



Quarterly ACMM Meeting Minutes

The mission of the Committee is to advise the Director of the Oregon Health Authority (OHA) on the administrative aspects of the Oregon Medical Marijuana program (OMMP), review current and proposed administrative rules of the program, and provide annual input on the fee structure of the program.

Date: September 24th, 2014

Time: 10:12am-2:30pm

Location: Conference Room 1E, Portland State Office Building, 800 NE Oregon Street, Portland, OR 97232

Attendees:

ACMM Attendees: Arthur Richards, Ben Mackaness, Brian Michaels (via phone), Cheryl Smith, Laird Funk, Paul Schmidt, Sandee Burbank, Sarah Bennett, Seth Crawford, and Todd Dalotto

OMMP/OHA Staff: David Leland, Tawana Nichols, Aaron Cossel, and Tracy Candela

Absent ACMM Members: Gerry Lehrburger, M.D.

Members of the Public as listed on the Sign in sheet: Kelly Paige

Summary of Meeting Action Items:

Action Item	Responsible Party
Post June 13, 2014 Minutes on OMMP website.	Tracy Candela
ACMM to contact Jim Klahr to find out his status and if he would like to continue to act as the chair of the Legislative Subcommittee.	ACMM Members
Legislative Subcommittee to create ongoing Letter of Recommendation letter draft.	Legislative Subcommittee
Update ACMM email groups.	ACMM Members and OHA Staff
OMMP to send out 2012 Amendment email with feedback to ACMM members.	Tawana Nichols
Coordinate the Bylaw special meeting date and time.	Tracy Candela
Send the ELC proposed OARs link to all ACMM members after the meeting ends for the day.	Tracy Candela
Post ACMM application on the OMMP website.	OMMP Staff
ACMM application to be sent to interested parties and for the email subscription to be fixed.	OMMP Staff

Summary of Meeting Motions:

Proposed Motion	Proposed by	Outcome
Motion to approve June 13, 2014 Meeting Minutes.	Laird Funk	Passed unanimously
Motion to create a list of items the committee would like to address in order to develop an ongoing Letter of Recommendations to Director of the Oregon Health Authority, the Governor’s office, the Attorney General, and Legislature.	Ben Mackaness	Passed unanimously
Motion to designate the Legislative subcommittee to create the ongoing letter and for Seth Crawford to be added to the subcommittee and act as the chair is Jim Klahr if unable to fulfill his duties.	Ben Mackaness	Passed unanimously



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Summary of Meeting Motions Continued:

Motion to recommend the Medical Marijuana Dispensary Program adopt the ACMM interpretation of the statute affording 30 days of protection to OMMP cardholder applicants be extended to allow cardholders to access dispensaries.	Ben Mackaness	Passed unanimously
Motion to set up a special meeting to review the bylaws with the request that the full ACMM membership, AG Shannon O'Fallon, Ms. Nichols, Legislative Director Aaron Knott attend.	Ben Mackaness	Passed unanimously
Motion to strongly recommend to the Early Learning Council (ELC) to promulgate rules regarding medical marijuana that are no more restrictive than alcohol or other schedule two drugs notes that the OMMP is the only agency allowed to pass administrative rules regarding the program.	Todd Dalotto	Passed unanimously
Motion for the OHA director to strongly consider diversity and appoint women and minorities if possible to the ACMM.	Ben Mackaness	Passed unanimously
Motion to add Seth Crawford to the Medical Marijuana Dispensary Program subcommittee.	Todd Dalotto	Passed unanimously

Part 1: OMMP Administrative Reports with ACMM Discussion

Time	Agenda Topic	Person Responsible
10:12-10:17	Welcome and Introductions ➤ June 13, 2014 Meeting Minute Approval	ACMM Chair: Ben Mackaness
Summary of Discussion		
<ul style="list-style-type: none"> • Round table introductions of meeting attendees. • June 13, 2014 Meeting Minutes Approval. <ul style="list-style-type: none"> ▪ June 13, 2014 Minutes approved with no changes. 		
Action Items	<ul style="list-style-type: none"> • Tracy Candela will post the June 13, 2014 Meeting Minutes on the OMMP website. 	
Conclusion(s)	<ul style="list-style-type: none"> • Motion passed unanimously to approve June 13, 2014 Meeting Minutes. 	

Time	Agenda Topic	Person Responsible
10:17-10:15	Motion Parameters	ACMM Chair: Ben Mackaness
Summary of Discussion		
<ul style="list-style-type: none"> • Ben Mackaness addressed the parameters of the motions set forth by the committee in conjunction with the parameters of the authority of the OMMP. In order for the committee to be productive and effect change, motions directing action from OMMP staff need to address one of the following: <ul style="list-style-type: none"> ▪ Communication, ▪ Education, or ▪ Patient Success. • Motions that require authority outside the scope of the OMMP, such as statute changes, may be documented for public record but may not be considered action items for the OMMP to address. 		

