

**Department of Human Services
Oregon Medical Marijuana Program
Advisory Committee on Medical Marijuana**

**Monday, January 22, 2007
Portland State Office Building
800 NE Oregon St, Ste 140
Portland, OR 97232
10:00 am – 2:30 pm**

The Oregon Medical Marijuana Program (OMMP) Advisory Committee on Medical Marijuana (ACMM) provides an opportunity for public to discuss administrative issues with the OMMP management.

**MEETING CALLED
BY**

Sandee Burbank, ACMM Chair

Meeting called to order at 10:03 am

HANDOUTS: ACMM Order of Business, December 13, 2006 Meeting Minutes, Meeting of ACMM with ORS 475.303, Mr. Sajo's Proposed Motions

ATTENDEES:

ACMM: Sandee Burbank, Leland Berger, Laird Funk, Dr. Darryl George, Chris Iverson, Jim Klahr, Madeline Martinez, Stormy Ray, John Sajo

OMMP Management: Mellony Bernal, Pamela Salsbury-Guertin, Dr. Grant Higginson, Jennifer Hiromura

Present: Laura Bleckman, David Booth, Lindsay Bradshaw, Ed Brown, Dan Chandler, Jim Christenson, Sarah Duff, Kristen Gustafson, Alice Ivany, Marilyn Klahr, Geri Kulp, Anthony Johnson, Linda Mason, Neil Larsen, Lori Link, Roger Tower, Jerry Wade, Robert Walker, Jenifer Valley, Phil Williams, Alicia Williamson

AGENDA TOPICS

REVIEW OF DECEMBER 13, 2006 MEETING MINUTES

ACMM

DISCUSSION

- It was noted Chris Iverson's name was missing in those present and Erin Hildebrandt was incorrectly listed as present.
- Mr. Berger corrected page 4, third bullet to say "Mr. Berger motioned the Advisory Committee recommended that the program promulgate a rule..."
- Mr. Berger also corrected page 6, Motions on Proposals, that he moved the Committee to notify the Governor of the Committee's objections to the Department's proposals.

ACTION ITEMS

- Mr. Funk moved to accept the meeting minutes as approved with corrected

amendments to those present and the motions Mr. Berger made, Mr. Iverson seconded and motion passed unanimously.

UNINTERRUPTED ADMINISTRATIVE REPORTS

OMMP ADMINISTRATION

DISCUSSION

Program Update

- Mellony Bernal was introduced as the Interim Program Manager for the OMMP, as well as the reclassification of Aaron Cossel as the Program Analyst and Jennifer Hiromura as the Office Manager.

L2K update

- The new database system will allow the Program to track underlying or secondary conditions for qualifying conditions. The Program has identified the top 20-30 conditions reported. The Program will look into whether additional secondary *nonqualifying* conditions can be added to the new database.

Grow Site Numbers

- Ms. Bernal provided data for the grow site information. There are 3,242 grow sites with two patients, 1,347 grow sites with three patients, 772 grow sites with four patients, 230 grow sites with five patients, 120 grow sites with six patients, 77 grow sites with seven patients, 40 grow sites with eight patients, 27 grow sites with nine patients, 30 grow sites with ten patients, 0 grow sites for eleven patients, and 12 grow sites with twelve patients.

Questions and Comments:

- In order to distinguish patients designating a grow site but not intending to actually grow, the Committee inquired if there was a way to modify the forms to include a check box stating, in smaller font, ‘registering this location as my grow site but do not intend to cultivate.’ The Program will look into further.
- Mr. Berger asked about the status of the Frequently Asked Question (FAQ), “Who can ingest medical marijuana?” and was informed by Ms. Bernal the Committee’s recommended language was not added.
- Mr. Berger inquired about the process for identifying a new OMMP director and what role the Committee would play in that process. Ms. Bernal responded that Dr. Higginson intends to have a member of the Committee participate in the interview process.
- Mr. Berger inquired about training for law enforcement on the 24/7 system. Ms. Salsbury-Guertin responded that training is offered continually and the Program is working on getting a notice sent out to the different agencies. In the event that the Program has a back-log, law enforcement is encouraged to continue to call the Program. Mr. Berger suggested the Program contact John Minnis, Director of Department of Public Safety Standards and Training.

