

Meeting

MINUTES

JANUARY 26, 2009

10:00 AM-2:30 PM

PORTLAND STATE OFFICE
BUILDING
800 NE OREGON ST.
PORTLAND, OR 97232

MEETING CALLED BY	Sandee Burbank, ACMM Chair
TYPE OF MEETING	The Oregon Medical Marijuana Program (OMMP) Advisory Committee on Medical Marijuana (ACMM) provides an opportunity for public discussion between OMMP management and the ACMM.
NOTE TAKER	Megan Dunford, OMMP
TIMEKEEPER	Sandee Burbank, ACMM Chair
MEETING CALLED TO ORDER	10:07 AM
ATTENDEES	ACMM: Sandee Burbank, Dr. Alan Cohn, Laird Funk, Dr. Darryl George, Jim Klahr, Stormy Ray, John Sajo, Excused: Brian Michaels, Todd Dalotto, Chris Iverson, Madeline Martinez OMMP Staff: Aaron Cossel, Chris Grorud, Tawana Nichols, Sanya Rusynyk, Megan Dunford.
PRESENT AS LISTED ON THE SIGN-IN SHEET	Marley Barrett, James Bowman, Christopher Pride, Dan Koozer, Mike Mullins, Jenifer Valley.

Agenda Topics

REVIEW OF SEPTEMBER 19, 2008 MEETING MINUTES

ACMM CHAIR

ACTION ITEMS	PERSON RESPONSIBLE	OUTCOME
Motion by Ms. Ray for meeting minutes to be accepted without any corrections or additions, second by Mr. Funk.	Ms. Ray	Motion passes unanimously with Ms. Burbank abstaining.

PROGRAM UPDATE

DHS ADMINISTRATION

DISCUSSION
<ul style="list-style-type: none"> Staff- The OMMP is currently staffed with sixteen employees, two of which are temporary. The OMMP is working toward all staff becoming permanent positions. The OMMP is also in the process of recruiting for an Administrative Specialist 1. Statistics- The number of current patients in the program including pending applications is 23,084. The current number of patients with a caregiver is 11,608. The number of physicians who have recommended patients for the OMMP is 2,859. The percentage of current OMMP patients who paid the reduced fee of \$20 is 25.04%. The total number of doctors licensed in Oregon is 16,423. Mrs. Nichols states that enclosed in the statistics packet is a chart that tracks Law Enforcement inquiries per month as of December 10, 2008. Budget Review- Mr. Grorud states for the financial report our numbers are running higher than originally planned but we are still in the black. Some analysis factors considered are what is our desired cash balance? What is the projection? I predict in 12 months the revenue will grow slowly but not reach desired level. The revenue trend will not increase enough to counter-balance the increase in wages/benefits and OIS cost. Some factors to consider are what is the latest monthly average revenue? Were there major deviations? Will those changes be sustained? Other considerations are fee changes being considered? Yes, we are looking into reducing the fee for those eligible for social security. What might impact the volume of future applications? Also the likelihood of Legislative action on cash balances which is unknown at this time. Mr. Grorud is currently not recommending lowering the fee for those 65 and older and eligible for social security until the cash balances are where they need to be. Lowering the fee to \$75 we would lose \$18,000 in revenue over biennium, lowering it to \$50 we would lose \$111,000, and lowering it to \$20 we would lose \$222,000. Mr. Grorud states we do not have an answer yet regarding research funding and will be going to Dr. Higginson again regarding the matter.
CONCLUSIONS
<ul style="list-style-type: none"> The OMMP is hiring 1 more permanent employee and working toward all positions becoming permanent. The number of OMMP patients has now surpassed 23,000. Mr. Grorud predicts in 12 months the revenue will grow slowly but not reach desired level. A fee change for patients sixty five and older and eligible for social security is not recommended until the cash balances are where they need to be. Research funding is still being looked into.

