Commissioners Present by Telephone:**

Michael Horberg

Tina Paul

Jon Traunfeld

**Commissioners Absent:**

Paul Davies, Chairman

**Staff Present:**

Patrick Jameson, Executive Director, MMCC

David Kloos, MMCC

Vanessa Lyon, MMCC

Mary-jo Mather, MMCC

Myesha McQueen, MMCC

Precious Wells, MMCC

Michael Weinfield, MMCC

Heather Nelson, Assistant Attorney General

**CALL TO ORDER**

Vice-Chairman Robshaw called the meeting to order at 1:02 pm. He welcomed the attendees present in the auditorium, and those streaming the meeting. Commissioner Robshaw stated that the information, views, and opinions expressed during the meeting do not represent, either expressed or implied, any official policy or position of the University of Maryland Medical School. He also stated that the Commission would not be accepting public comments or questions at the meeting.

**APPROVAL OF THE MINUTES**

Vice-Chairman Robshaw asked for a Motion to Approve the Minutes. It was offered by Commissioner Rosen-Cohen and was seconded by Commissioner Taylor. The Minutes were accepted by all Commissioners, with two corrections to be made offered to comments by Commissioners Sterling and Moore.

**EXECUTIVE DIRECTOR’S REPORT: Patrick Jameson**

Executive Director Jameson introduced two new senior members of the Medical Cannabis Commission staff: David Kloos, the Director of Enforcement and Compliance, and Vanessa Lyon, Director of Communications, Chief of Staff, and Senior Advisor to the Executive Director. Mr. Jameson stated that the Department of Agriculture had recently posted proposed regulations, which among other provisions, include a list of acceptable pesticides which may be used by medical cannabis Growers. He described the next phase of the licensure process, stating that a pre-approval is not a license, and that no entity would be issued a license that day. He noted that a list of pre-awarded Growers and Processors would be posted on the Commission website on August 15, 2016. The Commission would be tentatively planning an organizational meeting for all pre-awarded Growers and Processors at a business meeting on August 25, 2016.

He stated that during Stage 2 detailed background and financial checks, which some might find to be extensive, would be conducted by the Commission. Mr. Jameson stated that these background checks were necessary for the integrity of the program, and to be assured that an entity was in compliance with all Maryland laws. He emphatically stated that the Commission will carefully monitor all entities, and will not tolerate any improper behavior, and the goal of the Commission was to provide safe cannabis to qualified patients, some of whom will children. He further stated that the burden of proof rests solely on the applicant.

**Vice-Chairman’s Report: Commissioner Buddy Robshaw**

Mr. Robshaw expressed his appreciation to all of the Commissioners for their hard work, especially in the last year. He stated that all of the hard work culminates in the main purpose for this meeting: to discuss and vote on the top-ranked Grower and processor license applicants, and to vote to issue the Commission’s first pre-approvals to the top 15 for each of the two application categories. He stated that the Commission intended to vote to issue 15 pre-approval for Grower licenses, and to issue the first 15 pre-approvals for Processor licenses. At the same time the Commission would vote on a larger ranked list for each of the two license categories for the following reasons: if the initial background checks for each pre-approved applicant confirmed that there were tax arrears, or lack of good moral character, the Commission has the authority to deny a pre-approval in either of these instances. As a result, the Commission would be voting on a larger group of blinded ranked applicants, so that the Commission could move quickly to the next ranked applicant to fill the available pre-approval slot.

As for Growers, the Commission would also award 15 pre-approvals, with the authority to issue more as the need arises and resources permit. He further stated that the Commission has the authority to deny any application that contains a misstatement, omission, misrepresentation, or untruth.

Mr. Robshaw then stated that this meeting was symbolic. He noted that several years ago he met with the other Commissioners to discuss medical cannabis. He wasn’t clear as to his role on the Commission, or aware of the details in the legislation. He commented that Commissioner Eric Sterling made sure he was educated as to all the necessary facts about medical cannabis. He stated that all of the Commissioners have done the best they could, and that he personally who was a narcotics investigator for 42 years, has come to believe fervently in the use of medical cannabis. He then stated that he considers his role as a Commissioner to be one of the most important jobs he’s had in his law enforcement career.

