

# Meeting

MINUTES MARCH 1, 2012

10:00 AM

4600 25<sup>TH</sup> ST NE  
SALEM OR 97301

<b>MEETING CALLED BY</b>	Todd Dalotto, ACMM Vice Chair
<b>TYPE OF MEETING</b>	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.
<b>NOTE TAKER</b>	John Sorensen, OMMP
<b>TIMEKEEPER</b>	Todd Dalotto, ACMM Vice Chair
<b>MEETING CALLED TO ORDER</b>	<b>10:00 AM</b>
<b>ATTENDEES</b>	<b>ACMM:</b> Sandee Burbank, Dr. Alan Cohn, Todd Dalotto, Laird Funk (absent, excused), Alice Ivany (absent, excused), Jim Klahr, Dr. Gerry Lehrburger, Ben Mackaness (absent, excused), Christine McGarvin, Brian Michaels, Stormy Ray <b>OMMP Staff:</b> Tawana Nichols, Annette Johnston (absent, excused), Aaron Cossel, Michelle Fusak, Jody Noon, John Sorensen
<b>PRESENT AS LISTED ON THE SIGN-IN SHEET</b>	Marilyn Miller, James Bowman, Peke, Cheryl Smith, Jennifer Alexander, Chelsea Hopkins, Debra Ivy, Jennifer Roch, Caroline Ball

## Agenda topics

### REVIEW OF DECEMBER 5, 2011 MEETING MINUTES

ACMM CHAIR

ACTION ITEMS	PERSON RESPONSIBLE	OUTCOME
<b>Motion:</b> To approve meeting minutes with corrections to the spelling of Lane County, the spelling of Kristen Gustafson's last name, the spelling of Dr. Mel Kohn's name, and a statement Mr. Dalotto made regarding the use of cash made by Ms. Burbank, 2 <sup>nd</sup> by Mr. Dalotto.	Ms. Burbank	Motion Passed Unanimously

### UNINTERRUPTED ADMINISTRATIVE REPORTS

OHA ADMINISTRATION

DISCUSSION
<p><b>Introductions:</b> Ben Mackaness has been appointed as a new ACMM member. Brian Michaels has been reappointed to a second term.</p> <p><b>Program Update:</b> Ms. Nichols stated the OMMP currently has 29 permanent employees, three employees that either resigned or retired, and three temporary employees whose assignments have ended. Due to the hiring freeze, the OMMP will not be able to fill the three vacant, permanent positions at this time. However, there is an exemption process to the hiring freeze which could be examined should it be determined that the positions need to be filled.</p> <p><b>Statistics:</b> Per Mr. Cossel, as of 2/29/12, the OMMP has 58,896 registered patients, 32,816 of which have listed a caregiver. 27,756 patients have listed themselves as the grower while 31,140 have listed someone else. There are 1,989 physicians with current, registered patients (this number may have gone down slightly from previous years as the program's new database (OMMR) is able to eliminate duplicate physicians when generating reports). Lastly, there are 592 and 209 out of state patients and caregivers, respectively.</p> <p>Ms. Burbank asked if the number of patients listing themselves as the grower has increased since the fee change in October, 2011. Mr. Cossel said he assumes that may be the case, but it is too early to tell, adding that although the OMMP didn't necessarily consider it to be a statistic of great value to the program, it would be possible to compare the current statistics with previous years. Ms. Burbank suggested the Legislature's projections were skewed to begin with and that the program will begin to see an increase in the number of patients choosing to list themselves as the grower.</p> <p>Mr. Cossel then discussed the LEDS report issued to the ACMM, noting that Mr. Dalotto and Maureen Russell of the</p>

OMMP have been working together to determine the most useful format and frequency with which the information should be provided. Ms. Burbank asked for clarification regarding the agency codes used in the report. Mr. Cossel replied that the raw numbers in the report were derived using a SQL-based stored procedure and represent the total number of electronic law enforcement inquires made by each individual Originating Agency Identifier (ORI) by inquiry types —address, name, and card number—from 10/1/11 through 12/31/11. Furthermore, the numbers represent all inquires and do not take into account duplicate, error, or test inquiries which have been previously shown to account for up to 10% of the total made. Duplicates, he added, are common when an inquiry on one name or address is done multiple times at one sitting to cover variations in name spellings or address formats such as “St” versus “Street”. Lastly, Mr. Cossel noted that ORI numbers are assigned to law enforcement agencies throughout Oregon. Usually, it is possible to determine the county from which the inquiry originated by the first 5 digits of the ORI number. Mr. Michaels asked if there was a published “key” to determine the county. Mr. Cossel suggested it may be published on the state’s website, and stated that he would look into it further. Ms. McGarvin stated she can provide the key from 2009/2010. Ms. Burbank suggested LEDS statistics, as reported in the past, may be more useful to voters (and general populations as a whole), than the current format. Mr. Cossel agreed, noting that Ms. Russell and Mr. Dalotto have discussed something similar, but added that developers have had to create these reports in the OMMR while moving forward with the rest of the system’s developments.

