

# Meeting

## MINUTES

SEPTEMBER 6, 2011

10:00 AM

119 NE 4TH ST ROOM #5  
NEWPORT OR, 97365

MEETING CALLED BY	Laird Funk, ACMM Chair
TYPE OF MEETING	The Oregon Medical Marijuana Program (OMMP) Advisory Committee on Medical Marijuana (ACMM) provides an opportunity for public to discuss administrative issues with the OMMP management.
NOTE TAKER	John Sorensen, OMMP
TIMEKEEPER	Laird Funk, ACMM Chair
MEETING CALLED TO ORDER	<b>10:00 AM</b>
ATTENDEES	<b>ACMM:</b> Sandee Burbank, Laird Funk, Dr. Alan Cohn, Alice Ivany, Jim Klahr, Todd Dalotto, Christine McGarvin, Stormy Ray, Dr. Gerry Lehrburger. Brian Michaels was not present. <b>OMMP Staff:</b> Tawana Nichols, Annette Johnston, Aaron Cossel, Barry Kast, Jody Noon, and John Sorensen
PRESENT AS LISTED ON THE SIGN-IN SHEET	Richard Dougherty, Cheryl Smith, Scott and Rosy Nicholson, and Trish Morningstar.

## Agenda topics

### REVIEW OF 6/6/11 & 6/20/11 MEETING MINUTES

ACMM CHAIR

ACTION ITEMS	PERSON RESPONSIBLE	OUTCOME
<b>Motion:</b> To approve 6/6/11 meeting minutes by Mr. Funk, 2 <sup>nd</sup> by Todd Dalotto.	Laird Funk, Todd Dalotto	Motions Passed Unanimously
<b>Motion:</b> To accept 6/20/11 meeting minutes with changes to Mr. Lee Berger's statement on PTSD by Todd Dalotto, 2 <sup>nd</sup> by Christine McGarvin.		

### ADMINISTRATIVE REPORTS

DHS ADMINISTRATION

DISCUSSION
<p><b>OMMP Program Update:</b> The OMMP currently has 30 permanent employees, is recruiting for 3 permanent positions, and has added an additional 4 temporary staff members since the previous meeting in order to back-fill positions during staff training for the program's new database.</p> <p>Ms. Nichols introduced the new Administrator for the Office of Community Health and Health Planning (OCHHP), Ms. Noon.</p> <p><b>OMMP Statistics as of 8/30/11:</b> The program has 53,685 patients and 27,653 caregivers. To date, 4,084 physicians have recommended patients for the program. Applications are being entered into the OMMP's database the day after they are received, as are the change requests received. Applications are being reviewed within 15 days of receipt, while changes are being reviewed in a little over a month.</p> <p><b>OMMP Budget Review:</b> The program's revenue is up, but its cash balance has dropped by approximately \$152,000 due to an increase in equipment fees and information systems. Both office supplies and postage have also increased.</p>
CONCLUSIONS

Ms. Burbank asked that a current number of growers be listed in the OMMP's next update. Ms. Nichols noted that as of the 6/6/11 ACMM meeting, there were approximately 25,000 growers listed.

Mr. Dalotto and Mr. Cossel agreed upon quarterly LEDS usage reporting. Ms. McGarvin asked about the possibility of creating a report tracking the number of patients removed from the program due to court orders. Mr. Cossel explained that the OMMP's new database will be able to track information like that, but cannot do so at this time.

Mr. Dalotto asked for an estimate of the total cost of the rule making process, from drafting to hearings and implementation.

ACTION ITEMS	PERSON RESPONSIBLE	OUTCOME
N/A		

	<b>DIALOGUE BETWEEN ACMM AND ADMINISTRATION</b>	<b>TAWANA NICHOLS</b>
<b>DISCUSSION</b>		

**OAR Status:** Notice of proposed rulemaking hearings are now available on the OMMP's website, and will occur on 9/16/11, 9/19/11, and 9/20/11 in various locations throughout the state.

**Term Limits/Vacancy on the ACMM:** There is currently on vacancy and a notice for applications is posted on the OMMP's website. A motion to amend the ACMM's Bylaws was discussed regarding term limits. However, there was no prior notice given and the vote was postponed in accordance with Article IX of the ACMM Bylaws.

**Scheduling of Next Meeting:** December 5, 2011 at the Portland State Office Building.

<b>CONCLUSIONS</b>	
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A motion to amend the ACMM Bylaws will occur at the next quarterly committee meeting.

ACTION ITEMS	PERSON RESPONSIBLE	OUTCOME
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**LEGISLATIVE REPORT**

**LAIRD FUNK**

<b>DISCUSSION</b>	
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Mr. Funk explained that there is no active legislation concerning the Oregon Medical Marijuana Act or the OMMP. Mr. Dalotto noted that there are some initiatives gathering signatures, but are not yet on the ballot. Ms. McGarvin added that there is a constitutional amendment ready to be placed on the ballot, but has yet to receive an official ballot title.