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Web Address: <http://www.oregon.gov/DHS/ph/ommp/acmm.html>



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Time	Agenda Topic	Person Responsible
10:17-10:15	Motion Parameters	ACMM Chair: Ben Mackaness
Summary of Discussion Continued		
<ul style="list-style-type: none"> • Mr. Mackaness requested that members parse out motions as either action items based upon the aforementioned parameters or motions to document discrimination and atrocities for public and historical record. • Sarah Bennett stated that this gave the committee clarity. • Mr. Mackaness also encouraged subcommittees to be more actively supportive of the OMMP and to work between quarterly meetings in order to be more effective. <ul style="list-style-type: none"> ▪ Mr. Mackaness, Tracy Candela, and Tawana Nichols have had several meetings regarding projects and he would like committees, such as the Outreach committee, to work with the OMMP on projects as needed. ▪ Tawana Nichols stated subcommittee members may be appointed between quarterly meetings. • Ms. Nichols thanked Mr. Mackaness for reaching out to speak with Ms. Candela and herself to address these issues. 		
Conclusion(s)	<ul style="list-style-type: none"> • Committee members agreed to distinguish between motions recommending action for the OMMP, which may address communication, education, and patient success, and motions which are made to inform the public record. • Subcommittees should be active between quarterly ACMM meetings and work the OMMP on projects as needed. 	

Time	Agenda Topic	Person (s) Responsible
10:15-10:30	Uninterrupted Administrative Reports: <ul style="list-style-type: none"> ➤ Program Update ➤ Statistics ➤ Budget Review / Fee adjustment 	OHA Administration: Tawana Nichols
Summary of Discussion		
<ul style="list-style-type: none"> • Program Update <i>provided by Tawana Nichols</i> <ul style="list-style-type: none"> ▪ Conflict of Interest <ul style="list-style-type: none"> ○ The OMMP does not expedite applications or changes for anyone. ○ All applicants and cardholders must go through the same registration, renewal, and change processes, utilizing the same channels. ○ Tawana Nichols requested that ACMM members contact the regular customer service line, 971-673-1234, with any questions related to participation in the OMMP rather than contact her directly to avoid any possible conflict of interests. 		

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Quarterly ACMM Meeting Minutes

Time	Agenda Topic	Person (s) Responsible
10:15-10:30	Uninterrupted Administrative Reports: <ul style="list-style-type: none"> ➤ Program Update ➤ Statistics ➤ Budget Review / Fee adjustment 	OHA Administration: Tawana Nichols

Summary of Discussion Continued

- **Program Update Continued**
 - **Personnel**
 - No personnel changes have occurred since the June 13 meeting.
 - Megan Lockwood’s designation as Unit Manager has been extended for another year.
 - The OMMP currently has one temporary employee assisting the Program Support Specialist team.
 - **Current Projects**
 - The OMMP Newsletter content is under review by the OHA Communications Officer.
 - A Fee Brochure is in development stages.
 - Website enhancements are underway with a goal to create a more user-friendly and interactive site.
 - OMMP program handbook update revisions are in final stages and the print request will be submitted soon.
 - “Applicant Train the Trainer” workshop is in the development stages. The OMMP plans to roll out the workshop in the first quarter of 2015.
 - Ms. Nichols thanked Sarah Bennett and Ben Mackaness for the suggestion.



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	Agenda Topic	Person (s) Responsible
10:15-10:30	Uninterrupted Administrative Reports Continued: <ul style="list-style-type: none"> ➤ Program Update ➤ Statistics ➤ Budget Review 	Time

Summary of Discussion

- **Statistics provided by Aaron Cossel**
 - Number of current OMMP Patients: 68,443
 - Number of current (unique) OMMP caregivers: 34,671
 - Number of current (unique) OMMP growers: 48,282
 - Number of registrations where patients list themselves as grower: 39,533*
 - Number of registrations where patients list someone else as a grower: 31,750*
 - Number of physicians with a current patient on the OMMP: 1,626
 - Number of out-of-state participants:
 - Patients: 1,535
 - Caregivers: 561
 - Growers: 600
 - **Condition Count: ****
 - Severe Pain: 64,896
 - Spasms: 17,491
 - Nausea: 9,433
 - Cancer: 3,431
 - PTSD: 2,311
 - Seizures: 1,743
 - Cachexia: 1,133
 - Glaucoma: 1,097
 - HIV/AIDS: 751
 - Alzheimer’s Disease (agitation): 80
 - Severe Pain *only*: 39,660
 - PTSD *only*: 598