**Budget Review:** Ms. Fusak stated the OMMP has provided a *budget versus actual* review for the committee, noting that it is a biennial budget, starting July 1, 2011. The first three months showed the actual fee revenue at approximately \$230,000 prior to the fee increase. In October, 2011 the number jumped to \$523,692, and has steadily increased in the subsequent months, the highest noted in January, 2012 at \$683,279. Ms. Fusak noted there are several deductions made from the actual revenue such as OIS Direct Charges covering the 2<sup>nd</sup> release of the OMMR (\$526,000 from July, 2011-January,2012) and the Cost Allocations (the indirect rate the program has to pay to cover overhead costs). Ms. Noon noted that Cost Allocation is the means by which the state charges each agency its share of the overhead expenses. Ms. McGarvin asked what the overhead rate is for the OMMP. Ms. Fusak said they budgeted 11.9%, but the actual is closer to 20%, noting the state is looking into why the overall rates seem to be higher than projected. She continued by explaining the expenditures section of the report, broken down into personnel services and services/supplies. Ms. Fusak explained that, in examining the program’s current balance (\$258,646), it would appear the OMMP is on track to meet the budget with the revenue that has been coming in. Ms. McGarvin asked for clarification regarding what was covered under service and supply expenditures. Ms. Nichols stated travel for the OMMP and ACMM, office supplies, printing, and postage are part of this expenditure. Mr. Dalotto asked if the calculations of expenditures for other Public Health Programs were based on the OMMP’s revenue or just a portion of their allocations. Ms. Fusak stated she checks the revenue balance each month before doing a transfer of funds. Ms. Noon noted that the other programs can not receive any more funds than what was allocated to them and added that if there are additional funds available for those programs, up to the amount approved by the legislature, the program would like to expedite the transfers of the funds to those programs to avoid them being swept. She also noted that the OMMP does not want to overspend in case of a shortfall in funds. Ms. Burbank asked for clarification as to where extra money will be allocated if the other programs have received their limits. Ms. Noon explained that the state may take the funds to make up for any deficit, but it would not happen automatically. Ms. Fusak stated the OMMP is now tracking year over year statistics, by month, on the number of new and renewal applications to determine if the increased fees have had a negative impact. Ms. Fusak interpreted the data as suggesting that there has been minimal impact, noting that the numbers seem to be holding steady.

Ms. Ray asked about the renewal processing time. Ms. Burbank echoed the question. Ms. Nichols stated applications are being reviewed within 15 days, adding that the OMMP can process applications much faster when complete applications are submitted. Ms. Burbank noted that the program had changed its renewal application forms and thinks the new format is wonderful, adding that the clinics should be aware of the new format.

Ms. Noon stated the program is still moving towards creating an online application and added that the ACMM should prepare requests and recommendations within the next couple of months which may be beneficial for all parties when the system goes live. Ms. Nichols stated that the OMMP has contacted the Arizona Medical Marijuana Program and may be able to use the coding they have already created for their online application system. She also noted the current OMMR project would need to be closed, and another one opened, before proceeding with the online application development. Ms. Noon added that discussions have already occurred and there does not seem to be any opposition to its development, noting potentially significant cost savings.

Ms. Noon continued by noting she is resigning her position and briefly explained her plans moving forward. Mr. Dalotto asked if the hiring freeze would affect the hiring of her replacement. Ms. Noon answered that the Oregon Health Authority (OHA) was analyzing how to proceed with her position, but that Jean O’Connor would be an interim administrator following her departure. Ms. Burbank expressed concern over the possibility the conversation regarding the panel selection process for adding a new condition might be halted. Ms. Noon suggested this topic stay front and center on the ACMM’s agenda. She also noted, following the last meeting, she spoke to the Senior Assistant Attorney General, Shannon O’Fallon, and Mel Kohn, the Director of Public Health, as well as Jean O’Connor—all of whom agreed the rule needs to change and

