



Utah Department of
Health & Human Services
Center for Medical Cannabis

DHHS Medical Cannabis Market Analysis Input Meeting
Meeting Minutes
Oct 25, 2022

- Meeting started at 4:00pm MT.
- Present staff included Rich Oborn from DHHS, Brandon Forsyth from UDAF, and support staff from DHHS.

Rich Oborn, DHHS Center for Medical Cannabis

Slide 2 - Meeting objectives

- The meeting purpose is to:
 - Provide general information about the market analysis with the public.
 - Review market analysis factors that DHHS considers when evaluating the possibility of issuing additional medical cannabis pharmacy licenses.
 - Receive formal input or public comment about the market analysis.

Slide 3 - Housekeeping

- This meeting complies with the Utah Public Notice Act, and information about this meeting can be found on the Utah Public Meeting website:
<https://www.utah.gov/pmn/sitemap/notice/784387.html>
- Written comments will be collected through an online survey that will be available on medicalcannabis.utah.gov starting in early November.
- Public comments will be accepted after the slideshow presentation is complete.
- In-person attendees need to sign the paper sign-up sheet.
- Virtual attendees need to ensure that their actual name appears in the virtual profile or write your name in the chat.
- Chat comments will be received by Executive Secretary Rachel Devine.

Slide 4 - Background and purpose of medical cannabis market analysis

- Utah law states that DHHS must complete an annual medical cannabis market analysis.

- A part of the market analysis is consulting with the public and holding public meetings.
- The market analysis will be reported to the Utah Legislature Executive Appropriations Committee.
- Its anticipated completion date is by the end of 2022.

Slide 5 - Factors for DHHS to consider in the market analysis

- DHHS is considering the following factors in the medical cannabis market analysis:
 - High potential for growth in the number of medical cannabis card holders located in one or more regions.
 - Access to medical cannabis home delivery service in the state or in certain economic regions.
 - Commuting patterns and economic activity in specific regions.
 - Distance for medical cannabis patients or potential medical cannabis patients residing in certain economic regions of the state from their home to the nearest medical cannabis pharmacy location.
 - The adequate or inadequate quality, supply, or variety of medical cannabis.
 - Other factors.
- The previous public meeting for the market analysis focused on the top 4 bullet points. This meeting will focus on the 5th bullet point of adequate or inadequate quality, supply, or variety of medical cannabis.

Slide 6 - Product quality

- DHHS and UDAF have a statement in response to concerns expressed regarding the safety of medical cannabis products containing synthetic and/or derivative cannabinoids:
 - Patient safety is always the program's highest priority.
 - We want to provide patients and families with all available information so they can make informed decisions about their health.
 - Current Utah law for patient safety requirements include independent testing of medical cannabis, utilizing best practices regarding human safety standards, and clear ingredient labeling.
 - Utah medical cannabis testing evaluates which cannabinoids are in cannabis products.
 - Utah's program relies on experts at the FDA, USDA, DHHS, etc. to make ingredient safety determinations.

- At this time, no evidence showing harm or benefit from the identified synthetic or derivative cannabinoids in Utah medical cannabis products has been found.
- Patients should work with healthcare providers and/or pharmacists to determine risks and benefits of using any product that contains an unfamiliar ingredient.
- The Cannabis Research Review Board (CRRB) reviews available research related to the human use of cannabinoid products and recommends guidelines for QMPs and pharmacists who recommend cannabinoid products to their patients.
 - Learn more about the CRRB, including their meetings and guidelines at <https://medicalcannabis.utah.gov/resources/cannabinoid-product-board/>

Slide 7 - Product variety and supply

Brandon Forsyth - UDAF Medical Cannabis/Industrial Hemp

- There has been a 3x increase in the amount of biomass produced from fiscal year 2021 to fiscal year 2022 in Utah's medical cannabis program.
- Since the program started, there have been 4 recalls, 3 of which were voluntary; and 4 product holds. The low amounts of recalls and holds are partially related to UDAF testing before products are allowed on shelves.
- Since the program started, UDAF has received 43 complaints. 14 related to product quality, 6 related to product cost, 7 related to labeling or misadvertising on labels, 4 related to faulty product, 11 related to testing timelines and requirements, and 2 related to product expiration dates.
- Patient concerns and complaints can be sent anonymously to UDAF using the Cannabis Facility Complaint Form on the right hand side of the Production page on the DHHS Center for Medical Cannabis website:
<https://medicalcannabis.utah.gov/production/>

