

Medical Cannabis Policy Advisory Board Meeting Minutes

Tuesday, April 16, 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/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, 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, and Cody James.

Agenda

1. Welcome

Mr. Lauritzen acknowledged that there was a quorum so the meeting could proceed at approximately 2:00pm.

2. Board approval of March 2024 minutes

Mr. Lauritzen asked the board if there were any proposed changes to the [March 19, 2024 minutes](#) by the board. There were no changes proposed. Mr. Andersen motioned to approve the minutes and Ms. Berezhnyy seconded the motion. The board voted unanimously to approve the minutes.

3. Board administrative business

Mr. Lauritzen discussed the new memo process the board will be adhering to as well as comments on the updated roles of Mr. Eckhoff.

4. DHHS and UDAF update

DHHS updates:

- Mr. Oborn of the Department of Health & Human Services (DHHS) gave the following updates:
 - Current program membership statistics and auditing procedures.
 - The Center for Medical Cannabis (CMC) quarterly newsletter.
 - A late April training for qualified medical providers (QMPs) and other presentations that board members can attend if desired.
 - Patient caps for QMPs.
 - Mr. Oborn and Dr. Smith shared updates from the April Cannabis Research Review Board's (CRRB) quarterly meeting held in April.

UDAF updates:

- Dr. Forsyth and Mr. James of the Utah Department of Agriculture & Food (UDAF) gave the following updates to the board:
 - Reduction in THC-O-acetate (THC-OAc) in medical cannabis products tested by UDAF.
 - Upcoming UDAF rule changes.
 - An overview of the [2023 market analysis](#), and answering questions from board members on the analysis.

5. Card renewals with a pharmacist

Mr. Lauritzen and Ms. Hennessy gave a presentation to board members on items in their [memo](#), entitled "Collaborative Practice Agreements for Medical Cannabis Card Renewals."

The presentation included the following:

- Background
- Proposal
- What is a collaborative practice agreement
- Collaborative practice agreements: a viable solution
- Benefits of the proposed model
 - Streamlined process
 - Cost reduction
 - Improved access
 - Specialized patient care
 - Retaining RMP control

- Recommendation

Board members also discussed a [position letter](#) that was submitted for consideration by 6 medical providers. The position letter expressed opposition to card renewals with a pharmacist and addressed the following:

- Patient safety and quality of care
- Scope of professional practice
- Regulatory and compliance risks
- Potential for misuse and ethical concerns
- Conflicts of interest

The board discussed the following about the presentation and opposition memo:

- Mr. Lauritzen stated his concerns regarding the opposition memo that was submitted to the board.
- Mr. Morgan discussed potential details that would be outlined in a collaborative practice agreement between a patient's provider and their medical cannabis pharmacist.
- Mr. Morgan expressed his desire to have more input from stakeholders on the issue.
- A potential survey of patients who have left the medical cannabis program on what caused them to do so.
- Patients who cannot afford to be in the medical cannabis program.
- Ms. Berezhnyy noted concerns about guaranteeing low costs for patients when working with pharmacists instead of a recommending medical provider.
- Mr. Higgs disagreed with the use of collaborative practice agreements and stated that the board should be looking into alternatives.
- Ms. Clark voiced her concerns about pharmacists' lack of training in monitoring for mental health symptoms and cannabis use disorder.
- Ms. Berezhnyy reminded board members of a survey conducted which stated that patients trust their medical cannabis pharmacists more than their recommending medical providers.
- Dr. Smith stated that she does not believe that pharmacists have the qualifications to diagnose patients, and that the board should be focusing their attention on improving the Limited Medical Provider (LMP) program instead.

The public gave the following comments about this agenda item:

- Mindy Madeo of Beehive Farmacy commented that as a medical cannabis pharmacist, she already monitors patients for cannabis use disorder. She noted that her long-term goal is to incentivise all primary care doctors to manage all medication, including cannabis. Finally, she stated that Beehive Farmacy would provide card renewals with a pharmacist at no cost to the patients.
- Nicholas Thompson-Baugh of Empathetix expressed his concerns with the possibility of renewing medical cannabis cards with pharmacists and didn't know how there would be enough pharmacist availability to complete many renewals.
- Tim Pickett of KindlyMD commented that KindlyMD has a program that offers lower costs to patients to renew their medical cannabis card. He also noted that board members should focus on ways to bolster the QMP program rather than decreasing the practice of care for patients.
- Daniel Rawlings commented that as a QMP, he has never had a collaborative agreement that pharmacists could refill a patient's prescription and does not believe medical cannabis pharmacists should be able to renew cards either. He noted concerns of high-risk patients and the need for them to be monitored closely throughout all their medical processes.
- Chris Sheard commented that the Drug Enforcement Agency (DEA) would need to issue a controlled substance license to pharmacists in order for them to be allowed to renew medical cannabis cards as long as cannabis is a schedule I drug.