that the process is cumbersome, costly, and time consuming. Moving forward, the administration is looking to build a proposal for a new process, noting the petition and panel construct may not be the way to go. Again, Ms. Noon stated the two parting pieces she is leaving behind is that the OMMP proceed with the online application as well as reexamining the procedure and rules governing the addition of a new condition to the OMMP's current list. Mr. Michaels asked what Ms. O'Fallon's advice was. Ms. Noon stated she has yet to receive a formal response, but that the discussion revolved around finding another solution outside of changing the panel selection criteria. Mr. Michaels asked who would be able to make the final decision. Mr. Michaels stated that his concern, a concern yet to be addressed, is that individuals who are against the program should not be able to make decisions regarding the program. Ms. Noon suggested the concern is being addressed from a health care perspective, insofar as a new method may involve evidence based decision making, which the panel selection process does not allow for. She added that the research may not even have to come from within the country, as long as it is an objective analysis. Ms. Noon stated the easiest way to accomplish what the ACMM wants would be to change the statute, but noted that it can be a very cumbersome process as well. Ms. McGarvin suggested that there could be some sort of peer review as is found in academic research. Mr. Michaels noted that there are two physicians on the ACMM and they could make the decision. Ms. Noon stated it may be outside of the ACMM's statutory ability to do so. Mr. Michaels again suggested the administration does not want to add new conditions and that he does not believe anything will change in the future. Ms. Noon stated the administration has the responsibility to accept petitions for the addition of conditions and that they must draft rules to govern the process. She continued by stating the panel process is not in keeping with the national health care movement, but an evidence based approach would be. Ms. Burbank asked if the research being done in Israel concerning Post Traumatic Stress Disorder (PTSD) would qualify as part of the evidence based approach. Ms. Noon stated that was the type of research which would be helpful moving forward. Dr. Lehrburger suggested the process be handled as a research project.

Ms. Nichols stated the OMMP Handbooks are now complete, and that clinics may contact the program to set a time to pick them up, should they so desire. Ms. Burbank asked if the information is still current after the fee increase. Mr. Cossel answered that any language regarding the fees had been omitted. Ms. McGarvin noted the creation of the handbook was a joint effort between the OMMP and the ACMM.

**CONCLUSIONS**

Mr. Cossel will attempt to report on the number of patients listing themselves as their own grower after the fee increase as opposed to previous years.

Mr. Cossel will see if the Originating Agency Identifier (ORI) key is published on the state's website.

Ms. McGarvin will provide the ORI key she has from 2009/2010 to the ACMM.

The ACMM will make recommendations to the OMMP regarding the development of a new, online application system currently being discussed.

The ACMM will keep the rules (OAR 333-008-0090) regarding the addition of qualifying medical conditions on future agendas and Mr. Dalotto will contact the interim administrator, Jean O'Connor, to set up a meeting to discuss the topic.

Clinics may set up a time with the OMMP to pick up the program's handbooks.

ACTION ITEMS	PERSON RESPONSIBLE	OUTCOME
None	N/A	N/A

**DIALOGUE BETWEEN ACMM AND ADMINISTRATION**

**ACMM AND OHA ADMINISTRATION**

**DISCUSSION**

**Customer Service Window Closure:** Ms. Noon stated the OMMP's customer service window at the Portland State Office Building (PSOB) will be closed permanently, beginning March 5, 2012 and that this information has been given to the clinics and posted on the program's website. Ms. Noon noted a host of issues led to the decision, such as security and the cost of keeping it open, and stated the stamp received at the window is no different than sending the application via certified mail and keeping the returned receipt with a copy of the documents sent to the OMMP. Ms. Burbank referred to the OMMP's drop box, an alternative to sending the documents through the mail, and asked who will be supervising the pickup of those materials, noting that some people may be paying cash without the ability to get a receipt. Ms. Nichols stated there are policies in place which must be in compliance with Oregon's accounting manual. She stated that there will be personnel from financial services, as well as the OMMP, present at the pickup in accordance with those policies. Ms. Burbank noted

there will be no receipt available for those choosing to utilize the drop box. Ms. Nichols concurred, adding it would be beneficial to send the documents via certified mail with a check or money order. Ms. Burbank asked about the possibility of being able to drop applications at the county health departments, a topic discussed at the previous ACMM meeting in December, 2011. Ms. Noon explained, at this time, the level of coordination needed to implement that system versus sending the materials through the mail would not be cost effective or logistically sound. Ms. Burbank asked if those systems were already in place. Mr. Dalotto stated that the Oregon Medical Marijuana Act allows for it, but it is not in practice. Mr. Cossel stated it would not be beneficial for anyone to try to implement that system. Mr. Klahr suggested the county offices have kiosks available once the online application system is created. Ms. Noon noted that libraries already have computers available for public use. Dr. Lehrburger stated that he applauds the decision to move towards an online application. Upon reviewing the signs alerting the public to the window closure, Mr. Dalotto suggested emphasizing the need to use a sealed envelope at the drop box. Ms. Nichols stated there will be self-adhesive envelopes available at the drop box location, that the signs list nearby locations where people can purchase money orders, and that there is an ATM in the lobby of the PSOB.