**Includes patients who have a current card and a renewal application pending.*

***Count will be higher than the patient count as each patient may check more than one condition.*



Quarterly ACMM Meeting Minutes

Time	Agenda Topic	Person (s) Responsible
10:15-10:30	Uninterrupted Administrative Reports Continued: <ul style="list-style-type: none"> ➤ Program Update ➤ Statistics ➤ Budget Review 	OHA Administration: Tawana Nichols, Aaron Cossel, and Dave Leland

Summary of Discussion Continued

- **Statistic Report Discussion:**
 - Todd Dalotto asked what the current application turnaround time is. Aaron Cossel responded that the OMMP currently has a 15 day turnaround time from the date the application is received in the mail to the day cards are issued.
 - Mr. Dalotto stated that in the previous June meeting the OMMP claimed a two day turnaround time and he has not met anyone that has received cards in less than three weeks.
 - Mr. Dalotto stated until June 2013 the OMMP used the date the Physician was received in the mail to report application turnaround time. He said he is glad the OMMP is now using the application received date to measure turnaround time.
 - Mr. Dalotto claimed the OMMP has been giving false information regarding application turnaround time to the committee for the past 13 years.
 - Mr. Dalotto stated that we may be in compliance with statutory obligations but cardholders cannot access dispensaries without cards and the turnaround time.
 - Mr. Dalotto requested that the OMMP provide accurate and honest reporting to the committee.
 - Dave Leland stated that the turnaround measurements need to be agreed upon for reporting clarity.
 - Tawana Nichols stated that complete applications are measured in the turnaround time, it does not pertain to incomplete applications.
 - Ms. Nichols stated the process was changed to decrease turnaround time due to Dispensaries. She further stated that the OMMP has consistently received record breaking numbers of applications over the past peak season, yet the program has maintained an efficient turnaround time without increasing staffing levels.
 - Mr. Mackaness requested that the application turnaround time discussion be tabled until the Administrative reports were completed since they are intended to be uninterrupted.
- **Budget Review Discussion:**
 - Ms. Nichols included the standard program budget overview, the ACMM budget overview, and the 2013-2015 OMMP Fee Funded Expenditures.
 - Current cash balance is 7.8 million. Revenue total is 11.6 million.
 - ACMM total expenditure for the year is \$5,108.
 - Sandee Burbank asked what the Contraceptive Care program does, to which Dave Leland explained it is a social program under the Public Health Division
 - Ms. Burbank stated that the cash balance is still too high.
 - Mr. Mackaness proposed a motion to create a list of items the committee would like to address in order to develop an ongoing Letter of Recommendations to Director of the Oregon Health Authority and the Governor's office.
 - Mr. Leland stated that there is always a Public Health Budget public hearing which they may want to attend.



Quarterly ACMM Meeting Minutes

Time	Agenda Topic	Person Responsible
10:20-10:40	Uninterrupted Administrative Reports Continued: <ul style="list-style-type: none"> ➤ Program Update ➤ Statistics ➤ Budget Review 	OHA Administration: Tawana Nichols, Aaron Cossel, and Dave Leland

Summary of Discussion Continued

- **Budget Review Discussion Continued:**
 - Brian Michaels requested the Attorney General be added to the list of recipients.
 - Mr. Michaels would also like the Attorney General to be at the next ACMM meeting when the list is presented. He claimed the Attorney General has not lived up to her promises during the last election and he would like to identify for her the reasons her representatives interpret statutes and rules in a manner that is hostile to the program. He would like the request to list the items that are more hostile than friendly in order to help more people rather than limit and restrict.
 - Mr. Mackaness put forth the motion to form an ongoing Letter of Recommendations to Director of the Oregon Health Authority and the Governor’s office, the Attorney General and Legislature which passed unanimously.
 - Mr. Mackaness suggested the first item on the recommendation list be the OMMP balance collected on the sick, dying and severely disabled, to which Sarah Bennett and Sandee Burbank agreed.
 - Mr. Mackaness asked if the committee would like to create the list now or designate someone to work on it.
 - Paul Schmidt recommended a subcommittee be assigned to the task and that the letter focus on two or three recommendations or ongoing concerns so the letter recipients are not overloaded and may actually work on the suggestions.
 - Mr. Mackaness suggested integrating the priority list created at the June 13 meeting.
 - Mr. Mackaness suggested the Legislative subcommittee draft the letter.
 - Sandee Burbank suggested Seth Crawford be nominated as the Legislative subcommittee chair if Jim Klahr does not continue to act as chair.
 - Todd Dalotto suggested that the Outreach subcommittee draft the letter.
 - Ms. Burbank stated the Outreach subcommittee has historically focused on education, and Mr. Mackaness stated if the committee would like to effect change the letter needs to be directed toward Legislature.
 - Mr. Mackaness put forth a motion to designate the Legislative subcommittee to create the ongoing letter and for Mr. Crawford to be added to the subcommittee and to act as the chair if Jim Klahr is unable to fulfill his duties which passed unanimously.