Mr. Robshaw then stated that the Commissioners applied the subjective standards test to the top 15 rankings or findings by RESI, and if, after a large amount of discussion there was no objective evidence to change these findings, that the Commissioners would agree on the top 15 and top 20, with ranks 16 through 20 in the event some in the top 15 pre-approvals fall out. He stated that the Grower and Processor Evaluation Committee voted unanimously to accept both the blinded list of 1 through 15, and the list of 1-20 for Growers and Processors. In part two of the meeting, the Commissioners considered COMAR 13-3306 (a)(9), which states that “the Commission will actively seek geographic diversity”, and therefore, the Legislature thought this was important. After obtaining the geographic locations of all applicants by County, based on the University of Maryland County Agricultural Regions map, the Commissioners looked at the where the applicants appeared. The review was not to try to achieve an equal distribution, but a fair distribution in each of the Agricultural Regions. As a result, it was decided that two of the blinded ranked Growers in the 16 through 20, using unique identifiers only, would be moved into the list of the 15 pre-approved Growers, and removed two from the originally-ranked pre-approvals in the 1-15 group and moved them into the 16-20 ranked group. He stated that they looked at a fair distribution; they looked at the density, and removed the lowest ranked entity in that geographic area. He stated that the Commissioners agonized over this decision, and that the initial vote to approve the new list of pre-approvals was not unanimous; it was a vote of 4 to 1, but after a second vote was taken, it was passed by each Commissioner. Mr. Robshaw further stated that he wanted the public to know that his words did not describe the thinking process and anguish of each Commissioner.

Vice-Chairman Robshaw asked for a motion to accept the Growers ranked 1-15, and also provided the opportunity for discussion. The Vice-Chair recognized Commissioner Miran, who stated that she echoed Mr. Robshaw’s comments about today being a milestone. Ms. Miran stated that she was a part of the process, but did not agree with the vote, but respected the majority vote and the reason for the majority vote.

Commissioner Paul introduced the Motion to approve the 1-15 Grower rankings, and the Motion was seconded by Commissioner Horberg. The Motion passed unanimously, with no Abstentions.

Mr. Robshaw then asked for a Motion to accept the Grower rankings from 16-20. Commissioner Lavin asked if it could be assumed that if applicant’s geographic location is no longer “acceptable”, if the next slot will be filled by the 16th individual, or an applicant with the proper geographic diversity. Commissioner Sterling then asked if Commissioner Lavin’s question was whether the Commission would go outside the top 20. Commissioner Broccolino stated the question: If the next applicant is #16, it is grossly unfair to not go to the next candidate who is in that geographic region. Commissioner Lavin stated that once the numeric order was set that the Commission should try to keep with it, otherwise confusion would ensue. Commissioner Taylor stated that it was her understanding that the Commission would accept the 16-20 ranking regardless of their geographic location. Commissioner Sterling stated that the Commission would take the next applicants in order in the 16-20 group.

Commissioner Robshaw having presented a Motion to approve the Grower rankings from 16-20, which was appropriately seconded by Commissioner Rosen-Cohen, the Motion was passed unanimously, with no abstentions. Executive Director Jameson interjected that the Commission would revisit the number of applications in 2018.

Commissioner Robshaw invited Commissioner Sterling to the podium, and Mr. Sterling invited Commissioner Moore, who he stated did a tremendous job, to speak. Commissioner Moore stated that it was a proud day for her having been fighting so long for patients. Ms. Moore stated that there were many excellent applications, with many more applications than slots. Ms. Moore stated that in the review of the applications, the Processor Evaluation Subcommittee found some errors and anomalies, which were resolved. In this first phase, the Commission would pre-award 15 Processor entities, with the next 15 ranked in the event the Processors were needed. Commissioner Moore offered a Motion to accept the top 15 Processor applicants, which was appropriately seconded by Commissioner Taylor. The Motion passed unanimously, with no abstentions. Ms. Moore added after the vote that she worked for County government and previously with an advocacy group called “Stop the Seizures” and she believed that these associations did not affect her ability to fairly evaluate the applications.

Ms. Moore offered a Motion to accept those applicants ranked from 16-20, and this Motion was seconded by Commissioner Rosen-Cohen. Commissioner Charles asked if any other rearrangement of rankings had been made, and Ms. Moore replied that there were none. The Motion passed unanimously, with no abstentions. Commissioner Taylor stated that she was very proud of the work product and efforts of the group, and Commissioner Robshaw stated that their efforts illustrated the degree of attention paid to all of the details. Commissioner Broccolino interjected that all of the applications were excellent. He asked if the pre-awardees would be given an opportunity to explain any negative findings from the investigations, and Mr. Jameson stated that this would occur, depending on the nature of the findings.

Vice Chair Robshaw then asked if there was any new business to discuss, and receiving no comments, asked if there was a Motion to Adjourn. Commissioner Rosen-Cohen offered the Motion and it was appropriately seconded by Commissioner Charles.

The meeting adjourned at 2:10 pm.