Ms. Burbank asked why an audio visual feed was not being utilized at the meeting. Ms. McGarvin stated it was a topic on the Outreach Report and would be covered later in the meeting.

Mr. Dalotto reviewed action items from the previous meeting and wanted to follow up on a few of them. First, he asked the administration if they had determined the total cost of the rule making process. Ms. Nichols stated that the cost would be difficult to determine, but that it is a costly process. Ms. Noon concurred. Mr. Dalotto noted it was estimated at \$15,000 several years ago. Ms. Nichols stated that the Attorney General, alone, cost \$19,000 in the recent rule making process. Ms. Fusak stated she would attempt to determine the total cost. Mr. Dalotto noted that the other two items, a review of the rules concerning the addition of a condition and the financial reporting methods, were already addressed.

**Discussion of the Issues Related to Indoor Growing:** JR Gonzales, an administrator with the Utility, Reliability, and Security Division, was unable to attend the meeting and would like to reschedule his presentation for the next meeting.

**Scheduling of Next ACMM Meeting:** The next meeting will be held in Bend, Oregon on June 15, 2012. The exact location is to be determined.

**CONCLUSIONS**

The OMMP will be permanently closing their customer service window beginning March 5, 2012. The public will be able to drop documents and payments in the program’s new, secured drop box located on the first floor of the PSOB, but the OMMP strongly recommends sending materials via certified mail with a check or money order as no receipt will be given to those opting to use the box.

Ms. Fusak will attempt to determine the total cost of the state’s rule making process.

The next meeting will be in Bend, Oregon on June 15, 2012.

ACTION ITEMS	PERSON RESPONSIBLE	OUTCOME
None	N/A	N/A

**HORTICULTURE, RESEARCH, & SAFETY COMMITTEE REPORT**

**MR. DALOTTO**

**DISCUSSION**

Current members of the subcommittee: Todd Dalotto (chair), Lucas Littlefield, and Kristen Gustafson.

Mr. Dalotto nominated himself (as chair), Kristen Gustafson, and Christine McGarvin as the Horticulture, Research, and Safety Committee members for 2012 (motion listed below in action items).

Mr. Dalotto noted that on December 5, 2011, he submitted “OMMP Research and Data Reporting Ideas” to the program, requesting a meeting a meeting with the IT staff to discuss the feasibility of implementing those ideas in the new database. To date, the OMMP has not set up a meeting. It was explained to him that the program is over-worked and under-staffed and a meeting would be set-up when the workload lightens.

Mr. Dalotto referred to the subcommittee’s request that the OHA, in conjunction with the HRSC, create a legislative concept to allow clinical research on the treatment of PTSD with medical cannabis. He noted the committee has not received an official response, but will follow up with Ms. Noon’s interim replacement, Ms. O’Connor. Mr. Dalotto asked if the proposed online application would include an updated reporting system. Ms. Nichols explained the next release will have increased data reporting abilities. Mr. Dalotto followed up by asking when the online application process would be

moving forward. Ms. Nichols stated there is a steering committee meeting on March 15, 2012. Ms. Noon reiterated that there are several benefits in moving to an online application process and it is very important for the ACMM to submit its recommendations sooner rather than later. Ms. Burbank asked a question regarding the general security of an online system. Ms. Noon stated it will be a secured site.

**CONCLUSIONS**

Mr. Dalotto is still waiting for the OMMP to set up a meeting to discuss the feasibility of implementing the data reporting ideas he submitted on December 5, 2011.

Although he has yet to receive an official response, Mr. Dalotto will continue to work with the administration in an effort to create a legislative concept allowing clinical research into the therapeutic value of cannabis in the treatment of PTSD.

ACTION ITEMS	PERSON RESPONSIBLE	OUTCOME
<b>Motion:</b> To approve Mr. Dalotto’s nominations of himself (as Chair), Kristen Gustafson, and Christine McGarvin to the Horticulture, Research, & Safety Committee for 2012 made by Dr. Cohn, 2 <sup>nd</sup> by Mr. Michaels	Dr. Cohn	Motion Passed Unanimously

**OUTREACH COMMITTEE REPORT**

**MS. MCGARVIN**

**DISCUSSION**

Ms. McGarvin stated the Outreach Committee met by teleconference on February 26, 2012. Members in attendance included Ms. McGarvin, Dr. Cohn, Sarah Bennett, Kristen Gustafson, and Jennifer Alexander. Chelsea Hopkins, a non-committee member, also attended.