CONCLUSIONS

- The topic of secondary non-qualifying medical conditions will be placed on the next meeting agenda. Additionally, the Program will share the list of secondary or underlying conditions at the next meeting.
- The Program will provide single patient grow site numbers during Administrative Reports for future meetings.
- The Program’s phone hours will remain at 11:00 am to 5:00 pm due to being short staffed.
- The Committee requested the Program to notify law enforcement agencies about “24/7” system to verify individual’s status in the Program; Mr. Berger suggested the Program contact John Minnis, in which Ms. Bernal agreed to write a letter and report back to the Committee.
- Mr. Berger also requested the Chair draft the letter to the Director regarding the FAQ, as Mr. Berger does not trust Dr. Higginson to forward it. Ms. Burbank stated the letter will be sent to Dr. Higginson and she will follow up.

ACTION ITEMS

- Mr. Berger moved the Committee to recommend to the Director, Dr. Goldberg, the FAQ response be changed to more accurately reflect current Oregon law to say “Although not currently prohibited by Oregon law...” Mr. Funk seconded; seven members voted in favor, one opposed. Motion passed with one abstained vote.

Meeting adjourned for break at 10:54 am

Meeting called to order at 11:05 am

LEGISLATION

ACMM

DISCUSSION

- The Committee discussed their role to the Program as written in the statute along with Dr. Goldberg’s response and the Senate Public Health Committee with Sen. Morissette’s request the ACMM provide recommendation on any proposal presented and issue minority reports. The ACMM felt they are not limited in providing recommendations on any given subject.
- It was clarified the ACMM did not wish to push policy related legislation through the Program; the Committee is responding to the request of Sen. Morissette.
- Mr. Funk proposed that a subcommittee be identified to review legislation pertaining to medical marijuana.

ACTION ITEMS

- Mr. Berger moved the Committee to consider all the proposals, not just those related to administrative aspects of the Program. Mr. Iverson seconded. Discussion occurred without a vote.
- Mr. Berger moved the Committee to consider John’s proposals, vote on them,

and submit the votes along with a minority report, including the votes and minority reports from the last meeting, to Sen. Morissette, consistent with his request, and as need be to Dr. Goldberg regarding administrative issues. Mr. Iverson seconded the amended motion. Motion passed (6-3) with Ms. Burbank, Ms. Martinez, and Ms. Ray opposed.

PROPOSED MOTIONS FOR THE ACMM

MR. SAJO

PROPOSAL

- The ACMM resolves any future legislation or administrative rules modifying the Oregon Medical Marijuana Act shall in no way infringe upon a registry identification cardholder's ability to produce their medical marijuana or to designate a registered cardholder to do so for them as provided under the act.

DISCUSSION

- A friendly amendment was accepted to state "shall not take away a registry cardholder's ability" instead of "in no way infringe upon a registry identification cardholder's".

ACTION ITEMS

- Mr. Berger moved the Committee to recommend the original proposal to Sen. Morissette and Dr. Goldberg for legislative and administrative change. Discussion occurred with confusion on the original motion and vote.
- Mr. Sajo accepted the friendly amendment and Mr. Iverson seconded the motion of "the ACMM resolves any future legislation or administrative rules modifying the Oregon Medical Marijuana Act (OMMA) shall not take away a registry cardholder's ability to produce their medical marijuana or to designate a registered cardholder to do so for them as provided under the act." Motion passed (8-1) with Ms. Ray opposed.

PROPOSAL

- The second proposed motion presented by Mr. Sajo was discussed at the last meeting, as reflected in the December 13, 2006 Meeting Minutes on page eight, bullet point five:
- Mr. Berger's proposal to delete language in ORS 475.306 subsection 2 was amended to state, "The Department of Human Services shall define by rule when a marijuana plants is mature and when it is immature. The rule shall provide that a plant that has no flowers is a seedling or a start and is not a mature plant."

ACTION ITEMS

- Mr. Berger moved the Committee the recommendation as reflected in the December 13, 2006 meeting minutes be forwarded to both Dr. Goldberg and Sen. Morissette. Mr. Iverson seconded. Motion passed (8-1) with Ms. Ray opposed.

PROPOSAL

- The ACMM proposes that the following language be added to amend OMMA, any person who is a permanent resident of another state with a medical marijuana program, and who is enrolled in that program, and presents documentation of enrollment, shall be provided the same rights and privileges as cardholders registered in the OMMP” or “the laws and rules of states with medical marijuana laws shall be given full faith and credit by the state of Oregon.”

DISCUSSION

- The Committee discussed reciprocity and medical marijuana systems set up in Washington and California.

