

09-25-2025 Medical Cannabis Establishment Licensing Board Work Group Minutes

Commissioner Kelly Pehrson Calls Work Group To Order - Utah Department of Agriculture and Food

Commissioner Kelly Pehrson: “Appreciate everyone in their busy schedules making time to come to this very extremely important board meeting. This is just a work meeting, right? So we don't need a quorum today, because we are not taking any action items today. We're just getting instructions on how to go about choosing the independent pharmacy that was put into statute this last session. So I will turn the timer over to Aimee to give us instructions. Thank you.”

Aimee Isom: “All right. So again, we're just going to kind of go through the instructions that we've sent out to the board as well as are attached to the agenda on the public notice for those who'd like to view it. And so we're just going to kind of go through, answer any questions, just make sure that the process is outlined, the board members, that you guys, feel solid and kind of what's expected of you and what to do when you have questions like that. And so as you guys know, in this last legislative session there were two additional medical cannabis pharmacy licenses that would be awarded. One of them was to be awarded prior to or by January 1st of 2026, and so that's the one that you guys are currently going to review. And so for this one there were certain parameters such as the entity could not own a financial interest in the medical cannabis pharmacy or is owned by an entity that owns a financial interest in a medical cannabis pharmacy, and then this applicant the area had to be designated as a medically underserved area as determined by the Federal Health Resources and Services Administration and located in a county third, fourth, fifth, or sixth. So those were the big stipulations for this particular license. We put out applications in July. We closed at the end of July. We've been doing an internal review to just make sure as outlined in law that the applications are accurate and complete before they go to you guys as the board for your final review. And so we are now at that point to open it up for you guys to begin reviewing the applications. And so what that kind of looks like is we have, for one, provided you all a map. I don't know if you guys want me to pull up the map.”

Commissioner Kelly Pehrson: “Does the board want to see the map? What do you want to do? Yeah, pull it up.”

Aimee Isom: “And these are resources for you guys as your....Do you guys see the map?”

Board Member: “We do.”

Aimee Isom: “Okay. And so basically this map is just a resource for you all as you're kind of looking at where these proposed locations are. And so the map shows where the current pharmacies that are licensed and operating are in green. And then the other locations are noted as the proposed. And so some of these may- there may be one or two in this certain area but it just gives at least a representation for you guys to look at where they're kind of at as you're reviewing applications as you go. As far as the review itself you guys will be utilizing a system called Submittable. I believe Nessa has been sending out emails this morning or we'll continue to send them out just welcoming you to that platform so that you guys can all kind of get signed in. And so this will be the system that you guys will use to review applications and rank them. So as you're getting set up, as you're getting just kind of in there, you will be assigned applications and those would be basically the applications you would review. So keep an eye out for that email if you have not already received it. And then as you guys are reviewing the applications, a number of the questions have rule references or statute references, things like that. And so in the guide, we also provided for you a link to 4-41-A as well as R66-5, which is the pharmacy rule. These would be resources for you guys to look at to show what is required by law for applications to have and as they relate to the specific questions. So I'd encourage you guys to just make sure you can open those up, that you can utilize them as a resource so that you can review to those as you're looking at those questions for completeness or how you want to rate those. The Submittable platform allows the option for you guys to submit questions to applicants. However, we ask that you guys don't reach directly out to an applicant. If you guys do have questions, we ask that you contact the general cannabis email, so cannabis at utah.gov and submit questions directly to us program staff, whether they're just general questions or specific application questions. And then we will get those answered for you and provide the responses back. And so what that will look like is if a question is asked and say from one board member, we'll get the question answered and then we'll provide the question and answer back to every board member so that that way you guys can see everything that everybody's asked in case you have that same question or you didn't know you have that question. And so we just ask that again there is no direct communication between you guys and the applicant that any requests for information or questions come directly to us cannabis program staff and then we will filter it that way. The applications that you guys will be reviewing should have all identifying information redacted out. So ownership information, names, things like that should be removed. The review really should be focusing on experience and the answers to the questions themselves. If for some reason you feel that there's a conflict of interest or you notice something that could be a conflict of interest between you and the applicant. There is a part on the application to note that. And then you guys can just reach out to us to further discuss it to determine what that next step is. Once you have completed your review, you'll submit it. And then once you've submitted it, you can't go back in and really change it. It's complete at that point. So we've outlined the steps for Submittable for you all. This just kind of shows that you'll be getting that email that will come out. In the email, you'll be assigned applications. They'll be assigned by number. And so you'll get something that says, like, you've been assigned to review 0001. Then you can click into it. And then you'll see your name. You'll see a complete review. You'll start the review. You are a Stage 2 Reviewer, so just make sure it states that when you are reviewing this. And then you can save the draft. Go back in if you can't complete the review in one setting. You'll just want to make sure you do hit Save Draft or it will delete all of your work. And then you'll also just want to be sure that you don't hit that Submit Review until you're completely done with that review. Otherwise, that is the formal submittance of your review of the application. So don't hit that one until you're ready at the end. And you should only be doing that one once. So let's see. All right. You'll notice when you guys begin reviewing the application, it is a point-space system. You guys will see the points that are applicable to each question and how it's kind of rated there. And then it's up to you guys to review the question and determine the point value that you'd like to give that based on how well they've answered, how well they've met the code or the rule references, things like that in the question. And so as an example, like the ownership has like 20 points. And so you