Ms. McGarvin submitted her nominations for the Outreach Committee’s 2012 membership, the outcome of which can be found in the action items below (**note: while the hard copy of the committee’s report mentions Ms. McGarvin continuing as chair, it was not part of the nomination or motion to approve and may need to be followed up on at the next meeting**).

Ms. McGarvin stated the committee is continuing to search for ways to provide an audio/visual feed of the ACMM meetings. Ms. McGarvin asked if it would be possible to purchase a web cam to provide live, streaming coverage via Wi-Fi. Ms. Burbank noted there is supposed to be an audio system at all of the meetings. Mr. Cossel explained that the room the OMMP originally reserved was much smaller and that the OMMP does have an audio system it will bring to the next meeting. Ms. Burbank added there are many people who cannot travel to the meetings and there should be some way to allow them to participate, adding that a web cam would be an affordable way to do so. Ms. Ray stated there were two people in the room who were having trouble hearing and that she knows of several people that would love to participate remotely if it was possible. Ms. Nichols stated she will look into the possibility of purchasing a web cam. Ms. Noon suggested the meetings be broadcast as a webinar. Although the audience would not get a live visual feed, they could listen to the meeting and see the materials being presented.

Ms. McGarvin continued by stating the committee has received limited response from the Eugene Airport Director and their public relations personnel, who claimed that they were “following the law”. The committee has decided to table this topic until new information is available. Dr. Cohn suggested patients contact the airport regarding their policies on flying while in possession of medical marijuana and request written documentation on the matter.

Ms. McGarvin noted she intended to discuss changing the panel selection criteria, but that the conversation had already occurred earlier in the meeting.

Lastly, Ms. McGarvin addressed issues regarding law enforcement accessing the OMMR through the Law Enforcement Data System (LEDS) beyond what is legally allowed. The committee is drafting a letter for Senator Prozanski, a member of the Public Safety Commission, per his request. Once the letter and appendices are complete, the committee will submit the packet to the ACMM for review. Mr. Michaels stated he has a client whose participation in the OMMMP was disclosed to the government agency which employed her by a sheriff after conducting a LEDS inquiry. Mr. Michaels asked for a copy of the LEDS inquiry, but Shannon O’Fallon’s opinion was that his client is not privy to the information and that it would not be disclosed to her. Jennifer Alexander, a member of the audience, asked if there was a rule prohibiting his client from being notified when a LEDS inquiry is conducted on her. Mr. Michaels stated that Ms. O’Fallon analyzed the public

records statute and concluded, as there was an ongoing investigation, it was not public record. Mr. Michaels noted there was never any criminal investigation or charges levied against his client. Ms. McGarvin stated she has written testimony from a woman claiming her pastor received information on her status in the OMMP, as well as that of others in the congregation, from a police officer. Ms. Burbank stated, as she has in past ACMM meetings, she has the contact information for an OLCC officer in Deschutes County who was denied LEDS access and, in turn, received the information from a police officer. Ms. McGarvin asked that the OMMR require both the law enforcement officer's DPSST number as well as the case number before being granted access through LEDS. Mr. Dalotto suggested a provision be made to account for the multiple searches conducted on an individual. Mr. Cossel noted that law enforcement will often access LEDS to avoid initiating an investigation. Ms. McGarvin stated most law enforcement officers are helpful, but there are rogue officers, mostly sheriffs, who believe they can do whatever they want, lack a sense of ethics, and ignore the law. Mr. Cossel stated he did not want any actions the OMMP might consider to have unintended consequences, such as frustrating law enforcement to the point where they might simply arrest someone. Ms. Alexander stated law enforcement has an ORS number utilized when responding to a call, and suggested that those numbers be used to track inquires. Dr. Cohn suggested defining categories within the OMMR, which would allow the ACMM to track the types of inquires being made. Mr. Michaels liked the ideas being discussed, but believes tracking the types of inquires being made becomes moot if a patient is not granted access to that information.

At the request of Mr. Michael's legal secretary, all present at the meeting participated in singing "Happy Birthday" to him.

Ms. Ray passed around copies of a letter from law enforcement in support of SB1085.

**CONCLUSIONS**

The ACMM and OMMP will explore web cam and webinar options together.

The ACMM may need to nominate an Outreach Committee Chair.

