

Medical Cannabis Policy Advisory Board Meeting Minutes

Tuesday, December 19, 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/pmnl/>).

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, Kent Andersen, and Jimmy Higgs

DHHS/UDAF staff attending: Ashley Moretz, Danielle Conlon, Richard Oborn, Abigail Hodgson, Trevor Eckhoff, Sara Lealos, Jeremiah Sniffin, Dr. Brandon Forsyth, Cody James, Clover Meaders, Sara Lealos, Aimee Isom, and Kaira Bird

Agenda

1. Welcome

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

2. Board approval of November 2023 minutes

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

3. Board administrative business

Mr. Lauritzen discussed the upcoming legislative session and the possibility of having flexible or impromptu board meetings to accommodate the legislative schedule.

Mr. Lauritzen informed board members that board meeting strategy sessions would be held the week of the board meetings rather than the week following board meetings.

Mr. Lauritzen and Mr. Oborn updated board members on replacements for vacant board positions.

4. DHHS and UDAF update

DHHS updates:

- Mr. Oborn shared updated information on program statistics, changes to current Department of Health and Human Services (DHHS) administrative rules, and operations of the University of Utah Center for Medical Cannabis Research.

UDAF updates:

- Dr. Forsyth and Mr. James shared updates on changes to current Utah Department of Agriculture & Food (UDAF) administrative rules.

5. Medical cannabis qualifying conditions

Ms. Hennessy shared her involvement on this agenda item with board members, stating her concerns with how few medical conditions have been added to the state's list of qualifying conditions over the past four years, as well as her discussions with Senator Vickers on this topic. She indicated that legislators requested board member input on medical cannabis qualifying conditions before lawmakers would consider changes to the statute.

Mr. Eckhoff gave a [presentation](#) to the board which addressed issues discussed in the [MCPAB memo](#). The presentation included the following:

- Background
- Qualifying conditions
- Compassionate Use Board (CUB) relevance and overview
- Disposition of CUB petitions submitted for individuals who did not have a qualifying condition
- Cannabis Research Review Board (CRRB) overview and relevance
- Other state qualifying condition lists
- Qualifying conditions in other states

- Other state qualifying condition lists
- Arguments for eliminating the medical cannabis qualifying condition list
- Arguments against eliminating the medical cannabis qualifying condition list
- Recommendation options

Mr. Eckhoff also discussed a [letter](#) written by a former MCPAB board member, Dr. Annalise Keen, on the issue of medical cannabis qualifying conditions, and a [letter](#) written by a representative of the Cannabis Research Review Board (CRRB) on the issue of medical cannabis qualifying conditions.

The board discussed the following about the presentation and letter:

- What qualifying conditions the CRRB has reviewed and recommended thus far.
- Reasons for the CRRB to recommend qualifying conditions or treatment methods.
- The possibility and future importance of MCPAB and CRRB collaboration on future research and recommendations of qualifying conditions.
- Strategies on working with the CRRB and lawmakers in the future.
- Evaluation of various types of evidence.
- The progress and current state of medical cannabis research in Utah and the United States.
- The role of the Compassionate Use Board (CUB).
- Potential harm of restricting access of medical cannabis to patients who don't have a qualifying condition.
- Practices used by medical providers when recommending medical cannabis as a treatment option for patients.
- The perceived negative attitude towards medical cannabis versus other medical treatment options.
- The struggles that patients currently face in Utah when trying to obtain medical cannabis cards.

DHHS/UDAF staff clarified the following for the board:

- Mr. Oborn clarified the role of the CUB and stated that there are avenues for medical cannabis patients in Utah to receive treatment for conditions not currently approved by statute.

