Medical Cannabis Policy Advisory Board Meeting Minutes

Tuesday, February 20, 2024, 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/).

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Attendees

Board members attending: JD Lauritzen, Matthew Page, Nanette Bereznhyy, Desiree Hennessy, Misty Smith, PhD, Kent Andersen, Jimmy Higgs, Chris Morgan, APRN, and Cami Clark, CMHC.

DHHS/UDAF staff attending: Richard Oborn, Abigail Hodgson, Trevor Eckhoff, Jeremiah Sniffin, Dr. Brandon Forsyth, Michelle Hofmann, Ashley Moretz, Clover Meaders, Jesse Hawkely, Sarah Dash, Aimee Isom, Anna Ferrin, Thomas Togisala, and Cody James.

Agenda

1. **Welcome**

Mr. Lauritzen acknowledged that there was a quorum so the meeting could proceed at approximately 2:02pm.

2. **Board approval of January 2024 minutes**

Mr. Lauritzen asked the board if there were any proposed changes to the minutes by the board. There were no changes proposed. Dr. Smith motioned to approve the January 2024 minutes and Mr. Page seconded the motion. The board voted unanimously to approve the minutes.

3. **Board administrative business**

A new board member, Cami Clark, CMHC was sworn in as a member of the Medical Cannabis Policy Advisory Board (MCPAB). She will fulfill the mental health specialist position on the board. Ms. Clark introduced herself to board members.

Mr. Eckhoff gave a presentation to the board discussing legislative updates. The presentation included:

- Active medical cannabis bills
- S.B. 233 Medical Cannabis Amendments
- H.B. 389 Medical Cannabis Pharmacy Modifications
- S.B. 71 Cannabis Business Tax Credit Amendments

4. DHHS and UDAF update

UDAF updates:

- Dr. Forsyth and Mr. James shared updates on the current legislative session on items that would affect the Utah Department of Agriculture & Food (UDAF).

5. UDAF rule update: R68-30

Dr. Forsyth and Mr. James shared updates on additions to UDAF administrative rule R68-30. This rule would allow for cannabis waste to be transferred to research facilities.

The board discussed the following about the presentation:

- Dr. Smith indicated that she was onboard with this change and believes that researchers will benefit from this rule change.
- What types of research will be supported by this rule change.

The board took the following action on this agenda item:

- Vote: Make a favorable recommendation to move forward with the proposed additions to R68-30
    - Motioned: Dr. Smith
    - 2nd: Ms. Bereznhyy
    - Roll call vote:
        - Kent Andersen: Yea
        - Nannette Bereznhyy: Yea
        - Cami Clark: Yea
        - Desiree Hennessy: Yea
        - Jimmy Higgs: Yea
        - JD Lauritzen: Yea

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        - Matthew Page: Yea
        - Misty Smith: Yea
        - Matthew Page: Yea
        - Misty Smith: Yea

6. **Felony disqualifications for cannabis production establishment agents**

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

- Background
- History of felony conviction disqualifications
- Felony conviction disqualification laws in other states
- Recommendation options
- Appendix: felony conviction disqualification laws in medical cannabis-only states

The board discussed the following about the presentation:

- Mr. Lauritzen stated that this proposed change has not received a lot of push back and the purpose will be to provide continuity for felony disqualifications across the medical cannabis industry.

The board took the following action on this agenda item:

- Vote: Support the change for felony disqualifications for cannabis production establishment agents and owners as listed in S.B. 233.
    - Motioned: Mr. Page
    - 2nd: Dr. Smith
    - Roll call vote:
        - Kent Andersen: Yea
        - Nannette Bereznhyy: Yea
        - Desiree Hennessy: Yea
        - Jimmy Higgs: Yea
        - JD Lauritzen: Yea
        - Matthew Page: Yea
        - Misty Smith: Yea

7. **Legal dosage limit exceptions**

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

- S.B. 233 Medical Cannabis Amendments
- Background

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- Legal dosage limit definition
- Is there a need to increase dosage limits for some patients?
- How many patients reached the legal dosage limit in 2023?
- RSO: a prominent example of high-THC use
- RSO in the Utah market
- Other states' allowances for dosage limit increases
- Approval bodies for a legal limit increase
- Recommendation options

The board discussed the following about the presentation:

- Mr. Page asked regulators if there were statistics on the number of patients who reached the legal dosage limit shortly before their medical cannabis card expired. Regulators stated that they do not have this information, but could gather it for board members.
- The RSO case study mentioned in the MCPAB memo.
- Current mechanism for review of petitions and changes that would occur for the review of petitions by the Compassionate Use Board (CUB).
- Proposed language changes to S.B.. 233.
- The role of the CUB.
- Discussions that Ms. Hennessy has had with lawmakers.