The OMMP will bring its sound system to all future meetings.

**ACTION ITEMS**

**PERSON RESPONSIBLE**

**OUTCOME**

**Motion:** To approve Ms. McGarvin's nominations of herself, Sandee Burbank, Dr. Alan Cohn, Cheryl Smith, Sarah Bennett, Kristen Gustafson, Jennifer Alexander, Lori Duckworth, & Chelsea Hopkins as 2012 Outreach Committee members made by Mr. Dalotto, 2<sup>nd</sup> by Ms. Burbank.

Mr. Dalotto

Motion Passed Unanimously

**MEETING ADJOURNED FOR LUNCH: 12:10PM**

**MEETING CALLED TO ORDER: 1:10PM**

**MODIFY OMMP APPLICATION**

**MR. KLAHR**

**DISCUSSION**

Mr. Klahr addressed Ms. O'Fallon's response regarding his inquiry into the Supreme Court's decision on corporate personhood. Mr. Klahr would like a hospice care facility to be allowed as a caregiver rather than an individual, should a patient so desire. Mr. Klahr also wanted to address issues that have been brought to his attention regarding the application process. Patients, he explained, have expressed concern over having to list a grower and grow site even if they do not have one. It would help people avoid having to pay the replacement card fee when they were essentially forced to list themselves in the first place, he explained.

Mr. Cossel acknowledged the grower and grow site issue has long been a point of contention between the administration and some members of the ACMM. Mr. Michaels stated the statute does not require the information, but that Ms. O'Fallon still contends it does. Mr. Cossel stated he has been advised that the Supreme Court decision on corporate personhood was specific to campaign finance laws and would not extend to allowing a corporation or entity to be listed as a caregiver in the OMMP. Furthermore, he stated, it would take a statutory change for Mr. Klahr's recommendation to occur. Mr. Klahr again expressed his desire for hospice care workers to be able to help a patient medicate. Ms. Ray suggested that SB1085 has a provision which covers medical professionals, allowing them to help a patient medicate with cannabis if the administration of medicine was already part of their position description. She added, to some degree, there already is a measure of protection under that provision. Ms. McGarvin said she and Clifford Spencer have worked on this issue together and created sample policies and procedures which any hospice or assisted living facility could easily implement to attain a measure of protection.

**CONCLUSIONS**

SB1085 may provide protection for hospice and assisted living facility workers who help patients medicate with cannabis.		
ACTION ITEMS	PERSON RESPONSIBLE	OUTCOME
None	N/A	N/A

**ELECTION OF OFFICERS**

**MR. DALOTTO**

<b>DISCUSSION</b>		
Ms. Burbank nominated Mr. Dalotto to be the ACMM Chair and Mr. Klahr as the Vice Chair. Both Mr. Dalotto and Mr. Klahr accepted the nominations.		
<b>CONCLUSIONS</b>		
Mr. Dalotto will be the ACMM Chair, and Mr. Klahr the Vice Chair, for 2012.		
ACTION ITEMS	PERSON RESPONSIBLE	OUTCOME
<b>Motion:</b> To approve Ms. Burbank’s nominations of Mr. Dalotto and Mr. Klahr as ACMM Chair and Vice Chair, respectively, for 2012 made by Ms. Burbank, 2 <sup>nd</sup> by Ms. McGarvin.	Ms. Burbank	Motion Passed Unanimously

**PROGRESS/STATUS ON CHANGING OAR 333-008-0090**

**MR. DALOTTO**

<b>DISCUSSION</b>		
This discussion occurred earlier in the meeting during the Uninterrupted Administrative Reports and can be found in the Budget Review subsection.		
<b>CONCLUSIONS</b>		
Conclusions for this discussion are listed in the appropriate section under Uninterrupted Administrative Reports.		
ACTION ITEMS	PERSON RESPONSIBLE	OUTCOME
None	N/A	N/A