	DIALOGUE BETWEEN ACMM AND ADMINISTRATION	MS. SANDEE BURBANK
DISCUSSION	<ul style="list-style-type: none"> • <u>ACMM Letterhead</u>- Ms. Rusynyk presents the new letterhead and has made all changes as requested. A motion is made to accept the letterhead as is with all the changes. Motion passes unanimously. • <u>Complaint Policy</u>- Mrs. Nichols states a summary of the complaints will be shared at the next ACMM meetings in March and September. All information will be kept confidential. • <u>Rules Advisory Committee</u> – Purpose of the Rules Advisory Committee was to seek public input early to discuss topics of rule changes. Topics discussed were immature plant definition, transporting plants, enhanced review of physician records who have over 450 patients, and mass gatherings. Committee members included Dr. Cohn, Jim Klahr, Brian Michaels, Michael Dingeman, Katie Suver, Karen Wheeler, Tawana Nichols, and Shannon O’Fallon. On the topic of immature plant definition, no consensus was met. The OMMP will propose revising immature plant to have the same meaning as a seedling or start. On the topic of removing growers name and grow site address from patients placards, consensus met. No changes to the current rule. On the topic of transporting plants, Consensus met. There will be no change to the current rule. On the topic of enhanced review of physician records, consensus met. The rule will be added to the OMMP administrative rules. On the topic of Hashish definition, consensus met. No change to the OARs’ at this time as there is a legislation concept being proposed by law enforcement. We will wait for legislation decision. On the topic of mass gatherings, consensus not met. OMMA advocates can take this concept to the Food, Pool, and Lodging program. Mr. Funk seeks how there can be action on some items when no consensus was met. Mrs. Nichols explains that it was brought to Dr. Higginson when consensus was not met. Ms. Ray states she traveled to the meeting and was disappointed that that there was no patient comment. Ms. Ray wonders where the patient’s voice is. Ms. Burbank points out that Mr. Klahr was on the committee and is a patient. Ms. Ray will write a letter to the OMMP regarding her concern. • <u>Safety of Pesticides and Fertilizers</u> – Mrs. Nichols states patients and growers can contact Metro Recycling for further information. Ms. Burbank states she feels this does not answer the issue. Mr. Sajo states the current committee should get in touch with the Medical Cannabis Safety Commission in CA who looks into standards for Medical Cannabis including safe handling procedures and what pesticides are ok and what conditions. Ms. Burbank suggests that information be given to Todd on that committee. • <u>Term Limits</u> – Mrs. Nichols states last year it was determined whose term will end December 2008. Those people are Chris Iverson who resigned, Jim Klahr, Madeline Martinez, and John Sajo. All should have received a letter and can reapply. Mrs. Nichols states she will remind everyone whose term will end this December 2009. Those people are Sandee Burbank, Laird Funk, Dr. George, and Brian Michaels. Mrs. Nichols states she has received applications from Daniel Chandler, Jim Klahr, Christopher Pry, Alice Ivany, Christine McGarten, Jeffrey Bates, and Jerry Wade. 	
CONCLUSIONS		

- The new letter head was reviewed after all requested changes had been made. A motion is made to accept the letterhead as presented. The motion passes unanimously.
- A summary of the complaints the OMMP receives will be shared at the next ACMM meeting.
- The Rules Advisory Committee met twice to seek public input on topics of rule changes. On the topic of immature plant definition, no consensus was met. The OMMP will propose revising immature plant to have the same meaning as a seedling or start. On the topic of removing growers name and grow site address from patients placards, consensus met. No changes to the current rule. On the topic of transporting plants, Consensus met. There will be no change to the current rule. On the topic of enhanced review of physician records, consensus met. The rule will be added to the OMMP administrative rules. On the topic of Hashish definition, consensus met. No change to the OARs’ at this time as there is a legislation concept being proposed by law enforcement. We will wait for legislation decision. On the topic of mass gatherings, consensus not met. OMMA advocates can take this concept to the Food, Pool, and Lodging program.
- A handout about Metro Recycling was provided regarding safety of pesticides and fertilizers. Ms. Burbank feels that this does not address the issue. Mr. Sajo suggests the current committee on this issue should contact the Medical Cannabis Safety Commission in California for further information.
- Committee members whose term ended December 2008 are Chris Iverson, Jim Klahr, Madeline Martinez, and John Sajo. Mrs. Nichols reminded the committee whose term ends this December 2009. Those people are Sandee Burbank, Laird Funk, Dr. George, and Brian Michaels. All members whose term ends can reapply. Applications for new members have been received from Daniel Chandler, Jim Klahr, Christopher Pry, Alice Ivany, Christine McGarten, Jeffrey Bates, and Jerry Wade.