Action Items	<ul style="list-style-type: none"> • ACMM to contact Jim Klahr to find out his status and if he would like to continue to act as the chair of the Legislative Subcommittee. • Legislative Subcommittee to create ongoing Letter of Recommendation letter draft.
Conclusion(s)	<ul style="list-style-type: none"> • Motion passed unanimously to create a list of items the committee would like to address in order to develop an ongoing Letter of Recommendations to Director of the Oregon Health Authority, the Governor’s office, the Attorney General, and Legislature. • Motion passed unanimously to designate the Legislative subcommittee to create the ongoing letter and for Seth Crawford to be added to the subcommittee and to act as the chair if Jim Klahr is unable to fulfill his duties.



Quarterly ACMM Meeting Minutes

Time	Agenda Topic	Person Responsible
10:40-11:15	Dialogue between ACMM and Administration	ACMM Members and OHA Administration

Summary of Discussion

- **Continuance of Tabled Statistic Report Discussion:**
 - Todd Dalotto stated that he appreciates the difficulty that the OMMP faces when there is a high volume of applications and acknowledged that high volumes of applications increase the time it takes to get cards out to cardholders.
 - Mr. Dalotto stated he requests only that the OMMP provide honest and accurate reporting for government transparency, so cardholders know when to expect cards, and so the ACMM may effectively advise the OMMP.
 - Tawana Nichols stated that the application turnaround changes all the time and is impacted by several variables.
 - Aaron Cossel asked if the committee had any suggestions to increase the OMMP’s transparency on this topic.
 - Sandee Burbank stated applicants ask clinics when to expect cards. She asked to know how long she should tell applicants to wait before calling the OMMP to check on the status of cards.
 - Paul Schmidt stated the rule allows the OMMP 30 working days to issue cards, which should be relayed to cardholders.
 - Cheryl Smith stated that clinics with a high volume of patients go through a more streamlined process in which Verification Letters are not required.
 - Ben Mackaness stated the issue seemed to be a dispensary issue more than an OMMP issue.
 - Mr. Mackaness proposed a motion to recommend to the Oregon Medical Marijuana Dispensary Program accept applications with proof of receipt.
 - Brian Michaels stated this is an issue he has gone round and round with the Attorney General’s representative, Shannon O’Fallon, on for quite a while and it is one of the items he would recommend be included on the letter to the Attorney General. He further stated that this is one way in which she is being hostile to the program and that it was a misreading of the statue to say that the above stated paperwork could not be used to enter dispensaries.
 - Mr. Schmidt commented that if a proof of receipt was accepted for entrance into the dispensaries, individuals could claim they are protected after the 30 day limited protection allotted during the application process has expired.
 - Mr. Mackaness put forth the amended motion to recommend the Medical Marijuana Dispensary Program adopt the ACMM interpretation of the statue affording 30 days of protection to OMMP cardholder applicants be extended to allow cardholders to access dispensaries which passed unanimously.

Conclusion(s)	<ul style="list-style-type: none"> • Motion passed to recommend the Medical Marijuana Dispensary Program adopt the ACMM interpretation of the statue affording 30 days of protection to OMMP cardholder applicants be extended to allow cardholders to access dispensaries.
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Quarterly ACMM Meeting Minutes

Time	Agenda Topic	Person Responsible
10:40-11:15	Dialogue between ACMM and Administration	ACMM Members and OHA Administration
Summary of Discussion Continued		
<ul style="list-style-type: none"> • Administrative Update <i>provided by David Leland</i> <ul style="list-style-type: none"> ▪ Dave Leland announced that more interviews for the Center for Health Protection Administrator have been held. ▪ Mr. Leland said he appreciated the motion parameters being parsed out, and added from his view, disagreements in the past between the committee and administration have often been due to the misunderstanding of the narrow lane afforded the OMMP. ▪ Mr. Leland stated that we are going into Legislative Session with two initiatives, neither of which is related to the OMMP. ▪ He stated that the session would start in January and come back in February. ▪ Sandee Burbank asked Mr. Leland if programs were requesting more funding from the OMMP funds, to which he responded in the negative, and added that the state budget was not as restricted as it had been. ▪ Mr. Dalotto stated that the ACMM email is not working and that the ACMM email lists should be updated by all. 		
Conclusion(s)	<ul style="list-style-type: none"> • A new Center for Health Protection Administrator will most likely be hired soon. • There are no initiatives related to the OMMP in the upcoming Legislative Session. 	