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ACTION ITEMS

- Mr. Funk moved the Committee to recommend to the legislature that the laws and rules of states with medical marijuana laws shall be given full faith and credit by the state of Oregon; Mr. Berger seconded. After discussion, Mr. Funk wished to withdraw his motion; however, Mr. Berger requested to vote on it. Motion passed (5-4) with Ms. Burbank, Ms. Ray, Dr. George, and Mr. Sajo opposed.
- Mr. Sajo moved the Committee to adopt any person who is permanent resident of another state with a medical marijuana program, and who is enrolled in that program, and presents documentation of enrollment, shall be provided the same rights and privileges as cardholders registered in the OMMP to Sen. Morissette; Mr. Iverson seconded. Motion passed (7-1-1) with Ms. Ray opposed and one absentee (Mr. Berger.)

PROPOSAL

- The following language to be added to OMMA, the OMMP shall conduct research into the efficacy and safety of medical marijuana use by OMMP registrants. The purpose of this research shall be to assist doctors and patients in evaluating the risks and benefits of medical marijuana.

DISCUSSION

- Mr. Sajo stated the proposal was in response to the Program’s argument of being limited as a registry program to conduct research or compiling information for research purposes.
- Mr. Berger stated the proposal was a legislative change and should be forwarded to Sen. Morissette not the Director.
- Mr. Berger opposed the motion due to his objection of sending it to Dr. Goldberg.

ACTION ITEMS

- Mr. Sajo moved the Committee to recommend to the Program and the

Legislature the following language to be added to OMMA, the OMMP shall conduct research into the efficacy and safety of medical marijuana use by OMMP registrants. The purpose of this research shall be to assist doctors and patients in evaluating the risks and benefits of medical marijuana. Mr. Iverson seconded. Motion passed (6-3) with Mr. Berger, Ms. Martinez, and Ms. Ray opposed.

PROPOSAL

- The ACMM shall ask the Oregon Legislature to forward all proposed legislation affecting medical marijuana patients or the OMMA to the ACMM in accordance with ORS 475.303(6).

DISCUSSION

- Ms. Martinez felt the proposal was unconstitutional and is a violation on rights. Mr. Sajo clarified the proposal would not preclude an individual from directly contacting legislators.
- The Committee discussed whether bills relating to medical marijuana could be sent to the ACMM. Dr. Higginson stated he has not heard of a service provided by the Legislature and the Program has individuals responsible for tracking bills.
- Mr. Berger suggested the wording “the ACMM requests the Oregon legislature forward...”

ACTION ITEMS

- Mr. Sajo moved the committee to recommend to the Legislature the ACMM shall ask the Oregon Legislature to forward all proposed legislation affecting medical marijuana patients or the OMMA to the ACMM in accordance with ORS 475.303(6). Mr. Iverson seconded. Discussion occurred without vote.
- Mr. Sajo accepted the friendly amendment and moved the committee to recommend to the Legislature the ACMM shall request the Oregon Legislature to forward all proposed legislation affecting medical marijuana patients or the OMMA to the ACMM in accordance with ORS 475.303(6). Mr. Berger seconded. Motion passed (6-2-1) with Ms. Martinez and Ms. Ray opposed and one abstention from Ms. Burbank.

ADMINISTRATIVE UPDATE

DR. HIGGINSON

DISCUSSION

- Dr. Higginson outlined the four issues from SB 161:
- SB 161 would give the program specific authority to conduct criminal background checks; the motion to oppose this section failed and the Program will continue with the original language.
- SB 161 would give the program authority to deny an application or revoke a card in compliance with a court order; the motion to oppose this section passed. However, the Program has discussed with legal council about this section and

plans to leave the language unchanged.

- SB 161 would require attending physician’s to affirm the medical benefit of medical marijuana on renewal applications; the motion to oppose this section failed. The Program plans to leave the language unchanged, unless the Committee presents the Program with another alternative.
- SB 161 requires registry identification cardholders to return identification cards within 7-days if an attending physician has determined there is a contraindication for the use of medical marijuana. No motion was made on this section; however the ACMM recommended a 120-day grace period to seek a new physician. Dr. Higginson clarified it is only on the signing attending physician and there will be a standard 30-day grace period with an additional language allowing an extension under special circumstances.
- After reviewing Mr. Berger’s proposed legislation changes, the Program will forward amendments to add new language to ORS 475.334, “any such added condition or treatment adopted by the department by rule or approved by the department pursuant to a petition submitted pursuant to ORS 475.334 shall be added to this section during the following legislative session” and the definition to “delivery.”