ACTION ITEMS	PERSON	OUTCOME
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	RESPONSIBLE	
Motion by Ms. Burbank to accept new letterhead as presented.	Ms. Burbank	Passes Unanimously

**DISCUSSION ON THE FORMATION OF SUBCOMMITTEES, NOMINATIONS,
AND VOTE ON MEMBERS.**

MS. SANDEE BURBANK

DISCUSSION
<ul style="list-style-type: none"> • Ms. Burbank explains subcommittees need to be a formal process. We need to discuss what committees are needed, their mission, nominate members, vote on members, then decide who will be chair. Ms. Burbank states these committees should have a one year term unless it is only a fact finding committee. Mr. Funk suggests a display of interest for those who would like to be on these committees. Ms. Burbank states the chair of each committee should be a member of the ACMM. • Ms. Burbank states we currently have a subcommittee that keeps an eye on legislation. This committee should remain. Ms. Burbank states Mr. Funk has suggested an outreach committee that will reach out to different groups and those under the DHS umbrella. • Mr. Sajo suggests a law enforcement subcommittee and a clinics subcommittee. Dr. Cohn suggests a horticulture subcommittee. Mr. Klahr suggests a committee on medicinal relations. Ms. Burbank suggests the outreach committee be a part of the law enforcement committee. • Ms. Ray suggests a subcommittee to respond to inquiries that come in. Ms. Burbank disagrees with that committee and states that she and Mrs. Nichols handle those responses. Ms. Ray states all inquiries have not been responded to. Ms. Burbank assures that they all have been and will get together with Ms. Ray after the meeting to get any names that Ms. Ray feels have not been responded to. • Mr. Sajo suggests the mission of the clinic subcommittee would be to handle issues and complaints involving the clinics. Mr. Sajo states he would like to see clinic physicians working together, as an association of medical marijuana practitioners. Ms. Burbank suggests this committee be short term. • Ms. Burbank suggests the formation of the legislation advisory committee whose mission will be to report to the ACMM on proposals and bills presented to legislation. This committee will not take a position on the proposals; just keep the ACMM informed on anything that may affect the OMMP. Ms. Ray would like to be reminded of what Dr. Goldberg’s letter said regarding legislative proposal. Ms. Burbank feels that is a separate issue, the mission of the legislative subcommittee would not be to come up with legislation or ask our approval. Mr. Funk states he recalls Dr. Goldberg saying he is comfortable that we will advise him only on matters dealing with the administration of the program. He clearly understood that it did not limit our actions with other proposals. A motion is passed to form a legislation advisory subcommittee of no more than six members, chaired by a member of the ACMM, whose mission is to report back to the ACMM about the bills and initiatives that are in the process that might affect the OMMP. • Ms. Burbank seeks nominations for members of the legislation advisory committee. Dr. Cohn nominated Lee Berger and withdraws himself from nomination on the committee. Ms. Burbank nominates Brian Michaels. Ms. Burbank reads the list of people interested in the committee, those nominated are Brian Michaels, Lee Berger, Jenifer Valley, Daniel Chandler, and Alice Ivany, and Melody Silverwolf. A motion is made to accept all nominations. Motion passes six to one. • Ms. Burbank asks for agreement on the horticulture subcommittee. Mr. Sajo feels we should add safe handling practices to the mission. A motion is made to form a subcommittee on horticulture which will look into safe ways to produce and handle medicine. The motion passes six to one. Ms. Burbank states between now and the next meeting all interested in joining this subcommittee need to express this by writing a letter or email. A motion is made for Todd Dalotto to chair the horticulture subcommittee. Motion passes six to one. • The ACMM discusses the formation of the outreach committee whose mission is to talk to the various other agencies and create goodwill. A motion is passed to form this subcommittee. A motion is made for Ms. Sandee Burbank to chair this committee. Ms. Burbank states she will think it over and decide by next meeting. • Dr. George suggests a written report from all the subcommittees presented at each ACMM meeting to determine each committee’s progress. A motion is made that each committee must submit a written report on their progress at each ACMM meeting. Motion passes six to one.

