

Medical Cannabis Policy Advisory Board Meeting Minutes

Tuesday, November 21, 2023, 2:00 pm-5:00 pm

This meeting was held in person and virtually.

This meeting was recorded. An audio copy of this recording can be found on the Utah Public Notice Website (<https://www.utah.gov/pmn/>).

Visit the Board's website for more information on past meeting minutes and agendas (<https://medicalcannabis.utah.gov/>).

Attendees

Board members attending: JD Lauritzen, Matthew Page, Nanette Berezhnyy, Desiree Hennessy, Dr. Misty Smith, Jimmy Higgs, and Dr. Annalise Keen

Board members excused: Kent Andersen

DHHS/UDAF staff attending: Richard Oborn, Abigail Hodgson, Ashley Moretz, Trevor Eckhoff, Jeremiah Sniffin, Sara Lealos, Dr. Brandon Forsyth, and Cody James in person

Agenda

1. Welcome

Mr. Lauritzen acknowledged that there was a quorum so the meeting could proceed at approximately 2:03pm.

2. Board approval of October 2023 minutes

Mr. Lauritzen asked the board if there were any proposed changes to the October 2023 minutes. There were no changes proposed. Mr. Page motioned to approve the October 2023 minutes and Dr. Smith seconded the motion. The board voted unanimously to approve the minutes.

3. Board administrative business

Mr. Lauritzen reminded board members that the next meeting will be held on December 19, 2023.

4. Use of radiation on cannabis plants

Mr. James from the Utah Department of Agriculture & Food (UDAF) presented information to board members on the use of radiation on cannabis plants. He cited studies done from the World Health Organization (WHO), United States Department of Agriculture (USDA), and others that have endorsed the use of radiation on other foods. He stated that the use of radiation on consumable products has been used to prevent foodborne illness, control insect and microbial growth, and other uses.

He further referenced a study from the Netherlands which concluded that radiation treatment of cannabis plants did help the cannabis come closer to meeting pharmaceutical levels and did not appear to change the THC or cannabinoid content. He clarified a concern that radiation had a measurable effect on the content of terpenes. There was a reduction between ten to twenty percent, but could have been as high as thirty percent.

UDAF staff recommended to the board that should radiation be allowed for use on cannabis plants in the state, patients should be made aware of its use. A warning label containing the international radura symbol should be placed on products that are treated with radiation.

The board discussed the following about the presentation:

- What the process of radiation treatment looks like in other states.
- Which processors have wanted to implement this process of treatment.
- Whether or not the University of Utah's new Center for Medical Cannabis Research could study the use of radiation on cannabis plants.
- What effects, if any, that radiation treatment has on the taste and effects of medical cannabis products.

DHHS/UDAF staff clarified the following for the board:

- Mr. James clarified that not many studies have been done on this topic in the United States, and that most reputable studies took place in either the Netherlands or Canada.
- UDAF stated that they would gather more information on this topic for board members to study.

5. Medical cannabis pharmacy online market inventory proposal

Mr. Eckhoff outlined his discussions on this topic with various processors. He listed the pros and cons brought forth by these processors.

The board discussed the following about the presentation:

- What additional burdens this would cause for patients and pharmacies if the system put in place was not kept updated and accurate.
- Challenges patients currently face shopping for medical cannabis products online.
- Whether additional information from processors about products would be helpful for patients or not.
- Discussions of whether to let the cannabis industry handle an online market inventory or to have the state step in and manage a centralized online market inventory.

DHHS/UDAF staff clarified the following for the board:

- Mr. Oborn stated that no other state has an entire state inventory like what is being proposed. He suggested that board members not focus on this now. It would be better to maybe reconsider this item in the future after the new Salesforce software is implemented.

6. Medical cannabis processor advertising and targeted marketing

Mr. Eckhoff presented information to the board on this agenda item. The presentation included:

- What is advertising?
- What is targeted marketing?
- Laws in other states
- Arguments against advertising and targeted marketing
- Arguments for advertising and targeted marketing
- Medical claims and potential benefits
- Recommendation options

The board discussed the following about the presentation:

- The difference between targeted marketing and advertising
- What laws are already in place to monitor targeted marketing and advertising
- What limits should be put on processors advertisements
- What processors would be allowed to advertise on their websites

- Whether proof of a medical cannabis card should be required to access processor websites

DHHS/UDAF staff clarified the following for the board:

- Mr. Oborn discussed current limitations for processors to advertise. He stated that, should processors be able to advertise like pharmacies, there is no limit as to what medium processors would be allowed to publicly advertise in or on.