Mr. Funk provided an update to the Election Complaint Report given on June 6<sup>th</sup>, 2011. A Narcotics Detective from Medford and Eric Fisher from Oregon State Police received warnings. The Police Chief and Assistant Police Chief in Medford, Ray Meyers of Grants Pass, and Chief Wallace of Brookings all received a \$75 fine. Ms. Burbank asked if there was some way for the ACMM to write a letter concerning their dismay over the decision. Mr. Funk stated that such an action seemed outside of the ACMM's charter.

Mr. Klahr raised a question regarding a recent U.S. Supreme Court decision which essentially made corporations a person. He then asked if a non-profit corporation, such as a hospice, could be listed as a patient's caregiver or grower as a person. Ms. Nichols stated that she would ask legal counsel about the issue. Dr. Lehrburger stated that it may be beneficial to create a special OMMP license for a physician, or hospice workers under the signature of a physician, who could then treat patients as needed without having every individual under their care apply for the program.

Mr. Klahr also noted that individuals with unchanging medical conditions such as HIV should not have to see a physician every year to qualify for the program and should instead be allowed to simply pay the application fee.

Ms. Ivany asked if any outreach has been conducted between the OMMP and the medical community. Ms. Burbank and Mr. Lehrburger agreed that an organized educational push would be beneficial. Ms. McGarvin questioned where the funding for the outreach would come from.

<b>CONCLUSIONS</b>	
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Ms. Nichols will seek legal counsel regarding a corporation, having received personhood, being registered with the OMMP.

The OMMP is developing a webinar for medical clinics.

ACTION ITEMS	PERSON RESPONSIBLE	OUTCOME
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N/A		
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**HORTICULTURE, RESEARCH, AND SAFETY COMMITTEE  
REPORT**

**TODD DALOTTO**

<b>DISCUSSION</b>		
<p>Mr. Dalotto inquired about the status of the new database and the ways in which it will be able to provided valuable information and reports to the ACMM. He also asked when it would be appropriate to communicate with the IT staff developing the program. Ms. Noon suggested he forward a list of requested reports to the Administration as soon as possible.</p> <p>Mr. Dalotto introduced a discussion on the possible funding of research into Post Traumatic Stress Disorder (PTSD) and the ways in which medical cannabis may be beneficial to those suffering from it. Several questions were raised by multiple committee members regarding whether such research should be conducted prior to attempting to have PTSD listed as a qualifying condition for the OMMP. Mr. Kast noted that the reports and research on the treatment of PTSD with medical cannabis provided to him while acting as the interim Administrator for OCHHP were fairly convincing and could, as he had previously explained to Dr. Mel Kohn (Oregon Public Health Director), be a qualifying condition. Dr. Lehrburger noted the benefits of conducting literature research rather than clinical research. However, Mr. Dalotto noted, there is a lack of clinical research in the U.S.</p>		
<b>CONCLUSIONS</b>		
Mr. Dalotto will submit a list of requested reports and data to the OMMP that the ACMM, health professionals, and community may find useful.		
<b>ACTION ITEMS</b>	<b>PERSON RESPONSIBLE</b>	<b>OUTCOME</b>
<p><b>Motion:</b> The ACMM strongly recommends the Oregon Health Authority sponsor a legislative concept for the 2012 session <b>for research</b> which includes, but is not limited to, Post Traumatic Stress Disorder. We further recommend working with the ACMM’s Horticulture, Research, and Safety Committee in the development and funding of this legislative concept. Motion 2<sup>nd</sup> by Mr. Funk.</p> <p><b>Motion:</b> The ACMM shall draft letters to Mel Kohn and Dr. Bruce Goldberg, formally inviting them to attend upcoming ACMM meetings. Motion 2<sup>nd</sup> by Mr. Funk.</p>	Todd Dalotto	<p>Motion Passed 8-1. Dr. Lehrburger opposed.</p> <p>Motion passed unanimously.</p>