can determine based on the answer to give 0, 1, 15, 20 points. And so that's how you'll kind of look at it through that number rating system as you go. Any questions up until this point? Okay. If you will notice that there are some questions that are weighted may be heavier than some others. They may have a greater point value. There are some items that are outlined in 4-41-A that essentially take a more weighted look. And so those are things like local community connections, the suitability of the location, increasing efficiency, reducing costs, things like that. So that's why you may see some differences in the number of points assigned to a question or not."

Commissioner Kelly Pehrson: "So we'll know, like, what number 46 is?"

Aimee Isom: "Yes. Yeah. So it will list the entire question out in the review. They'll be able to see it. You guys will be able to see any response they put into there, as well as any uploaded attachments. So if they have uploaded anything additional to it, you guys will be able to open those, look at those as well. And so that's kind of how that process will work. If you guys, again, do have questions on anything specific to an application, or you're having trouble getting into Submittable, anything like that, reach out to us, and we're happy to help make sure that you can access the system and get the questions answered in general for everybody. As far as the review timeline, we have it set so that you guys can start reviewing as of today. And then we're looking to kind of close it out mid-October so that we can kind of get everything wrapped up. And then the goal is to schedule a November board meeting to then determine the final license, awarding the final license. And so, again, please, throughout this review period, reach out if you do have questions. Once we do get to the board meeting for review, we'll kind of go through that process. But on October 9th, at the next establishment meeting, we'll go over the process with you guys of the number of applicants, that kind of criteria that we're looking for to go to the November meeting. And then at that November meeting will be really where the final application will be looked at. And then any questions that are generated by the board during the review period, things like that, we will share publicly as part of that meeting. So questions, or Kelly, would you like to add?"

Commissioner Kelly Pehrson: "No, I'm just, on the timeline, is there talks of bringing companies in and having in-person discussions with them?"

Aimee Isom: "Yeah, so if there is a determination that there needs to be any in-person interviews, because that can occur, then we'll have to just look at the timeline and determine what that looks like as far as extending the reviews or that kind of thing. Any questions? And then the final thing I just wanted to note on here again just as a resource to you guys we did put an example of the instructions we sent to applicants just so you can kind of see what was required of them. It does have a map that shows like the third fourth fifth sixth requirements things like that and so just wanted to provide an additional resource to you all. Brad, do you have a question?"

Brad Winter: "Yeah. Just to double-check on, you were very clear, but just want to make sure my understanding was correct. We don't have to have our final evaluation done by October 9th, but it would be good if we had dug into it and started into reviews so we have questions and discussion by October 9th and then November is when we would be expected to have reviewed everything and have our kind of final opinions ready. Am I understanding that appropriately?"