CONCLUSIONS

- The 30-day grace period could be extended if need be.
- The Program is in the process of drafting language where, under certain circumstances, the Program can notify a caregiver and or person responsible for marijuana grow site of removal in the form of a confirmation notice when it is clear the primary responsibility to notify those individuals is the patients.
- In regards to the FAQ, Dr. Higginson stated the recommended language from the Committee, or directly from Mr. Berger, was discussed with legal council and the FAQ was added to the packets and website unchanged.

ACTION ITEMS

- The Program will evaluate the proposals from Mr. Sajo and will send forward the administrative issues that are valuable to the Program. Dr. Higginson will inform the Committee which issues the Program will support.

PROPOSED MOTIONS FOR THE ACMM

MR. SAJO

PROPOSAL

- The ACMM resolves that the Oregon State Police have indicated their strong support for 475.306(2) that requires cardholders to carry their OMMP registration card when transporting marijuana outside their residence. The ACMM concurs and supports this bright line rule.

DISCUSSION

- The Committee discussed the motion and circumstances where a patient may not have their registry cards yet and for law enforcement to check “24/7”.

- Mr. Sajo accepted Ms. Burbank’s friendly amendment that if an individual does not have cards on their person; law enforcement has the ability to check with the OMMP or “24/7”.
- Mr. Berger urged Mr. Sajo to withdraw the motion as the current law requires an individual to “possess” a registry identification card. Further, Mr. Funk and Mr. Iverson advised Mr. Sajo to withdraw the motion.

ACTION ITEMS

- Mr. Sajo withdrew this motion.

PROPOSAL

- The ACMM resolves that medical marijuana should be rescheduled under the Oregon Pharmacy Board schedule for controlled substances. The definition of a Schedule I drug is that the drug has no accepted medical value and a high potential for abuse. This definition doesn’t apply to marijuana as the OMMA states that medical marijuana should be treated as medicine and over 2,300 Oregon physicians have qualified patients for the OMMP. Oregon must reschedule marijuana to Schedule III.

DISCUSSION

- Mr. Berger suggested recommending this to Dr. Goldberg that he recommends to the Pharmacy Board marijuana be rescheduled and that hearings be held.

ACTION ITEMS

- Mr. Berger moved the Committee to recommend to Dr. Goldberg that he request the Board of Pharmacy hold hearings to reschedule marijuana because it’s inappropriately scheduled as Schedule I. Mr. Funk seconded. Motion passed (8-0) with one abstention from Dr. George.

PROPOSAL

- The ACMM resolves that the federal law should be amended to allow states such as Oregon to implement their medical marijuana programs without interference from federal law. We request that the Oregon Legislature adopt a resolution urging the United States Congress pass the States Rights to Medical Marijuana Act, proposed by US Representative Barney Frank and already supported by Oregon representatives Peter DeFazio and Earl Blumenauer.

ACTION ITEMS

- Mr. Sajo motioned the Committee to ask the Oregon Legislature to adopt a resolution urging the US Congress pass the States Rights to Medical Marijuana Act. Ms. Martinez seconded. Motion passed (8-1) with Ms. Ray opposed.

PROPOSAL

- The ACMM resolves to adopt the following resolution to the Legislature, the ACMM opposes changes to OMMA that would limit a person responsible for a marijuana grow site (PRMGS) to producing marijuana for more than four

patients. Many patients are currently served by PRMGS supporting multiple patients and such a change would deprive these patients access to medical marijuana.

DISCUSSION

- The Committee discussed the issue that a grow site with four patients, at twenty-four plants per patient, will have less than 100 plants at the grow site along with federal government risks. A friendly amendment was created to the motion.

ACTION ITEMS

- Mr. Sajo accepted the friendly amendment and motioned the Committee recommend to the Legislature while the ACMM does not recommend a garden with over ninety-nine plants, the ACMM opposes changes to OMMA that would limit a person responsible for a marijuana grow site (PRMGS) to producing marijuana for more than four patients. Many patients are currently served by PRMGS supporting multiple patients and such a change would deprive these patients access to medical marijuana. Mr. Iverson seconded. Motion passed (8-1) with Ms. Ray opposed.