MEETING ADJOURNED FOR LUNCH: 12:00PM

MEETING CALLED TO ORDER: 1:00PM

**OUTREACH REPORT**

**CHRISTINE MCGARVIN**

<b>DISCUSSION</b>
<p><b>Letters:</b> 16 letters were sent requesting information, but only 2 were responded to. Ms. McGarvin questioned the committee about the usefulness of such an endeavor. Mr. Dalotto suggested noting the State government’s statutory responsibilities in furnishing information and advice as requested by the ACMM. Ms. McGarvin stated that all letters contain that language.</p> <p><b>Meeting Accessibility:</b> Ms. Johnston explained that if an organization has an IP address, they would be able to view, or at least listen to, future ACMM meetings given 4-6 weeks notice. Furthermore, she explained, a small team of OMMP employees are designing a webinar for clinics in the form of a Q &amp; A session.</p> <p><b>Changing Panel Selection Criteria:</b> Ms. McGarvin referred to a letter that the ACMM had sent to the former Administrator of the OCHHP asking him to change the panel selection criteria to ensure that all members have a demonstrable knowledge of the therapeutic qualities of cannabis. That Administrator has been replaced, Ms. McGarvin noted, and the letter needs to be sent to the current Administrator, Ms. Noon.</p> <p><b>LEDS Access:</b> Ms. McGarvin discussed the newly created Governor’s Commission on Public Safety, and asked how the ACMM may address the commission on the alleged abuse of the LEDS system by law enforcement. Both Mr. Dalotto and Mr. Funk suggested having an informal discussion with Floyd Prozanski regarding the ways in which the ACMM may effectively communicate with the commission. Ms. Ray noted the importance of educating law enforcement on the OMMA as well as the members of the cardholding medical cannabis community, and suggested that any letters sent to the commission should include invitations to ACMM meetings.</p>

CONCLUSIONS		
The ACMM will continue sending letters as it has.		
Ms. McGarvin will resend the letter requesting a change in the criteria for panel selection to Ms. Noon.		
ACTION ITEMS	PERSON RESPONSIBLE	OUTCOME
N/A		

**REPORT FROM RULES & ADVISORY COMMITTEE (RAC)**

**TODD DALOTTO**

DISCUSSION		
<p>Mr. Dalotto asked that the revised minutes from the RAC meeting be sent to the ACMM. One of the proposed rules, he proceeded to explain, concerned who could receive information from a patient's file if the patient were to sign a release of information form. Landlords, he explained, were listed in the rule but were removed as to not set a precedent for landlords to be privy to an individual's medical records.</p> <p>Ms. Ray asked if there was some way to offset the proposed program fee increase, and suggested an OMMP lottery ticket.</p> <p>Ms. Burbank asked for some follow up information regarding the ability for the OMMP to add a medical condition to its list of accepted conditions by administrative rule. Ms. Nichols responded that it was not possible, and any proposed additions must pass a panel review. Ms. Burbank also asked if the OMMP could share a bill analysis with the ACMM. Ms. Nichols stated it was not possible.</p>		
CONCLUSIONS		
<p>A medical condition must pass a panel review in order to be included in the OMMP's list of qualifying conditions.</p> <p>The OMMP cannot share a bill analysis with the ACMM.</p> <p>Ms. Nichols will send the revised minutes from the RAC meeting.</p>		
ACTION ITEMS	PERSON RESPONSIBLE	OUTCOME
N/A		

**SUNSET CLAUSE IN PROPOSED OAR AMMENDMENTS**

**TODD DALOTTO**

DISCUSSION		
<p>Mr. Dalotto continued to discuss the proposed fee increase, and stated that the ACMM felt as though the numbers used to calculate the possible increase were overshooting by quite a bit. In addition, he suggested that the OHA utilize the sunset clause in Senate Bill 2259 and return the OMMP's fees to their current rates once the current biennium ends on June 30, 2013. There is no requirement, Mr. Dalotto stated, for the fees to remain at their proposed rates after that point in time. Furthermore, he suggested that the OAR amendments contain their own sunset clause.</p>		
CONCLUSIONS		
ACTION ITEMS	PERSON RESPONSIBLE	OUTCOME
<p><b>Motion:</b> The Advisory Committee on Medical Marijuana strongly recommends the currently proposed OAR amendment include a sunset clause which effectually returns the OMMP fees to its current structure on July 1, 2013 or whenever the revenue for the 'other' programs has been raised, whichever comes first.</p>	Todd Dalotto	Passed, Ms. Ray did not vote.

**PUBLIC ANNOUNCMENTS AND COMMENT**

**PUBLIC-ACMM**

Richard Daugherty: Mr. Daugherty has experienced harassment by the police. His neighbor, who owns a small business, tells her customers that he has a Medical Marijuana card which had caused him problems in the community. The Lebanon Police Department became involved, and asked those complaining to attend a public meeting in which the police were able to educate the public and ask for tolerance for people in the community who participate in the OMMP.

Trish Morningstar: Ms. Morningstar has PTSD and wants to commit herself to the ACMM's cause. She also thanked the ACMM for pushing to have PTSD added as a qualifying condition.

Rosy Nicholson: Ms. Nicholson stated that an increased fee would be incredibly hard on her and her partner. She also expressed concern for the ways in which she perceives law enforcement's handling of OMMP cardholders. She lost her house, she continued, because of three pounds of butter her partner uses to medicate.

Cheryl Smith: Ms. Smith asked if the ACMM's Bylaws can be put on the OMMP's website. Ms. Nichols stated that she would.

MEETING AJOURNED	<b>2:00PM</b>
MINUTES SUBMITTED BY	John Sorensen
SPECIAL NOTES	N/A