**OREGON DEPARTMENT OF JUSTICE MEMO**

**MR. MICHAELS**

<b>DISCUSSION</b>		
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Mr. Michaels has drafted a letter in response to the letter sent by the Oregon Department of Justice (DOJ) to Captain Steve Duvall, dated January 19, 2012, regarding the return of medical marijuana after seizure. Mr. Michaels described the DOJ’s opinion as a complex legal issue and stated he did his best to highlight simple issues in his response to illustrate why the DOJ was wrong. Mr. Michaels does not think the DOJ is incompetent, but suggested instead that the opinion issued was a deliberate attempt to give advice based on a preferred result rather than an objective review of the material. He does, however, maintain the DOJ’s opinion is keeping in line with the type of advice the Attorney General has directed towards the OMMP. Mr. Michaels suggested the Attorney General (AG) has conflicting interests, believing that the AG has a responsibility to represent both law enforcement, who are increasingly opposed to the Oregon Medical Marijuana Act (OMMA), as well as a responsibility to uphold the law itself—and therein lies the conflict. You cannot, Mr. Michael’s explained, represent opposing interests. The AG is charged with representing all state agencies, but is placing the State Police and the OMMP at odds. And if that is the case, Mr. Michaels continued, the AG is professionally prohibited from representing both parties. Mr. Michaels stated the OMMP cardholders are paying Shannon O’Fallon to advise them against their own interests. Never, he continued, has the program received any advice from the DOJ that would assist the ACMM in strengthening or expanding the program. Mr. Michaels wants to write a letter to the DOJ, detailing these issues, and send it out before the next ACMM meeting. The letter would state the DOJ has a conflict of interest and cannot represent the Oregon Medical Marijuana Program and, as such, must provide independent legal counsel which can. Mr. Michaels did acknowledge he is unaware if any such mechanisms exist through which the DOJ could act on his suggestion, as he was unaware if any Attorney General had ever participated in such a conflict of interest before. Mr. Michaels agreed to draft the letter.

The proposed letter led to a motion to move forward with it, as seen below, but there was a discussion before doing so. Dr. Cohn asked who else would receive a copy of the letter. Mr. Michaels said the letter should be widely circulated. Ms. Ray referenced SB1085, and stated that law enforcement strongly supported the bill. Ms. Ray suggested that law enforcement may be looking negatively at the program because of the abuses they see of it on a daily basis. Furthermore, Ms. Ray stated

it is those abuses which need to be addressed, as they are the cause of other state agencies turning against the OMMP and its participants, and suggested the committee take a closer look at the way marijuana is being distributed. Ms. Ray is working on a campaign to create a patient co-op system, and believes it is the industry itself that has the power to bring law enforcement back onto the side of the patients.

Ms. McGarvin stated various associations sent representatives to the Board of Pharmacy’s hearings to consider rescheduling marijuana, and quoted their response as, “Marijuana use is directly linked to a high percentage of crimes including the neglect of children, sexual abuse, and child abuse. Teen usage is higher than in any other category. It is the number one illegal drug for DUIs. Violence is escalating, growers are attacking each other, and law enforcement officers serving Oregonians are encountering significant abuses of the Oregon Medical Marijuana Act.” Ms. McGarvin stated that economics and politics are both coming into play and leading to a systematic program of public misinformation, to make the public believe something false.

Ms. Burbank does not think the word “industry” is appropriate when discussing medical marijuana.

Mr. Michaels also submitted a second letter regarding the use of diversion petitions and asked if the letters could be posted on the OMMP’s website. Ms. Noon suggested the ACMM make a motion on the subject.

On a side note, Ms. Burbank wanted to draw attention to a book entitled The Complete Guide to Prescription and Nonprescription Drugs (2011). She stated many doctors do not yet understand the ways in which marijuana will interact with prescription and nonprescription drugs, and that the book is essential for clinics. Ms. McGarvin also noted the upcoming Patients Out of Time Cannabis Therapeutics Conference in Tucson, Arizona. Ms. McGarvin stated the conference is extremely rewarding and worthwhile.

**CONCLUSIONS**

Mr. Michaels will draft a letter to the Attorney General outlining the committee’s concerns regarding a possible conflict of interest in representing opposing state agencies. The first draft of the letter will be reviewed and edited by the ACMM members via e-mail and the final draft will be delivered within a month.

The OMMP will address the motion noted below requesting that two of Mr. Michael’s letters be posted on the program’s website.

ACTION ITEMS	PERSON RESPONSIBLE	OUTCOME
<b>Motion:</b> Mr. Michaels will draft a letter to Oregon’s Attorney General in response to the DOJ’s letter sent to Captain Steve Duval on January 19, 2012 made by Ms. Burbank, 2 <sup>nd</sup> by Ms. McGarvin.	Ms. Burbank	Motion Passed Unanimously
<b>Motion:</b> The two letters, one in response to the DOJ’s opinion on the return of medical marijuana after seizure and the other in response to the AG’s opinion regarding patients placed on a DUII Diversion Program, will be placed on the OMMP’s website made by Ms. McGarvin, 2 <sup>nd</sup> by Dr. Cohn.	Ms. McGarvin	Motion Passed Unanimously

**PUBLIC ANNOUNCEMENTS AND COMMENT**

**PUBLIC-ACMM**

Marilyn Miller: Ms. Miller was not present, and her statements were read by Mr. Dalotto from an e-mail correspondence. Ms. Miller expressed her gratitude for the work the ACMM does in giving a voice to people who might otherwise not be heard. A year ago, her husband suffered a heart attack and his kidneys were failing. Because of that, his pain medication was reduced to just ¼ and she decided to have him register with the OMMP. Ms. Miller was shocked that disabled people did not qualify for the reduced, \$20 fee. She and her husband removed themselves from the Oregon Food Stamp program to become self sufficient and were rewarded by not qualifying for a reduced fee. She asked that disabled people be added to the group of people eligible for a reduced fee.