The public gave the following comments about this agenda item:

- Narith Panh of Dragonfly Wellness commented that there should be a fair playing field for both pharmacies and processors. He made a comparison to major pharmaceutical processors, such as Pfizer, and noted that patients can go onto their websites and learn about the products that they produce. He further stated that websites are the only way for processors to communicate their product information to patients. Lastly, he stated that there needs to be stipulations in the statute on what is required to be displayed on pharmacies websites about medical cannabis products.
- Alyssa Smailes of the Utah Cannabis Association commented that she believes everything the board discussed is what has also been discussed internally, including the fact that pharmacies can not claim that their products are better than others.
- Justin Ariolla of Life Elevated commented that processors are only interested in informing patients of what products they produce and which pharmacies patients can find their products located at. He stated that processors desire to be in line with what medical cannabis pharmacies are already doing.

The board took the following action on this agenda item:

- Vote to: Approve allowing processor advertising and targeted marketing, generally falling in-line with current existing laws and rules for advertising and targeted marketing restrictions for medical cannabis pharmacies.
- Motioned: Mr. Page
- 2nd: Ms. Berezhnyy
- Roll call vote:
 - JD Lauritzen: Yea
 - Matthew Page: Yea
 - Desiree Hennessy: Yea
 - Misty Smith: Yea
 - Jimmy Higgs: Yea

- Nannette Berezhnyy: Yea
- Kent Andersen: Yea
- Annalise Keen: Yea
- Motion passed.

7. Medical cannabis speciality product request

Mr. Eckhoff presented information to the board on this agenda item. The presentation included:

- Problem definition
- DHHS 2022 medical cannabis market analysis survey results
- Is there support for a patient product request ordering system?
- Pharmacy-facilitated patient product request system option (status-quo)
- Processor-facilitated patient product request system option
- State-facilitated patient product request system option
- Options to reduce patient product request retail price
- Recommendation options

The board discussed the following about the presentation:

- Where funding for a state-run specialty product request program would come from
- Burdens that would be put on processors as a result of specialty order requests
- What should be required of medical cannabis processors under any of the proposed options for medical cannabis specialty product requests
- What types of products patients should be allowed to request from processors

The public gave the following comments about this agenda item:

- Mindy Madeo of Beehive Farmacy commented that as a pharmacist, she does not ever want to be forced to distribute a specific product.
- Narith Panh of Dragonfly Wellness commented that he always leans towards never adding more roles of responsibility to state regulators. He also stated that he believes that the targeted marketing and advertising that processors will possibly solve this problem.

The board took the following action on this agenda item:

- Vote: Against specialty product requests
- Motioned: Mr. Higgs
- 2nd: Ms. Hennessy
- Roll call vote:

- JD Lauritzen: Yea
- Matthew Page: Yea
- Desiree Hennessy: Yea
- Misty Smith: Yea
- Jimmy Higgs: Yea
- Nannette Bereznhyy: Yea
- Kent Andersen: Yea
- Annalise Keen: Yea
- The motion passed.

8. Medical cannabis business tax credits and decoupling

The board discussed that moving forward, the credit tax option would be the most likely recommendation to pass in the legislature.

The public gave the following comments about this agenda item:

- Alyssa Smailes of the Utah Cannabis Association commented that she had a meeting with Senator Vickers and the drafting attorney on this bill. During the meeting, they discussed the plan to determine what the fiscal note will be, and then law makers will make a determination on how to move forward.

The board took the following action on this agenda item:

- Vote to: Approve medical cannabis business tax credit at the highest rate possible in order to mirror a 280E decoupling.
- Motioned: Mr. Page
- 2nd: Dr. Smith
- Roll call vote:
 - JD Lauritzen: Yea
 - Matthew Page: Yea
 - Desiree Hennessy: Yea
 - Misty Smith: Yea
 - Jimmy Higgs: Yea
 - Nannette Bereznhyy: Yea
 - Kent Andersen: Yea
 - Annalise Keen: Yea
- The motion passed.

9. Next meeting's agenda

Mr. Lauritzen encouraged board members to reach out to himself and DHHS staff with items they wish to have on future board meeting agendas.

10. Adjourn

Dr. Smith motioned to adjourn the meeting and Mr. Page seconded the motion. The board voted unanimously to end the meeting, and the meeting ended at approximately 4:59pm.