CONCLUSIONS	
	<ul style="list-style-type: none"> • The formation of subcommittees needs to be a formal process. The ACMM will decide what committees are needed, their mission, will nominate and vote on members. Each subcommittee will be chaired by a member of the ACMM. They will be one year in term unless they are a fact finding committee only. • The ACMM forms the legislation advisory subcommittee. The mission of the subcommittee is to keep the ACMM informed of all bills, proposals, or initiatives presented to legislation that may affect the OMMP. The nominations for members are Brian Michaels, Lee Berger, Jenifer Valley, Daniel Chandler, and Alice Ivany, and Melody Silverwolf. A motion is passed to form the subcommittee, to accept all nominations with Brian Michaels as chair. • The ACMM forms the horticulture subcommittee. The mission of the subcommittee is to look into safe ways to produce and handle medical marijuana. A motion is passed to form the subcommittee with Tom Dalotto as chair. • The ACMM forms the outreach subcommittee. The mission of the subcommittee is to talk with all other various agencies and those under the DHS umbrella and create goodwill. A motion is passed to form the subcommittee. • All interested in becoming members of the horticulture or outreach subcommittees can show their interest by writing a letter or email to the ACMM before the next meeting. • A motion is passed for the ACMM to receive a written report at each meeting from all the subcommittees to determine each committee's progress.

ACTION ITEMS	PERSON RESPONSIBLE	OUTCOME
Motion by Mr. Funk to form the Legislation Advisory Subcommittee with no more than six members, chaired by a member of the ACMM. Their mission will be to keep the ACMM informed of all bills, proposals, or initiatives presented to legislation that may affect the OMMP. Dr. Cohn seconds the motion.	Mr. Funk	Passes 6 - 1
Motion by Mr. Funk to accept the nominations of Lee Berger, Jenifer Valley, Daniel Chandler, Alice Ivany, and Melody Silverwolf with Brian Michaels as chair to members of the Legislation Advisory Subcommittee. Mr. Klahr seconds the motion.	Mr. Funk	Passes 6 - 1
Motion by Mr. Funk to form the Horticulture Subcommittee. Their mission is to look into safe ways of producing and handling medical marijuana. Mr. Klahr seconds the motion.	Mr. Funk	Passes 6 - 1
Motion by Mr. Funk to nominate and appoint Tom Dalotto as chair of the Horticulture Subcommittee. Dr. Cohn seconds the motion.	Mr. Funk	Passes 6 - 1
Motion by Mr. Funk to form the Outreach Subcommittee. Their mission is to talk with various agencies and create goodwill. Dr. Cohn seconds the motion.	Mr. Funk	Passes 6 - 1
Motion by Dr. George to require all subcommittees to provide written reports at all ACMM meetings to determine each committee's progress. Mr. Sajo seconds the motion.	Dr. George	Passes 6 - 1

LEE BERGER PROPOSALS

MR. LEE BERGER

DISCUSSION
<ul style="list-style-type: none"> • Ed Glick announces he will be filling his petition today. He states his petition is asking for a review of research to determine if depression, anxiety, severe agitation, insomnia, and post-traumatic stress disorder can be added to the list of qualifying conditions. Mr. Glick states there is little research on cannabis and PTSD. He asks that anyone with information on PTSD and cannabis email him at glicke@live.com. Mr. Berger states attached to the petition is a letter outlining an agreement on how the hearings will be held and what the procedures are going to be. • Mr. Berger states DHS is required by rule to respond to the petition within 14 days and they are required to reach a final decision in 180 days. Mr. Berger asks that the ACMM monitor the response of DHS by asking them to report on it at the next meeting. Motion passes to monitor the response of DHS. Mr. Berger asks DHS if he can assume the petition has been filed with DHS. Mrs. Nichols nods in agreement that it has. • Mr. Berger states there are three proposals which are incorporated into two bills which have been filled on behalf of the Oregon Criminal Defense Association. Mr. Berger presents Senate Bill 249 and House Bill 2329. (See attached). • Mr. Berger seeks the ACMM's support on these proposals. Ms. Ray questions the ACMM's stepping and if the ACMM has the right to support or object a legislative bill. Mr. Berger states he is only asking the ACMM

to recommend the changes to himself, not to Dr. Goldberg. Mr. Sajo states we have the letter from Dr. Goldberg and we do have Senator Morisette who said in a public hearing that yes, we should be advising the legislator. Motion for the ACMM to issue a memorandum supporting Mr. Berger proposals passes.