Slide 8 - Cartridges

Rich Oborn, DHHS Center for Medical Cannabis

- One limitation of the following data is that it focuses on items sold and not on actual patient dosing amount or frequency.
- DHHS is concerned about reports of low availability of products with high CBD and low THC content.
- 90% of cartridges sold had a 20:1 or more ratio of THC to CBD.

Slide 9 - Flower

- 75% of flower products sold do not contain CBD.

Slide 10 - Gummies

- 57% of gummy products do not contain CBD.
- 30% have a 1:1 THC to CBD ratio.

Slide 11 - Public comment

- DHHS and UDAF will not respond to any public comments until the end of this meeting's public comment period.
- Written comments can be submitted in-person to Rachel Devine.
- Comments will be limited to 2 minutes each.
- Please keep comments respectful and courteous.
- Please limit comments to medical cannabis supply, variety, and quality.

Scott Ericson, Utah Cannabis Co-op

- Supply:
 - Believes that the biomass being produced will continue to grow exponentially each year because Utah's market has not matured yet.
- Variety:
 - Believes that product variety is influenced by the market demand, and the market has responded to requests for more concentrates and gummies from patients.
 - Currently more patients want high THC products than high CBD products, and that is high CBD products are difficult to find.
 - Testing costs may be too high for companies to justify creating and testing a new high CBD product when it may have lower profits than a high THC product.
 - Believes that as the market continues to grow more high CBD products will become available.
 - It is difficult to source flower that is low THC/high CBD because of federal laws that prohibit cannabis products from crossing state lines.

Alyssa Smailes, Utah Cannabis Association

- Supply:
 - Agrees with Scott Ericson and the Co-op about supply.

- Most cultivators haven't reached their maximum grow limit, which indicates that Utah supply will continue to grow.
- Recommends that current license holders reach their current grow limit before another medical cannabis pharmacy license is issued.
- Variety:
 - Agrees with Scott Ericson and the Co-op about high CBD/low THC products currently in the market.
 - A market analysis submitted to the Utah Legislative Medical Cannabis Governance Structure Workgroup indicated that product variety in Utah is similar to other states' medical cannabis programs.
 - Current laws in Utah prevent selling some medical cannabis products that are available in other states.
- Quality:
 - UDAF testing requirements are rigorous, which makes the argument that product quality is strong.

Zachary Chase, Patient, TRUCE

- Quality:
 - Concerned about synthetic and derivative cannabinoids in products.
 - Has had bad experiences using products with synthetic and derivative cannabinoids
 - Feels that improving product quality to remove synthetic and derivative cannabinoids is more important than improving product supply.

Michelle McComber, Utah Medical Association

- Variety:
 - Has heard from physicians that there are inadequate products that are high CBD/low THC.

Emily Tucker, Patient

- Quality:
 - Has pictures of moldy gummies that she will send to medicalcannabis@utah.gov
 - Concerned about synthetic and derivative cannabinoids in products, particularly for her 15 year old son who wants to use CBD for his anxiety.

Zach King, Patient

- Supply and variety:
 - Would like to see more products with terpene diversity.
 - Concerned that products are unaffordable.
 - Would like to see more varieties of high CBD and high THC flower.
- Quality:
 - Concerned about transparency in products, such as how they're produced, if they're organic, and if there are synthetic and derivative cannabinoids.
 - Has had bad experiences using products with synthetic and derivative cannabinoids and products that were not organic.

Drew House, State veteran caucus chairman, TRUCE, Patient

- Supply:
 - Accessibility and consistency of product are 2 of the biggest barriers to patients.
 - Believes that the Utah market is over regulated, which limits product consistency on shelves.
- Quality:
 - Quality of product is the 3rd biggest barrier to patients.
 - Has experienced purchasing vape cartridges that aren't fully filled.
 - Concerned about synthetic and derivative cannabinoids in products.
 - Product labeling is confusing for patients and doctors.