Aimee Isom: "It should more be that you guys should have the applications reviewed and kind of have your final scoring and everything ready to go by, like, the 16th of October, so mid-October, so that we can have everything set for that November meeting. However, if you do review sooner and you're finished sooner? Fine, that's great. So yeah, hopefully that clarifies."

Dr. Edward Walker: "I just have a quick question for you. And that is, you've gone over this really well and everything, and it'd really be helpful to me if we could get kind of a review sheet of what you just said, and kind of, maybe some pointers, you know, maybe a link to where we start this process and follow through. It'd really be kind of helpful for me."

Aimee Isom: "Yes, absolutely. So, attached to the agenda is this, like, review instruction. So we'll make sure to email it and get it out to you guys as well and then Nessa has started to send those emails like that one that you saw this morning, Ed, about Submittable, and that would be the good place to start to get into those reviews as following that email, those email instructions, and then if you do have any issues then reaching out to us, and Nessa can walk you through making sure that you can get in and access those reviews."

Dr. Edward Walker: "I'm actually on the Submittable right now on UDAF's site here, and I don't see any assignments yet or active submissions. Is that correct?"

Aimee Isom: "That would be- so that email that she has sent to you is just to make sure that you can log in, get into Submittable, and then she'll send a follow-up email, and then in those it will have the applications assigned, and so you can either go to that email, go in and click on the application, and it'll take you there, or I'd assume if you refresh here shortly, you would see some applications pop up."

Commissioner Kelly Pehrson: "Just a quick, random question. So when they put in their application, is it a word count, page count, so they're all the same?"

Aimee Isom: "There is not, because Submittable doesn't cap pages, so they're allowed to put in whatever length of response that they would like to put in."

Commissioner Kelly Pehrson: "Would we see something like a 1,200 page one versus a 10 page one? We will see that?"

Aimee Isom: "Yes. Any other questions?"

Miles Maynes: "Yeah, I've got a few. So who is the point to reach out to now? Is it you on these?"

Aimee Isom: "Yeah, so you guys would just want to reach out to the general cannabis. It's like cannabis at Utah.gov. It's listed on that paper as well."

Miles Maynes: "But what if I have a phone call question?"

Aimee Isom: "Yes, you can contact me and start there."

Miles Maynes: "Okay. And will this be uploaded to the Submittable? What, you just went over? Is that possible?"

Aimee Isom: "That we'll give to you guys. We'll send it an email, and then Submittable should be pretty straightforward to go through, but if you do have questions, then we can answer any of those."

Miles Maynes: "Okay. And for someone who's never done a state review like this before, how long? Just kind of- I mean, I don't know, Kelly, you've done thousands, maybe. Who knows? But how long are you taking on each of these submissions? Is there two hours and you feel comfortable moving forward, or is it like a day and a half? How much time should we be committed to this?"

Commissioner Kelly Pehrson: "Yeah, good question. I don't even know the..."

Melissa Ure: "As much time as you feel is necessary to actually review the information and be able to score it."

Miles Maynes: "So a thousand pages in the middle should take us..."

Melissa Ure: "As long as you need."

Miles Maynes: "Six Days? Yeah. And who else is reviewing these applications? Have you already pre-screened all of these?"

Aimee Isom: "We have for completeness and accuracy based on the requirements of what we need to make sure they're in the correct zones, that the questions have been answered, ownership to pass, things like that. But the next review is your guys'."

Miles Maynes: "Are we looking at this for compliance and overall concepts of proposal? Basically, what I'm wondering with this question is; if we miss something with compliance and it is the one that we all agree to say, yes, we love this one. And then it gets turned over to you and you're like, oh, hold on, this doesn't even apply with codes A, B, C, and D. And then we're like, well, we missed that, sorry. Have these things checked?"

Aimee Isom: "We've checked for compliance that it meets, it's like accurate to the law, the things like that. And so anything that you're reviewing should be good to go forward at that point."

Miles Maynes: "Okay. So there's already built in that measure of safety that we're not going to, I'm not going to muck things up if I choose one thing that's completely off, but I'm like, yeah, I like these guys, they do payments that are wireless or whatever. I don't know. Just making, making a point."