Part 2: Committee Business

Time	Agenda Topic	Person Responsible
11:15-11:30	December 6, 2012 Bylaw Amendments	ACMM members
Summary of Discussion		
<ul style="list-style-type: none"> • December 6, 2012 Bylaw Amendments Discussion: <ul style="list-style-type: none"> ▪ Ben Mackaness stated he had several questions after reviewing the Bylaw amendments. ▪ Todd Dalotto stated he would like to know what happened to the revisions the ACMM had made previously made in March 2012. ▪ Tawana Nichols stated she had reported to the ACMM in 2012 what amendments had been accepted and what had not and why in 2012 via email. ▪ Sandee Burbank asked that Ms. Nichols resend the email regarding the revisions again to which she applied yes. ▪ Mr. Dalotto stated that if the ACMM is approving Bylaws, their own draft should be considered. 		



Quarterly ACMM Meeting Minutes

Time	Agenda Topic	Person Responsible
11:15-11:30	December 6, 2012 Bylaw Amendments	ACMM members

Summary of Discussion Continued

- **December 6, 2012 Bylaw Amendments Discussion Continued:**
 - Mr. Mackaness stated that he is not an attorney, he is not clear on what they can and cannot accomplish, and the Attorney General direct influence on indirectly telling the ACMM what they cannot do. He requested a special meeting before the end of the year to include the Attorney General, OMMP administrative support, Ms. Candela, all ACMM members, and Brian Michaels, and other attorneys if possible so they can make the best choices regarding the revisions. He thinks it will take about four hours and if the meeting is not held prior to the end of the year, members may term out.
 - Ms. Nichols stated the edits have already been completed, so from her view the edits simply need to be approved and she is unclear why a special meeting is necessary.
 - Mr. Mackaness stated he believes it is worth taking the time to discuss the amendments because the suggestions made by the ACMM were not kept, more changes were added by the OMMP, and he is unclear what the impact of the amendments may be on the ACMM. He believes it is worth working toward having an ever increasingly powerful ACMM as opposed to having even less viability to serve OMMP patients.
 - Mr. Mackaness put forth a motion to set up a special meeting to review the bylaws with the request that the full ACMM membership, AG Shannon O’Fallon, Ms. Nichols, and Legislative Director Aaron Knott attend, which passed unanimously.
 - The special meeting will be held in Portland prior to the December ACMM meeting. Ms. Candela will coordinate the date and time for the meeting.

Action Items	<ul style="list-style-type: none"> • Ms. Nichols to send out 2012 Amendment email with feedback to ACMM members. • Ms. Candela will coordinate the Bylaw special meeting date and time.
Conclusion(s)	<ul style="list-style-type: none"> • Motion passed unanimously to set up a special meeting to review the bylaws with the request that the full ACMM membership, AG Shannon O’Fallon, Ms. Nichols, Legislative Director Aaron Knott attend.



Quarterly ACMM Meeting Minutes

Time	Agenda Topic	Person Responsible
11:30-12:00	OMMD Report and Discussion with Tom Burns	Tom Burns and Todd Dalotto