The public gave the following comments about this agenda item:

- Justin Jennings from The Flower Shop commented that he wishes board members would consider more anecdotal evidence and believes patient stories should be taken into account.
- Michelle McOmber of Utah Medical Association (UMA) commented that the cannabis program in Utah is meant to be medical and not recreational. She stated that medical cannabis should not get ahead of any evidence, and that the qualifying conditions list is broad and already has conditions that are not fully evidenced. She additionally expressed that the qualifying conditions list shouldn't be expanded without recommendations from the Federal Drug Administration (FDA).
- Walter Plumb, head of Drug Safe Utah, commented that he doesn't believe there is a difference in cannabis from other schedule I controlled substances, and that there is evidence of a threat of psychosis from cannabis use in minors. He expressed that the state of Utah is youth-oriented and that we should be doing all we can to protect children. Finally, he stated that he believes changes to the approved conditions list would make the medical cannabis program more recreational.
- Art Brown commented that he is concerned with those who are under twenty-one who have cannabis appear on a toxicology report after an accident. He stated that the citizens of Utah voted for a cannabis program, as long as it was medical. He believes expanding the qualifying conditions list would go against the promises made to Utahns. He concluded that he would like to see the cannabis program in Utah stay within the guidelines of the CRRB.
- Narith Panh of Dragonfly Wellness commented that as a pharmacy operator he works with a lot of patients. He noted the concern about cannabis still being classified as a schedule I drug and a lack of clinical evidence. He countered that there are patients in the medical cannabis program who see benefits from treating conditions with cannabis that are not on the qualifying conditions list. He stated that the top-selling edible in the medical cannabis market is one that helps patients sleep, and that patients are afraid to be honest with their providers about what symptoms or conditions they're using medical cannabis for. He concluded that he understands there is a lack of education around cannabis and the history of cannabis in Utah, and that people still continue to use antiquated terms such as marijuana, but he believes patients' needs should be what drives this program forward.

The board took the following action on this agenda item:

- Vote: recommend that the existing qualifying condition list in the statute be maintained and to not add any new qualifying conditions at his time, and to work

with the CRRB to support evidence-based reviews of the clinical literature available if there are any other conditions that the Medical Cannabis Policy Advisory Board would like to consider adding to the qualifying condition list in the future.

- Motioned: Dr. Smith
- 2nd: Mr. Andersen
- Roll call vote:
 - Nannette Berezhnyy: Yea
 - Desiree Hennessy: Nay
 - Jimmy Higgs: Yea
 - JD Lauritzen: Nay
 - Matthew Page: Yea
 - Misty Smith: Yea
 - Kent Andersen: Yea

6. Medical cannabis dosage forms

Ms. Hennessy shared her involvement on this agenda item with board members and stated that she believes rectal and vaginal suppositories, as well as ear and eye drops, should be approved medical cannabis dosage forms.

Mr. Eckhoff gave a [presentation](#) to the board which addressed issues discussed in the [MCPAB memo](#). The presentation included the following:

- Background
- Dosage forms
- Suppositories as a legal dosage form
- Safety and efficacy of cannabis suppositories
- Eye and ear drops as a legal dosage form
- Safety and efficacy of cannabis eye and ear drops
- Other dosage forms and product types
- Recommendation options

The board discussed the following about the presentation:

- What dosage forms have been studied by the CRRB.
- The respective efficacy and safety of suppositories and eye and ear drops.
- Approved dosage forms that are available in other states but not available in Utah.
- The board's desire for more information on the topic of dosage forms.
- The importance of considering approval of dosage forms separately from each other.

DHHS/UDAF staff clarified the following for the board:

- Dr. Forsyth stated that additional cost could be incurred by UDAF as well as processors as a result of new dosage forms.
- Mr. Eckhoff discussed the use of suppositories in the hemp market in Utah but stated that there have been no studies done on the efficacy of cannabis eye and ear drops.

The public gave the following comments about this agenda item:

- Justin Jennings from The Flower Shop commented that we already have a terminal condition as an approved condition and suppositories have been an effective treatment for patients who are nauseous or have other issues taking medicine through more conventional routes of administration. He stated that this could be a better option for patients as opposed to medicines like morphine. He concluded by stating every product processors are currently testing on the market have the same components that are used in topical ingredients.
- Michelle McOmber of UMA commented that her organization would not support chocolate or any other edible forms that are appealing to children. Further, she stated she believes that suppositories should not immediately be added to the approved dosage forms, but that they should be explored more first. She concluded by stating she did not support adding eye and ear drops as an approved dosage form.
- Mindy Madeo of Beehive Farmacy commented that she was supportive of suppositories, and that she currently works with many patients who would benefit from the use of suppositories for their qualifying conditions of pain. She also stated that she knows of patients who are shopping out of state for suppositories and making their own at home because they are not sold in Utah. She believes suppositories would be beneficial because they would carry less side effects, including psychoactivity, however she does not support adding eye drops as an approved dosage form due to sterility concerns. Ms. Madeo concluded that she would also support chocolate as a dosage form because cannabinoids' lipophilic nature causes them to more effectively bind to fat in chocolate.
- Walter Plumb of Drug Safe Utah stated that his organization would support the position of the UMA.
- Art Brown commented that the citizens of Utah made a societal agreement for how the CRRB would assist in vetting these proposals and believes the MCPAB should get