PROPOSAL

- The ACMM advises the Oregon Legislature to amend ORS 475.304(7) as follows, a registry identification cardholder or the designated primary caregiver of a cardholder may reimburse a person responsible for a marijuana grow site for the costs associated with the production of medical marijuana.

DISCUSSION

- The Committee discussed the pros and cons to reimbursement for any costs to a person responsible for a marijuana grow site.

ACTION ITEMS

- Mr. Funk moved the Committee to recommend this legislative change to the Legislature. Mr. Iverson seconded. Motion passed (7-2) with Ms. Martinez and Ms. Ray opposed.

PROPOSAL

- The ACMM resolves OMMA should be amended to insure that qualified OMMP patients have the ability to obtain their medicine through a state regulated medical marijuana supply system.

DISCUSSION

- Ms. Ray questioned ownership. Mr. Sajo stated the motion leaves ownership open.

ACTION ITEMS

- Mr. Funk moved the Committee to recommend to the legislature the language change for OMMA to include a state regulated medical marijuana supply system. Mr. Berger seconded. Motion passed (5-3-1), with Ms. Burbank, Ms.

Martinez, and Ms. Ray opposed and one abstention from Mr. Klahr.

PROPOSAL

- The ACMM advises the Oregon Legislature to approve a state regulated marijuana supply system.

DISCUSSION

- Mr. Sajo accepted the friendly amendment to the proposed 475.305(8)(a), No person who has been convicted of a Measure 11 Felony, a felony theft offense, or violations of 475.840(1)(a) or (1)(b) after December 3, 1998 shall be issued a producers license or shall be a director or employee of a dispensary.

ACTION ITEMS

- Mr. Berger moved the Committee to adopt this proposal to recommend to the Legislature, Sen. Morissette as amended. Mr. Iverson seconded. Motion passed (5-3-1), with Ms. Burbank, Ms. Martinez, and Ms. Ray opposed and one abstention from Mr. Klahr.

ACTION ITEMS

- Mr. Berger motioned the Committee to recommend to the Legislature, Sen. Morrisette, legislative amendments the Committee passed at the December 13, 2006 meeting. Mr. Funk seconded. Motion passed (7-1-1) with Ms. Ray opposed and one abstention from Ms. Martinez.

Meeting adjourned for break at 2:35 pm

Meeting called to order at 2:41 pm

PUBLIC ANNOUNCEMENTS AND COMMENT

PUBLIC-ACMM

Announcements

- Ms. Burbank remarked that in regards to the motions and votes made, minority and majority reports would be submitted and worked on over the internet.
- Ms. Martinez announced the State Medical Marijuana Garden/Dispensary Pilot Program was submitted to Sen. Morrisette by **Melody** Silverwolf, Alicia Williamson, and herself. The proposal handed out at the meeting.
- Mr. Berger updated the ACMM the rules are being finalizing for governing hearings adding new conditions. He also encouraged attendance for a court case representing the absence of reciprocity for a California patient.
- Mr. Sajo announced a meeting to work on dispensary language in the proposal, particularly information pertaining to low-income patients.

Comments

- Daniel Chandler stated he does not think that dispensaries are the answer and there are other alternatives for the limited access to medicine.
- Geri Kulp agreed that access is a problem and reimbursement will be beneficial, further stating limiting gardens to four patients will not help. Ms. Kulp supports Voter Power's proposals, including the dispensary proposals. The Chair

recommended Ms. Kulp to contact the ACMM in writing for additional topics Ms. Kulp wished to voice.

- Laurie Blackman agreed there is very little access to medicine.
- Jerry Wade, with the Stormy Ray Cardholder's Foundation, recapped the creation of SB 1085 and cautioned the ACMM to ensure there is support to take the proposed legislation forward.
- Lindsay Bradshaw stated dispensaries are the answer. He further stated he has watched the legislature for 25 years and saw nothing accomplished.
- Sarah Duff agreed and stated her support for Voter Power and dispensaries.
- Larry Johnson, volunteer at Voter Power and NORML member, stated dispensaries should be taken into consideration and to remember what is important to the medical patients.
- Ed Brown thanked the OMMP for dedicating staff to research and expressed his appreciation to the OMMP for considering notifying growers. He stated he has heard both arguments for dispensaries for years and he is against dispensaries.
- Lori Link stated the OMMP is the best medical marijuana program around, it is common sense to carry registry identification card with her, and there should be a training program for a caregiver and or grower.

Meeting adjourned at 3:11 pm

Minutes submitted by Jennifer Hironura