Summary of Discussion

- **OMMD Report provided by Tom Burns**
 - Tom Burns reported that the MMD has approved 193 dispensaries and 41 provisionally.
 - In the next six weeks Mr. Burns anticipates 234 dispensaries will have been approved.
 - The MMD currently has 34 new applications in process.
 - The program received five applications last week, and on average receives five to ten applications every week.
 - Mr. Burns reported the program is beginning to see applications from dispensaries in moratorium areas in anticipation of the moratoriums being lifted.
 - The MMD has taken administrative action against a number of dispensaries.
 - 3 dispensaries were caught in schools and have been closed.
 - A number of dispensaries continue to function despite the MMD denial. Cease and Desist letters have been sent and the next step will involve Law Enforcement if the dispensaries continue to operate illegally.
 - The MMD has suspended the licenses of two dispensaries. One dispensary has paid a \$3500 penalty fee, has since been approved, and is currently open.
 - The MMD is conducting regular inspections and is functioning properly.
 - Mr. Burns stated he understands the concern of the ACMM members regarding cardholder access to dispensaries, yet access rules will remain as is unless the laws wording is changed or the Attorney General gives the program another opinion.
 - Mr. Burns stated the MMD went to legislation to seek authority to increase the number of MMD staff from the current total of four positions, to hire two more inspectors and a program analyst instead of two support staff.
 - Mr. Burns also requested permission from legislature to increase the amount of money the program is allowed to spend as the program is larger than the initial budget projections anticipated. The expenditure authority was granted. The MMD will be able to function till the end of the biennium, which is June 30th, at which point the normal budget process will take over and the new employee positions will be made permanent.
 - The Oregon Health Authority does not have any medical marijuana legislative concepts during the upcoming Legislative session. Upon request, the MMD did provide a list of issues identified during the rule process of recommended changes.
 - Mr. Burns stated that Prop 91 planning meetings are occurring. The meetings are led by the Oregon Liquor Control Commission (OLCC). Attendees consist of Mr. Burns representing OHA, a representative from Revenue, from State Police, from Agriculture, and from the Governor's office.
- **Discussion with Tom Burns:**
 - Mr. Mackaness asked if the ACMM could be more involved in the planning and discussions regarding Medical Marijuana discussions.
 - Mr. Burns stated OLCC is in charge of the Prop 91 planning and he recommended that Mr. Mackaness reach out to the Commission if he is interested in participating. Mr. Burns further stated that the current work group is internal agency planning in anticipation of the possibility of the passage Prop 91.
 - Todd Dalotto requested Mr. Burns bring to the attention of the Prop 91 planning the medical marijuana patients are very important stakeholders in adult use.

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Quarterly ACMM Meeting Minutes

Time	Agenda Topic	Person Responsible
11:30-12:00	OMMD Report and Discussion with Tom Burns	Tom Burns and Todd Dalotto

Summary of Discussion Continued

- **Discussion with Tom Burns Continued:**
 - Mr. Burns stated the OHA is very concerned about how Prop 91 may impact the card and dispensary programs, and the potential revenue impact on the agency.
 - Sandee Burbank stated that being able to grow medicine means a lot to many patients and they may not renew if Prop 91 passes.
 - Tawana Nichols and Dave Leland stated that the OMMP current registration numbers for new and renewals are up.
 - Sandee Burbank asked if the current Prop 91 planning meetings are open to the public, to which Tom Burns replied no, at this time the meetings are at the agency level. If the proposition passes, the OLCC will conduct many public meetings.
 - Mr. Burns raised an issue on the confidentiality laws surrounding large growsites that may inhibit potential legal investigations. His concern is that growers managing large growsites will not provide adequate patient care.
 - Ben Mackaness stated that in terms of agri-business, it is easier to cultivate at a larger scale.
 - Mr. Burns stated his concern focuses on the growers being from out of state.
 - Cheryl Smith states that his solution is too broad. Confidentiality laws protect cardholders especially in reference to the Early Learning council, and other individuals and agencies that may discriminate against cardholders.
 - Brian Michaels stated he is concerned that Mr. Burns is more concerned with someone who may be growing too much marijuana than someone who died because they could not get marijuana from a dispensary.
 - Mr. Michaels stated that if the Mr. Burns would like the ACMM to be his ally he and other MMD representatives need to act as allies and work to align themselves on important issues.
 - Todd Dalotto stated he is more concerned with “closet growers” than large facilities. Large facilities tend to have procedures and standards in place.
 - Mr. Mackaness requested that the ACMM be in the loop with MMD rule amendments.
 - Mr. Burns stated the program rule amendments are going through the normal process with no foreseeable issues. There will be a public hearing regarding the revisions.
 - Mr. Burns stated that there is no plan to change the 1,000 feet from schools regulation in statute and additional criteria will be added to the definition of a school in the statute.

Conclusion(s)	<ul style="list-style-type: none"> • The MMD is functioning as anticipated with more applicants than initially expected.
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Quarterly ACMM Meeting Minutes

Time	Agenda Topic	Person Responsible
1:00-1:45	Subcommittee and Other Reports: <ul style="list-style-type: none"> ▪ Early Learning Council RAC ▪ Outreach Report ▪ Dispensary Program Subcommittee Report 	Subcommittee Chairs: Cheryl Smith and Todd Dalotto