DHHS/UDAF staff clarified the following for the board:

- Mr. Oborn clarified the current role of the CUB, the process for CUB review, and how the CUB would review petitions moving forward.

The public gave the following comments about this agenda item:

- Mindy Madeo, pharmacist at Beehive Farmacy commented that she currently has three patients who are doing the RSO protocol who brought the option of doing the protocol to her. She noted that while they all have cancer, only one has a terminal diagnosis. She stated that pharmacists should be involved in creating the petition for their patients as well as recommending medical providers. Finally, she commented that there should be an option to immediately approve a conditional exception while the exception is being reviewed.

The board took the following action on this agenda item:

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- Vote: On line 2586 of S.B. 233 Medical Cannabis Amendments, 2nd substitute, to change “Qualified Medical Provider'' to “a recommending medical provider of pharmacy medical provider”
    - Motioned: Mr. Lauritzen
    - 2nd: Mr. Page
    - Roll call vote:
        - Kent Andersen: Yea
        - Nannette Bereznhyy: Yea
        - Cami Clark: Yea
        - Desiree Hennessy: Yea
        - Jimmy Higgs: Yea
        - JD Lauritzen: Yea
        - Chris Morgan: Yea
        - Matthew Page: Yea
        - Misty Smith: Yea
- Vote: On line 2590 of S.B. 233 Medical Cannabis Amendments, 2nd substitute, change “and” to “or.”
    - Motioned: Mr. Lauritzen
    - 2nd: Mr. Morgan
    - Roll call vote:
        - Kent Andersen: Yea
        - Nannette Bereznhyy: Yea
        - Cami Clark: Yea
        - Desiree Hennessy: Yea
        - Jimmy Higgs: Yea
        - JD Lauritzen: Yea
        - Chris Morgan: Yea
        - Matthew Page: Yea
        - Misty Smith: Yea

8. Public education on medical cannabis

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

- Background
- DHHS & UDAF public education on medical cannabis
- DHHS Center for Medical Cannabis website
- DHHS quarterly update

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- DHHS Center for Medical Cannabis social media use
- DHHS Center for Medical Cannabis educational presentations
- Adult use cannabis public education
- Adult use cannabis public education: Maine
- Adult use cannabis public education: California
- Adult use cannabis public education: Washington
- Medical cannabis public education
- Medical cannabis public education: Florida
- Medical cannabis public education: Minnesota
- Medical cannabis public education: New York
- New York state medical cannabis program home page
- Constraints on cannabis public education
- Conclusion

The board discussed the following about the presentation:

- Future plans for educating the public about medical cannabis.
- Content constraints for public education.
- Concern from regulators.
- What a public education campaign would consist of, including strategies and goals.
- Current educational content being produced by the University of Utah Center for Medical Cannabis Research.
- Balance between content interpreted as pro and anti-cannabis.
- DHHS and UDAF's plans for public education in future budgets.
- Current education for medical cannabis pharmacists and strategies to improve this education.
- Current education for QMPs and strategies to improve this education.
- Working with pharmacists on recommendations for additional education.

DHHS/UDAF staff clarified the following for the board:

- Mr. Oborn noted the future plans of DHHS to educate the public on medical cannabis.
- Dr. Forsyth commented that UDAF is in favor of educating the public on the medical cannabis program.

The public gave the following comments about this agenda item:

- Valerie Ahanonu from the University of Utah Center for Medical Cannabis Research commented that the Center has allocated $50,000 in fiscal year 2024 for education.

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She noted that the Center will work with DHHS to update existing educational materials already disseminated and create educational materials for the general public.

- Bijan Sakaki of Beehive Farmacy commented that the medical cannabis industry will want to assist in the dissemination of education materials produced by DHHS and the University of Utah Center for Medical Cannabis Research.. He also stated that he would like to see DHHS have a pharmacist on staff to assist in creating these materials. Finally, he noted that the current educational campaigns around cannabis in Utah, such as the Gray Matters campaign, seem to be effective and that he believes those strategies should be utilized for future education as well.

9. Next meeting's agenda

Mr. Lauriizen requested board members discuss any agenda items they wish to bring before the board. Board members discussed potential agenda items. Potential agenda items include:

- Medical cannabis program growth.
- The ability for researchers to access cannabis for cannabis research.
- Creating a medical cannabis liaison to assist patients with special circumstances..

Mr. Lauritzen encouraged board members to send requested agenda items to DHHS staff.

10. Adjourn

Mr. Lauritzen 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 4:30pm.

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