Aimee Isom: "We have pre-screened."

Miles Maynes: "Okay. So I will dedicate the next three weeks to this."

Aimee Isom: "Any other questions?"

Brad Winter: "I'll just make note that I just found the invitation to Submittable in my, uh, like a sub email folder. It wasn't in spam, it was in promotions. So something to inform the other board members of. If you can't find it, maybe check the other folders in your email."

Aimee Isom: "So keep an eye on your promotions folder."

Melissa Ure: "If you don't see it today, please reach out so that we can make sure that you get it. We want to make sure that you have as much time as possible to review."

Miles Maynes: "Who else is working on this application process?"

Aimee Isom: "So it's myself, Nessa, and Nicole. We are the core team."

Commissioner Kelly Pehrson: "So real quick. We all do our points by October 16th and then we come together in a meeting and discuss the rankings there? What's the final..."

Aimee Isom: "So you guys would be doing this review portion independently, on your own, working through it, and then, I believe once everything's rated... I'm not sure if it goes to the November meeting or if we have a meeting in between."

Melissa Ure: "Yeah, we'll put together the rankings and send that out, and then at the November meeting that will be discussed. You could have your in-person interviews, if you want to have those types of things, and then the final decision will be made in that November meeting."

Commissioner Kelly Pehrson: "The board can decide how many they want to bring in for in-person meetings."

Melissa Ure: "Yeah, I think that's one of the reasons we want you to kind of have at least reviewed everything by that October 9th meeting, is so that you guys can kind of tell us, OK, well, we want to bring in the top four. I'm just throwing a number out there. You guys decide that. And then we can say that, OK, we'll make sure that the top four are available for that November meeting for you guys to have that interview. But if that would be what you guys would tell us."

Commissioner Kelly Pehrson: "Would that be before or after we rank them? I guess we're going to rank and they decide?"

Melissa Ure: "Well, you don't have to be completed with all your rankings. But I mean, by that time, you should have been able to review the material, maybe not finalize everything, but look at it. I think I really want to talk to X amount of people to bring them in to make my final decisions here. But yeah, your rankings will still be completed before we bring them in, because we have to know what the top four would be to bring in."

Miles Maynes: "And if we do have a technical question, do we just reach out to you? Or should I reach out to Susan? Or Brad? Or is that against the rules?"

Aimee Isom: "I would just reach out to us so we can help you figure that out. We would just like you guys to do this independently. So your ratings are just your points."

Melissa Ure: "Your conversations amongst each other needs to be public. Amongst the board members on deciding this. So yes, if this is your individual review, if you have questions, reach out to staff. Make sure you give them that."

Dr. Edward Walker: "Aimee, I just opened one of my reviews in Submittable, and I noticed the first one I opened is probably in excess of 50 to 70 pages long, it seems pretty extensive. Are we supposed to go through that entire thing? Is there a focus we have on this? Wow, I can't get to the bottom of this, I keep scrolling down and down and down. Is that what all these look like or... I'm just asking?"

Aimee Isom: "So they do vary in length, it just depends on how much information the applicant felt they needed to answer that question. Again, you guys should be going through and reading them and reviewing them to where you feel comfortable with rating and providing that review."

Miles Maynes: "So, I have nine submissions, is that correct?"

Aimee Isom: "It could be just what's been sent to you so far. So once all the process is done throughout the day, then you can go back in and check."

Brad Winter: "And I'm assuming that since I'm Winter and at the end of the alphabet, the fact that I don't have any is okay and I'll just be patient."

Aimee Isom: "Yeah, just give us some time today to figure it out and get everything out to you guys, and then check any other email folders, in case it went to promotions or spam. Any other questions on the instructions?"

Dr. Edward Walker: "Just finally as we begin to do this, you said we're supposed to rank these according to a rubric of some kind here, and as I brought up mine I didn't- I saw on the right, it's just said review and I didn't see that right off. I guess your instructions will tell us how to get to that or how we're supposed to rate it?"