Summary of Discussion

- **Early Learning Council RAC** *provided by Cheryl Smith*
 - [Link to proposed OARS 2014-ELC](#)
 - Cheryl Smith attended two meetings, the first in person and the second via phone and Anthony Taylor attended the RAC meetings as well.
 - Ms. Smith stated that she was not fully happy with the RAC outcomes, but she and Mr. Taylor were happy they was able to use the RAC as an opportunity to educate.
 - Ms. Smith reported the Early Learning Council was still prohibiting cardholders from running childcare facilities.
 - Ms. Smith also reported that individuals “under the influence” of marijuana cannot have contact with children. Any amount of marijuana in one’s system is not allowed.
 - She reported the Early Learning Council (ELC) added vaporizer to smoking devices.
 - Ms. Smith stated that medical marijuana must be locked up and children cardholders are allowed to medicate onsite in childcare facilities.
 - Mr. Taylor stated that individual living in a child care facility that is not in charge may medicate after hours.
 - Sarah Bennett asked if the ELC may access cardholder information to which Ms. Nichols responded no, the OMMP will not provide cardholder information to the ELC.
 - Ms. Smith stated the ELC Rule Amendment is going to hold two Public Hearings:
 - October 21st, from 2:00pm-5:00pm, at the Portland State Office Building (PSOB), 800 Oregon Avenue NE, Portland, Room 1A.
 - October 23rd, 2014, from 6:00pm-8:00pm, at Lane Community College, 4000 E 30th Avenue, Eugene, 97405.
 - Ms. Smith reported written and electronic testimony will be accepted until November 28th, 2014 at 5pm.
 - Mr. Mackaness requested Ms. Candela send the proposed OARs link to all ACMM members.
 - Mr. Dalotto asked if the ELC has a LEADS ORI number to which Ms. Smith responded no, it was very clear in the second meeting that the ELC does not have the authority to access cardholder information.
 - Brian Michaels added the ELC rule is contrary to the Oregon Medical Marijuana Act and stated he does not believe ELC representatives have the authority to enforce the rule.
 - Mr. Dalotto proposed a motion to strongly recommend to the ELC to promulgate rules regarding medical marijuana that are no more restrictive than alcohol or other schedule two drugs and notes that the OMMP is the only agency allowed to pass administrative rules regarding the program which passed unanimously.
 - Paul Schmidt asked if the purpose of this motion was to craft a letter to the ELC to which Mr. Mackaness replied yes.



Quarterly ACMM Meeting Minutes

Time	Agenda Topic	Person Responsible
1:00-1:45	Subcommittee and Other Reports: <ul style="list-style-type: none"> ▪ Early Learning Council RAC ▪ Outreach Subcommittee Report ▪ Dispensary Program Subcommittee Report 	Subcommittee Chairs: Cheryl Smith and Todd Dalotto

Summary of Discussion

- **Early Learning Council RAC continued:**
 - Mr. Michaels stated the Attorney General supported the ELC in its rule making process, allowing one agency to act in a hostile manner to another agency. If the Attorney General would have advised the ELC that the agency did not have the authority to pass the rule, he concluded the agency would not have passed the rule.
 - Mr. Mackaness requested unbiased representation from the Attorney General's office.
- **Horticulture Research & Safety Report** was not presented
- **Outreach Subcommittee Report** *provided by Cheryl Smith*
 - Ms. Smith stated she will be working with the OMMP on the program's Newsletter project.
 - Ms. Smith reported she is also working on a project with Kelly Paige to work with clinics to advertise to patients in an attempt to get all individuals covered by health insurance.
 - Kelly Paige is an Oregon Health Authority Outreach Coordinator who is working in partnership with Cover Oregon.
 - Ms. Paige has requested to post a link on the OMMP website for Cover Oregon and will be connecting with dispensaries and clinics in her outreach efforts.

Action Items	<ul style="list-style-type: none"> • Ms. Candela is to send the ELC proposed OARs link to all ACMM members after the meeting ends for the day.
Conclusion(s)	<ul style="list-style-type: none"> • Motion passed unanimously to strongly recommend to the ELC promulgate rules regarding medical marijuana that are no more restrictive than alcohol or other schedule two drugs and notes that the OMMP is the only agency that is allowed to pass administrative rules regarding the program.



Quarterly ACMM Meeting Minutes

Time	Agenda Topic	Person Responsible
1:00-1:45	Subcommittee and Other Reports: <ul style="list-style-type: none"> ▪ Early Learning Council RAC ▪ Outreach Report ▪ Dispensary Program Subcommittee Report 	Subcommittee Chairs: Cheryl Smith and Todd Dalotto

Summary of Discussion

- **Dispensary Program Subcommittee Report** *provided by Todd Dalotto*

Rules Advisory Committee, September 18, 2014

The Oregon Health Authority's *Oregon Medical Marijuana Dispensary Program* (OMMD) convened a second Rules Advisory Committee for the purpose of revising the Dispensary Program Rules (OAR 333-008-1000 to 1400) after six months' implementation of the licensing program. RAC membership included a few people from the previous RAC- Mr. Dalotto, Amy Margolis, Geoff Sugerman, and Noel Bullock; as well as several new members, which includes dispensary operators, processors, a testing lab owner, and representatives from the Police Chief's Association and League of Oregon Cities.