CONCLUSIONS		
	<ul style="list-style-type: none"> Mr. Glick will file a petition asking for review of research to determine if depression, anxiety, severe agitation, insomnia, and post-traumatic stress disorder can be added to the list of qualifying conditions. Mr. Glick states more information is needed on the use of cannabis and post-traumatic stress disorder. If anyone has information, please email him. Mr. Berger asks the ACMM to monitor a response from DHS. Motion passes to monitor the department's response. Mr. Berger presents Senate Bill 249 and House Bill 2329. Mr. Berger asks for the ACMM's support on the proposals. A motion passes to issue a memorandum supporting both proposals. 	
ACTION ITEMS	PERSON RESPONSIBLE	OUTCOME
Motion by Dr. Cohn to monitor DHS's response to the petition by having DHS comment at the next ACMM meeting. Mr. Sajo seconds the motion.	Dr. Cohn	Passes 6 - 1
Motion by Mr. Funk to issue a memorandum of support to Mr. Berger's proposals. Dr. Cohn seconds the motion.	Mr. Funk	Passes 6 - 1

Meeting Adjourned for Lunch 12:05

Meeting Called to Order 1:12

LETTER OF CONSENT IN CASE OF DEATH

MS. SANDEE BURBANK

DISCUSSION	
	<ul style="list-style-type: none"> Ms. Burbank reads a letter regarding a patient who passed away and had had an active garden and dried cannabis. The medicine was destroyed by law enforcement as there was no way the owner could indicate what they would have wanted done with it. Ms. Burbank states it was suggested by law enforcement that a medicine will be looked into. The will would indicate that upon a patient's demise, the medicine would be given to another patient. Ms. Burbank asks if DHS can consult with legal council on this matter. Dr. Cohn asks if model beneficiary forms could be available on the web site.
CONCLUSIONS	<ul style="list-style-type: none"> There is concern regarding what happens to gardens and medicine belonging to patients who pass away. It was suggested that patients have a medicine will. DHS will consult with legal council to discuss further and see if a beneficiary form can be drafted.

CONCERN OF GROWERS

MS. SANDEE BURBANK

DISCUSSION	
	<ul style="list-style-type: none"> ACMM received several letters regarding patients registering growers without the grower's knowledge. Mrs. Nichols states it is up to the patient and grower to communicate. Ms. Burbank states if you give someone your I.D. it is your responsibility to follow up with that person and make sure it is not still in use. It is not DHS's responsibility as they work strictly from the prospective of the patient. Mr. Sajo states he feels this may be a flaw in the paperwork, suggests that maybe the grower sign something as well even though that may result in more paperwork for DHS. Mr. Funk suggests we get authorization from legislator to add a line. Ms. Rusynyk states adding a line will be a significant burden to the program. Ms. Burbank suggests anyone with any ideas, please write to the ACMM.
CONCLUSIONS	<ul style="list-style-type: none"> ACMM received several letters regarding patients registering growers without the grower's knowledge. The suggestion was made to get authorization from legislation to add a line. Adding a line may be a significant burden to the program. Suggestions on how to resolve this should be sent to the ACMM.

OMMP LINKS**SANDEE BURBANK**

DISCUSSION	
	<ul style="list-style-type: none"> Chris Gustafson and Marilyn Klahr both wrote letters concerned about the OMMP website. They feel things keep getting changed around and that some things are falling through the cracks. Mr. Cossel states the statutes are not broken down by program, only by chapters. Mr. Cossel states he will look into getting a PDF of just OMMA statutes.
CONCLUSIONS	<ul style="list-style-type: none"> There is concern that too much is changing on the OMMP website and some information may fall through the cracks. Mr. Cossel states he will look into getting a PDF of just OMMA statutes.