Christine Stenquist, TRUCE

- Quality:
 - Agrees that there are quality concerns, especially about synthetic and derivative cannabinoids in products.
 - Believes that more cannabis researchers and experts need to be consulted and utilized when making policy.
- Variety:
 - Concerned that there are inadequate liquid suspensions of cannabis.
 - Would like to see more variety in the types of products available to patients.
- Concerned that the patient retention rate is dropping and that patients are turning to the black market.

Shireen Tawadi, TRUCE, Patient

- Quality:

- Concerned about synthetic and derivative cannabinoids in products, particularly how these will affect metabolism and care for patients with chronic conditions.
- Has heard that physicians are concerned about synthetic and derivative cannabinoids in products, too.
- Would like to see better product monitoring in the program.
- Concerned that the patient retention rate is decreasing.

Sherman Hom, Regulatory Affairs and the Medicinal Genomics Corporation

- Quality:
 - Concerned about inadequate microbial testing for Utah's products.

Mike Moss, CRRB, Utah Poison Control Center

- Variety:
 - The CRRB is concerned about the availability of smaller dosages in all products.
 - Current large dosages do not align with many medical provider recommendations, especially when patients are starting cannabis treatment and need low doses.
 - Current large doses often require patients to cut the product into smaller pieces.
 - Has experienced kids who accidentally consume large doses of cannabis, and having smaller doses of products would help mediate this.

Shelly Ulrich, Utah Patients for Cannabis and Natural Choices

- Quality:
 - Would like to see better education about product labeling for patients and health care providers.
 - Would like to have terpenes listed on the product label.
- Supply:
 - Has experienced difficulty finding consistent products on medical cannabis pharmacy shelves.
 - Concerned that Utah's products are unaffordable.
 - Knows people who are purchasing from the black market or crossing state lines to purchase cannabis because they can't afford Utah's products.

River Healy, Patient

- Quality:
 - Has experienced difficulty in finding vaporizers that work.
 - The lack of vaporizers makes it difficult to follow the law and not combust cannabis.

Mitchell Butterfield, Patient

- Quality:
 - Has had bad experiences using products with synthetic and derivative cannabinoids.

DHHS/UDAF responses to public comment

Rich Oborn, DHHS Center for Medical Cannabis

- Public comment period is closed.
- Please email additional comments to medicalcannabis@utah.gov
- DHHS will send out a survey for additional feedback and will alert stakeholders when the survey is being sent out.
- Concerns about high CBD/low THC products:
 - DHHS and UDAF are monitoring the availability of high CBD/low THC products.
- Concerns about synthetic and derivative cannabinoids:
 - Utah law requires that all cannabinoids, including synthetic and derivative cannabinoids, are listed on cannabis product labels.
 - DHHS and UDAF are currently working on a patient guide for reading cannabis product labels. The industry and patient advocates will also be consulted for this project.
 - Patients can educate themselves about the cannabinoids in the products they're consuming based on the cannabinoids listed on the product label. They should talk with their medical provider and/or a medical cannabis pharmacist to determine if they should use products with synthetic and derivative cannabinoids.

Brandon Forsyth - UDAF Medical Cannabis/Industrial Hemp

- Concerns about testing:
 - Utah tests cannabis concentrate before it is created into a final product, such as gummies, cartridges, etc.
 - The concentrate is tested for cannabinoids, foreign matter, microbes, residuals, solvents, and pesticides.

- Testing the concentrate helps to make sure there aren't any contaminants that could be hidden by other ingredients in a final product.
- UDAF is currently working on a way to better share test findings with patients.
- Regarding concerns about product quality:
 - UDAF is very concerned about product quality.
 - Please submit good and bad experiences and complaints to UDAF using the Cannabis Facility Complaint form on the right hand side of the Production page on the DHHS Center for Medical Cannabis website:
<https://medicalcannabis.utah.gov/production/>

Meeting conclusion

- Written comments can be emailed to medicalcannabis@utah.gov.
- Please fill out the survey once it is sent out in November.
- Meeting concluded at 5:00pm MT.