The board took the following action on this agenda item:

- Vote: Table this topic for a future meeting.
 - Motioned: Mr. Page
 - 2nd: Mr. Lauritzen
 - Roll call vote:
 - Kent Andersen: Yea
 - Nanette Berezhnyy: Yea
 - Cami Clark: Yea
 - Desiree Hennessy: Yea
 - Jimmy Higgs: Yea
 - JD Lauritzen: Yea
 - Chris Morgan: Yea
 - Matthew Page: Yea
 - Misty Smith: Yea

6. Reducing the cost of caregiver and guardian cards

Mr. Lauritzen, Ms. Hennessy, and Ms. Bereznyhy gave a presentation to board members on items in their [memo](#). The presentation included the following:

- Background
- Proposal
- Comparative analysis
- Recommendation

The board discussed the following about the presentation:

- Mr. Lauritzen asked Mr. Higgs if there was anyone in the state of Utah who had been prosecuted or arrested for distributing cannabis products from medical cannabis pharmacies. Mr. Higgs did not have the information off-hand but stated that he would research this.
- Mr. Higgs stated that the board should investigate ways to fund background checks for those getting a caregiver or guardian card.
- Mr. Morgan noted that his practice conducts drug screenings for any potential caregivers or guardians, as well as randomized drug screenings for active caregivers and guardians. He stated there have been no failures so far.
- Mr. Page stated his desire to have caregiver cards and guardian cards placed under separate categories.
- Professional caregivers that provide care to multiple patients..
- Fees and revenue associated with medical cannabis caregiver and guardian cards.
- Mr. Morgan suggested surveying Utah QMPs and LMPs to gauge interest in slightly increasing their fees to eliminate caregiver and guardian costs.

DHHS/UDAF staff clarified the following for the board:

- Mr. Eckhoff stated that CMC staff did not know of anyone who has failed the caregiver background check.
- Mr. Oborn shared that he would research the financial impact of caregiver cards and report to the board members at a later date.
- Mr. Oborn discussed the possibility of removing the background check requirement completely.

The public gave the following comments about this agenda item:

- Tim Pickett of KindlyMD commented that this is a burdensome process and that some caregivers are diverting the process by getting a card for themselves and giving their products to their family or friends who need them. He stated that his clinic has never had any issues with any caregivers or guardians, and that they are in

favor of reducing the burden and making the process easier for caregivers and patients.

The board took the following action on this agenda item:

- Vote: Remove background check requirements for caregivers and guardians in order to obtain a caregiver or guardian medical cannabis card. Replace the background check requirement with a checkbox on the card application indicating that candidates have not been convicted at the state or federal level of drug trafficking or distribution.
 - Motioned: Mr. Lauritzen
 - 2nd: Ms. Bereznhyy
 - Roll call vote:
 - Kent Andersen: Yea
 - Nanette Bereznhyy: Yea
 - Cami Clark: Yea
 - Desiree Hennessy: Yea
 - JD Lauritzen: Yea
 - Chris Morgan: Yea
 - Matthew Page: Yea
 - Misty Smith: Yea
- Vote: Table the discussion on caregiver and guardian fees for another meeting
 - Motioned: Mr. Lauritzen
 - 2nd: Dr. Smith
 - Roll call vote:
 - Kent Andersen: Yea
 - Nanette Bereznhyy: Yea
 - Cami Clark: Yea
 - Desiree Hennessy: Yea
 - JD Lauritzen: Yea
 - Chris Morgan: Yea
 - Matthew Page: Yea
 - Misty Smith: Yea

7. Annual rule implementation

Mr. Lauritzen and Mr. Page discussed regulators' annual rule implementation. The board's discussion included the following:

- Concerns by operators on complying with annual rule changes.

- Preferences for UDAF and DHHS to have a larger grace period for implementing rule changes.
- Repeated rule changes affecting product packaging and labeling.
- Issues with current software.
- New software go-live dates for Inventory Control Systems (ICS) and Electronic Verification System (EVS).

DHHS/UDAF staff clarified the following for the board:

- Administrative rule procedures.
- Dr. Forsyth noted the ongoing quarterly cultivator, processor, and pharmacy meetings held to inform operators on rule changes.
- UDAF rule changes that occurred and possible upcoming rule changes.

The public gave the following comments about this agenda item:

- Nicolas Thompson-Baugh of Empathetix commented that he is very excited about the changes being made to product packaging and believes that there is no danger to the public when patients understand their medicine better.
- Justin Arriola of Life Elevated asked how the departments are going to work to make sure that Salesforce enables operators to comply with labeling standards. He also mentioned that he would like regulators to revisit the idea of allowing QR codes on packaging that link to certificates of analysis.

8. Next meeting's agenda

Mr. Lauritzen discussed the next meeting's agenda and encouraged board members and members of the public to submit recommendations for agenda items. Dr. Smith offered agenda item suggestions for May's meeting.

9. 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 4:52pm.