Proposed rule amendments include:

- Amending definitions of "batch," "restricted area," "safe," and "secure area"
- Refining the application & renewal processes including:
 - No refund of application fees if denial is appealed
 - Replace provisional licenses with site visit within 30 days of notice that the MMD has met 'initial criteria'
- Additional criteria for schools
- Clarifying how 1000' distance is measured
- Testing rule revisions:
 - Requiring identification of testing lab and immature plant inspector on application
 - Clarifying PRF must do their own testing
- Updating labeling requirements
- Housecleaning

By the end of the week Mr. Dalotto will submit his written recommendations. Jeremy Sackett (of Cascadia Labs) and Mr. Dalotto were assigned the task of writing a proposal for labeling, to be more consistent with lab reporting and consumer understanding of analytical data.

OMMD Reporting Items:

The subcommittee has begun to discuss what regular items and data the ACMM would like to have reported by the OMMD quarterly.



Quarterly ACMM Meeting Minutes

Time	Agenda Topic	Person Responsible
1:00-1:45	Subcommittee and Other Reports: <ul style="list-style-type: none"> ▪ Outreach Report ▪ Dispensary Program Subcommittee Report 	Subcommittee Chairs: Cheryl Smith and Todd Dalotto

Summary of Discussion Continued

- **Dispensary Program Subcommittee Report continued** *provided by Todd Dalotto*
 - Todd Dalotto stated currently if a dispensary application is denied, the applicant receives \$500 back out of \$4,000. There is a proposed change to not give any refund if an applicant appeals the denial and loses the appeal.
 - Mr. Dalotto stated it was opposed by many who spoke up at the RAC process and he believed that Shannon O’Fallon may have been swayed by the arguments presented.
 - Mr. Michaels stated Ms. O’Fallon writes the final order on the administrative appeal process which compromises the fairness of the appeal process.
 - Mr. Dalotto stated provisional licenses were proposed to be replaced with site visits within 30 days.
 - He reported that some of the additional criteria for the definition schools proposed were mandatory attendance by students, faculty, and curriculum.
 - Mr. Dalotto stated clarification for the 1,000 foot rule was also proposed to use the word “premise” which refers to the building rather than the footprint.
 - He stated another RAC may be held if necessary.
 - The Subcommittee began to discuss what type of data and reporting they will be requesting regularly from the Dispensary program. If any committee members have feedback or suggestions please let him know.
 - Sarah Bennett asked about the batch definition.
 - Mr. Dalotto suggested while participating in the RAC that the program either identify a batch as a strain or identified as a homogeneous strain.
 - Mr. Dalotto also provided updates on current Legislation.

Conclusion(s)	<ul style="list-style-type: none"> • The MMD RAC was discussed and another RAC may take place if necessary. • The MMD subcommittee is working toward creating a list of data to report regularly to the ACMM.
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Time	Agenda Topic	Person Responsible
1:45-2:00	Committee member terms and subcommittee appointments	Ben Mackaness

Summary of Discussion

- **ACMM member terms and new applicants**
 - Several committee members will be reaching the end of their terms in December.
 - ACMM applications are due by November 28th.
 - The application will be posted on the website by the end of the day.



Quarterly ACMM Meeting Minutes

Time	Agenda Topic	Person Responsible
1:45-2:00	Committee member terms and subcommittee appointments	Ben Mackaness

Summary of Discussion

- **ACMM member terms and new applicants Continued:**
 - Ben Mackaness requested current ACMM members reach out to interested individuals.
 - Mr. Mackaness proposed a motion for the OHA director to strongly consider diversity and appoint women and minorities if possible which passed unanimously.
 - Mr. Dalotto requested the ACMM application be sent out to interested parties and that the email subscription be fixed.
- **Subcommittee appointments**
 - Sandee Burbank put forth a request for subcommittees to thoughtfully consider subcommittee appointments to ensure those elected help the subcommittees to be productive and effective.
 - Mr. Mackaness requests all subcommittee chairs schedule one on one meeting with him.
 - Mr. Dalotto put forth a motion to add Seth Crawford to the MMD subcommittee which passed unanimously.

Action Items	<ul style="list-style-type: none"> • OMMP staff to post ACMM application on the OMMP website. • OMMP staff to send out ACMM application to interested parties and for the email subscription to be fixed.
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Conclusion(s)	<ul style="list-style-type: none"> • Motion passed unanimously for the OHA director to strongly consider diversity and appoint women and minorities if possible. • Motion passed unanimously to add Seth Crawford to the MMD subcommittee.
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Part 3: Public Announcements and Comments

Time	Agenda Topic	Person Responsible
2:00-2:30	Public Announcements and Comments	Members of the Public