Aimee Isom: "So what Nessa was saying was that once you go in there should be a review and then it should say 'start the review' and then once you do that there should be a sidebar that pulls up on the right hand side that will then give you some more information."

Dr. Edward Walker: "Okay, I got it now."

Aimee Isom: "I'm not sure if you guys' heard that, but what Nessa was basically saying is that as you go through the review it does have you complete all portions of the review. So, if you go to submit and the question hasn't been answered it won't allow you to submit. So you want to just make sure you're going through the complete review. Nessa will send out these instructions."

Miles Maynes: "How much scrutiny is this process being watched by state legislators?"

Commissioner Kelly Pehrson: "I would say a lot."

Miles Maynes: "So if we mess it up, all our faces will be in The Tribune."

Dr. Edward Walker: "Aimee, just one more quick question on this. As we fill out our review, each of the boxes says how many points are available in the box. I'm sure that's where we entered in, but it also says if there are no comments, please type no comments. And I'm wondering, do we just mix the score right in with the text? Is that the way it works?"

Aimee Isom: "I believe there's two boxes. One should be for points, and then one should be if there are any comments you would like to put."

Dr. Edward Walker: "For example, I'm looking at one of these, and it says ownership, 20 points. Questions 1A and 2 required. I see. And then if you have to, there must be... There's just a box that says please fill out this, and it talks about comments. And then down below, yeah, there is a second box that has the points on it. I got it. Okay, and then it goes on, so the comment, points, and then decoration of no entry. Okay, got it."

Aimee Isom: "Okay, perfect. And again, as you guys go through this, if you're having those questions or running into anything like that, just feel free to reach out. We'll make sure that you can get through that with you. Alright, if there's no other questions, and I think we can wrap it up, we'll make sure that you guys get an emailed copy of these instructions specifically. Again, just keep an eye out for a couple of emails, one to introduce you to Submittable, and then one, or ones that have the actual applications that are assigned to you. So, thanks for your time this morning, and everybody have, oh, Brad, do you have a question?"

Brad Winter: "Yeah, I have one more question. I know that at the last board meeting, this came up a little bit. Like, is it in our purview to... consider what is a medically, you know, an area with medical necessity, and we talked a little bit about, you know, giving us some context with maps and stuff. We were shown where on the website we can look at that. May I assume that all of these applications, because that was the nature of this first selection, are in what is determined as an area of medical necessity. We don't necessarily need to think through, like, well, in my opinion, geographically, this place might be better, this one, we're really looking at the elements of the applicant, right? May I assume that, like, the geography has been considered, or is that in our purview?"

Melissa Ure: "So, we've gone through the medically underserved areas, as defined in the statute, we have gone through and made sure that those are, these, these qualify are in those areas. So, you can think about that, but I do believe there are some questions that will ask you to take, that take in mind, like, does this serve the best of the patients? And so, that is, based on what the questions are asking, that is why we're asking you guys to review them independently, so that you can put that into consideration, based on those questions and the points that are given. Yes. But they all meet the, the, at this point, everything that you have given as Amy has already been addressed as statute, between all the statutory criteria, including being in one of those areas."

Brad Winter: "Okay, that helps. I just want to make sure that I'm not applying any, sort of, inappropriate bias as I, as I evaluate things. Thank you."

Aimee Isom: "Any other questions?"

Miles Maynes: "Is this only on desktop? I assume there's not a mobile version for this type of review."

Nessa Tall: "It could be a lot to review on a phone, but you probably could if you really tried. I haven't seen an app though."

Aimee Isom: "And with that we'll wrap up the meeting. Thank you guys again for coming."

Commissioner Kelly Pehrson: "Yeah, thanks for coming to the work meeting. Do we motion to adjourn at a work meeting? Probably not because we have a quorum. But we'll just end this meeting. Thanks again for coming. Reach out if you have any questions. We appreciate your service in doing this. Obviously more pharmacies have been chosen since we started the program over at DHSS so they've done this process. It works. You've got to make sure you go through it thoroughly. Rank it how you feel and trust the process. Thanks for coming."