EUGENE POLICE POLICY MEETING**SANDEE BURBANK**

DISCUSSION	
	<ul style="list-style-type: none"> Dan Koozer attended the Eugene Police Policy meeting. He states Mr. Michaels spoke to the police department who is reviewing their policy concerning medical marijuana cards during police stops. Mr. Michaels was not given a lot of time and the board wanted to hear more. Mr. Koozer states on January 28th at 5:30 they will have another meeting. The board wants to hear experiences. If anyone wants information, they can contact Mr. Koozer.
CONCLUSIONS	<ul style="list-style-type: none"> The Eugene Police held a policy meeting to discuss their policy on medical marijuana cards during police stops. Mr. Michaels attended and spoke briefly to the police department. The board decided to devote more time to the issue and will be holding another meeting January 28th at 5:30.

GOVERNOR'S COUNCIL ON ALCOHOL AND DRUGS**SANDEE BURBANK**

DISCUSSION	
	<ul style="list-style-type: none"> On August 26th Ms. Burbank and Mrs. Nichols went before the council and gave presentations. Mrs. Nichols presentation was regarding what the program does and does not do. Ms. Burbank's presentation was regarding how patients are affected by the law. The council is currently working on 2009 – 2011 Domino Effect II and is conflicted as a group on how to approach this. Ms. Burbank states their report quotes the 1999 National Academy of Science research. Ms. Burbank states she feels we have not done our job in providing them with the information that they need. Ms. Burbank states we need to get the Governor's Council updated scientific information in a non abrasive way. Ms. Burbank states the Association of Oregon industries focus has been on impairment in the workplace and how dangerous marijuana is. MAMA has developed a "Choose Real Safety" pamphlet. Ms. Burbank states it shows that there is impairment testing, it is cheaper, across the board, and can be administered in the field. This is available on MAMA's website.
CONCLUSIONS	<ul style="list-style-type: none"> On August 26th Ms. Burbank and Mrs. Nichols went before the council and gave presentations. The council is currently working on 2009 – 2011 Domino Effect II and is quoting 1999 National Academy of Science research. They need updated information. MAMA has developed a "Choose Real Safety" pamphlet which shows impairment testing as an option that is cheaper and across the board.

PUBLIC ANNOUNCEMENT AND COMMENT**PUBLIC-ACMM**

	<ul style="list-style-type: none"> Marley Barrett states she has been with the Compassion Center in Eugene as the Clinic Director for one year and appreciates all the hard work everyone does. James Bowman says he would like to echo what Marley said and will write letter. Christopher Pride says he is concerned about patients who are set up on permanent disability and feels they should have a permanent card. He will write a letter. Dan Koozer states he feels Mr. Funk should be on the Legislation Advisory Subcommittee and he would also like to volunteer for the Law Enforcement Subcommittee. Ms. Burbank reiterates that interested parties should write a letter. Mike Mullins states he has been a disability access consultant for over sixteen years and feels there is a lack of activism for the disabled in this state. He states he is concerned that the growers are not notified when a change happens. He also feels there is an issue with the terminology in the statutes section 16 subsection 2. It
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says employers need not accommodate medical marijuana patients. He states this is discriminatory and in direct conflict with the Americans with Disabilities Act. He also says to be on notice that we have parties preparing multiple claims to the Department of Justice in violation of title one of the ADA act within the state of Oregon. He urges the ACMM to review the language immediately and take actions for immediate removal of this statement.

- Jenifer Valley states for the last year she has been going to different meetings such as the Governors Council on Alcohol and Drug Abuse, the Oregon Health Fund Board, the Oregon Pain Management Commission, and the Oregon Health Policy commission discussing I28. She states she has been delivering the message that medical marijuana is a major cost containment measure. It helps patients reduce their prescription drug use; helps reduce hospital and doctor visits. She states there has been no research into health care outcomes of OMMP patients; there is no meaningful way to convey this information. She states research is needed, we need data collection and the state has a responsibility to do both cost benefits and risk benefit and analysis of the program. If I28 passes, she suggests OMMP pay for the Oregon Pain Management commission's pain survey as they serve the same community and both need the research. She states this relates to the Oregon Health Fund boards insistence that all health care programs must be evaluated for evidence based practices. We need to know what practices work and don't work. Medical Marijuana must be evaluated on an equal basis with all other health care programs. She asks the ACMM to forward I28 to Senator Morissette, to Representative Greenlick, and Representative Gene Cohen and ask that this committee sponsor it and recommend it this session.

MEETING AJOURNED	2:22 PM
MINUTES SUBMITTED BY	Megan Dunford, OMMP