more professional input from them before making decisions. He also stated he would not be in favor of adding eye drops as an approved dosage form.

- Narith Panh of Dragonfly Wellness commented that there is a challenge to navigate the waters of different interest groups in Utah, and that he finds it difficult to understand why cannabis is treated differently from other medications like opioids or ketamine. He also commented that he doesn't know who decides what is appealing to children, and why chocolate is not any more appealing than a gelatinous cube. He concluded by stating that it is difficult as an operator to make decisions as a business because of other stakeholders' opinions.

The board took the following action on this agenda item:

- Vote: Add suppositories to the list of legal dosage forms
 - Motioned: Ms. Berezhnyy
 - 2nd: Ms. Hennessy
 - Roll call vote:
 - Nannette Berezhnyy: Yea
 - Desiree Hennessy: Yea
 - Jimmy Higgs: Nay
 - JD Lauritzen: Yea
 - Matthew Page: Yea
 - Misty Smith: Nay
 - Kent Anderson: Yea
- Vote: Motion to table considering recommending new product types be allowed under certain dosage forms, such as chocolate as infused edible to the January 2024 meeting
 - Motioned: Ms. Berezhnyy
 - 2nd: Mr. Andersen
 - Roll call vote:
 - Nannette Berezhnyy: Yea
 - Desiree Hennessy: Yea
 - Jimmy Higgs: Yea
 - JD Lauritzen: Yea
 - Matthew Page: Yea
 - Misty Smith: Yea
 - Kent Andersen: Yea

7. Telehealth renewals for medical cannabis recommendations

Mr. Eckhoff gave a presentation to the board which addressed issues discussed in the [MCPAB memo](#). The presentation included the following:

- Background
- Federal law and telehealth prescriptions
- Arguments for allowing patients to renew their card via telehealth with a different provider
- Arguments against allowing patients to renew their card via telehealth with a different provider
- Options

The board discussed the following about the presentation:

- Current federal guidelines on telehealth renewals.
- Placing guardrails in place to protect patients from predatory practices.
- Concerns for pediatric patients and patients who have travel restrictions.
- Patients who leave the medical cannabis program and why some patients don't renew their medical cannabis card.
- The struggles that patients currently face in Utah when trying to obtain medical cannabis cards.

DHHS/UDAF staff clarified the following for the board:

- Mr. Oborn discussed the upcoming software changes that DHHS will be implementing.

The public gave the following comments about this agenda item:

- Tim Pickett of KindlyMD commented that he is in opposition to renewing a card for a new patient via telehealth because he does not believe it falls within standard medical practices in Utah.

The board took the following action on this agenda item:

- Vote: Table this agenda item to the January 2024 board meeting
 - Motioned: Mr. Page
 - 2nd: Dr. Smith
 - Roll call vote:
 - Nannette Berezhnyy: Yea
 - Desiree Hennessy: Yea
 - Jimmy Higgs: Yea
 - JD Lauritzen: Yea

- Matthew Page: Yea
- Misty Smith: Yea
- Kent Andersen: Yea

8. Capping medical cannabis processor licenses

Board members decided to table this agenda item until the January 2024 meeting. Mr. Lauritzen did point out to board members that this agenda item is the first non-departmentally requested item the board would be discussing.

9. Next meeting's agenda

Mr. Lauritzen reminded board members to reach out to board leadership and DHHS staff with any agenda items they wish to bring before the board.

10. Adjourn

Dr. Smith motioned to adjourn the meeting and Mr. Lauritzen seconded the motion. The board voted unanimously to end the meeting, and the meeting ended at approximately 5:03pm.