James Bowman: Mr. Bowman has recently requested a meeting with the OMMP who, in turn, suggested he attend the public comment portion of the meeting. Mr. Bowman is the owner of High Hopes Farms, is a caregiver for 108 patients, and has a waiting list of 80 more. Mr. Bowman said people beg him to grow for them. Mr. Bowman had three points to make. First, his patients are panicking and want to use his grow site without paying more money. Mr. Bowman suggested that each patient receive one, free change. Second, Mr. Bowman is a member of Patients Access to Cannabis, and often interacts with people who have previously had bad experiences with growers. Mr. Bowman extended an invitation to the

OMMP to visit his farm. Lastly, he provided the ACMM and OMMP with a packet outlining an omnibus he has put together. Mr. Bowman stated the Controlled Substance Act (CSA) is a major obstacle and suggested rescheduling marijuana would get rid of many problems. He also suggested his omnibus would create safety for the patients and providers while creating revenue for the state. Ms. Burbank agreed that marijuana needs to be rescheduled.

Peke (Mercy TV): He hopes that the Attorney General thoroughly reads the letters Mr. Michaels is sending him.

Cheryl Smith: Ms. Smith asked that the clinics be granted the same access the ACMM has to OMMP's data reporting. Ms. Smith also stated the black market has always existed and is not a byproduct of the OMMA. Lastly, Ms. Smith agreed with Mr. Bowman in that patients should receive one, free change.

Jennifer Alexander: Ms. Alexander was bothered by the closing of the OMMP's customer service window and that the OMMP continues to require a grow site on its application. Her solution to the later was a check box stating "I have no grow site" would fulfill the statute and the rule simultaneously. She suggested it would then be known how many people do not have a grow site. Ms. Alexander stated the closing of the customer service window is going to create many new hurdles for her to jump, such as having to go to the Post Office rather than the OMMP's window. Other new hurdles included purchasing a money order and then placing her application materials in the mail. She stated she now has to pay five times as much due to the fee change while not getting the same service. Ms. Alexander asked what security concerns existed. Ms. Noon stated there have been threats to OMMP's staff on multiple occasions resulting in either the police or security being called. Ms. Alexander asked if the threats were building wide, or directed at the OMMP. Ms. Noon and Ms. Nichols reiterated that they were threats directed at the OMMP's staff.

Debra Ivy: Ms. Ivy has family and friends on the program and allows them to medicate at her house even though she is not registered with the OMMP. She wanted to know if that was okay. Mr. Michaels stated that a patient with a valid card would be protected, but she was not allowed to participate as she is not a cardholder.

Jennifer Roch: Stated one, free change is a good idea and asked if it was the legislature that mandated the replacement card fee. Ms. Nichols stated the legislature mandated the fee. Ms. Roch continued by offering a rhetorical argument in support of medical marijuana. Ms. Roch stated there are abuses such as identity theft which can occur by using a stolen debit card, yet no one is racing to make debit cards illegal. Ms. Roch did not think marijuana should be singled out simply because some people abuse the systems that are in place.

Carolene Ball: Ms. Ball is hearing impaired and has only been able to hear one meeting in the past year. She asked that something be done to accommodate people with similar medical conditions. Ms. Nichols stated the sound system will be brought to the next meeting and apologized.

Ms. Ray stated that Michael McGuiness, who has spoken to the ACMM on several occasions, has found a way to raise money to help create an intrastate delivery system for medical marijuana—selling Obama-Head trailer hitch covers.

Dr. Lehrburger echoed Ms. Ray's earlier statement that the systems brought about by the OMMA need to be reexamined in order to lessen the scrutinization from law enforcement and recommended creating new, clear guidelines which would allow agencies to function together rather than finding themselves at odds.

<b>MEETING AJOURNED</b>	<b>2:30PM</b>
<b>MINUTES SUBMITTED BY</b>	John Sorensen
<b>SPECIAL NOTES</b>	None