



COLLEGE OF SOCIAL SCIENCES
public policy center
UNIVERSITY OF HAWAI'I AT MĀNOA

MEDICAL MARIJUANA LEGISLATIVE OVERSIGHT WORKING GROUP
ACT 230, HB 2707, SESSION LAWS OF HAWAII 2016

Meeting Minutes

DATE: Wednesday, November 9, 2016
TIME: 1:00 PM – 3:00 PM
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

Working Group Members & Presenters in Attendance:

Senator Rosalyn Baker, Co-Chair
Representative Della Au Belatti, Co-Chair
Representative Joy San Buenaventura
Professor Susan Chandler, Facilitator, UH-Manoa Public Policy Center
Carl Bergquist, Drug Policy Forum of Hawai,,i
Michael Contrades, Kauai Police Department
Christopher Garth, Executive Director, Hawai,,i Dispensary Alliance
Wendy Gibson, Drug Policy Forum of Hawai,,i/Medical Cannabis Coalition of Hawai,,i (alt.)
Richard Ha, Lau Ola, Dispensary Industry Representative (Hawai,,i County)
Bill Jarvis, Qualifying Patient over the age of 18
Stacy Karcher, APRN/RX
Rob Lee, Department of Transportation, Airports Division (alt.)
Peggy Leong, Hawai,,i Department of Health (DOH), Medical Marijuana Dispensary Licensing Program Supervisor (alt.)
Ally Park, Laboratory Representative
Jari Sugano, Parent of Qualifying Patient under the age of 10
Keith Ridley, Hawai,,i DOH, Office of Healthcare Assurance
Scottina Ruis, Hawai,,i DOH, Medical Marijuana Registry Program Coordinator (presenter)
Michael Takano, Pono Life Sciences, Dispensary Industry Representative (Maui County)
Thomas Wills, University of Hawai,,i Cancer Center
Greg Yim, MD

Working Group Members Present by Phone:

Thayne Taylor, Hawai,,i Dispensary Alliance
Calvin Tong, Honolulu Police Department
Detective Alvin Vierra (in place of Lt. Wilson)

I. Introduction of new members & Review of 10/12/2016 meeting minutes

Welcoming remarks made by Representative Belatti followed by brief introductions of Working Group members present in person and by phone.

Susan Chandler presented an overview of the agenda and reviewed the October minutes for approval.

- Working group approved the November 9, 2016, agenda.
- Working group approved the October 12, 2016 minutes with one change to a misspelling on page 4.

II. Dispensary Presentation: Maui Wellness Group dba Maui Grown Therapies

Teri Freitas Gorman and Kalani Ho-Nikaido of Maui Grown Therapies provided a presentation on the status of their company, the timeline, milestones, community engagement, and industry challenges. The presentation slides are available at <http://www.publicpolicycenter.hawaii.edu/projects-programs/act230.html>

Following the Maui Grown Therapies presentation, Working Group members engaged in the following question and answer session with Teri Freitas Gorman and Kalani Ho-Nikaido:

Q: The inventory tracking system was noted as a challenge. What is the main barrier for tracking? Are you waiting on the contract from the DOH? Is the only thing stopping cultivation the signing and implementation of the contract?

A: (Question addressed by DOH) DOH is in contract renegotiation with BioTrack. The renegotiated terms have been signed by BioTrack. DOH is waiting to receive the original signed contract in order to execute it.

Once the contract is finalized, BioTrack will implement Phase 1. This will allow cultivation to begin. Items needed for seed to sale tracking system:

- Module for cultivation;
- Interface with patient registry; &
- Traceability of products.

Q: How is Maui Grown Therapies working with the existing medical marijuana community? What are your thoughts on the prohibition of edibles and inter-island transport?

A: We do not have access to the patient database. We have reached out to self-identified qualified patients and community members at community events. They have expressed the desire to access cannabis in non-smoking forms. The prohibition on transport affects lab testing. Maui Grown Therapies is able to service patients on Maui. There will be dispensaries available on other islands should patients need to access medication while they are away.

Comment: Clinical Labs has a sister division for medical marijuana testing. It is undergoing certification and is slated to open at end of the month pending a NED inspection. Samples will be packed at the site and Fedex'd to Oahu.

Q: On your timeline, you mentioned an inspection in August. What did that inspection entail?

A: It was an inspection of the facility, inventory controls, standard operating procedures (SOPs), security, etc. The dispensaries are scheduled for an inspection in December 2016.

Q: Can you elaborate on the conversations you had with Maui Police Department (MPD) and Maui Fire Department (MFD)?

A: Prior to applying for licensure, we met with the Maui Police Chief and talked through plans for the dispensary and production center. MPD conducted site visits and reviewed security measures.

We also met with the MFD and they conducted site inspections. We are currently upgrading our permitting to be a manufacturing site and working to address permitting on the second production center.

Q: Can the working group receive the brochure for the January 2017 medical event?

A: Yes. The event announcement is available at:<http://www.publicpolicycenter.hawaii.edu/projects-programs/act230.html>

Q: What kind of educational materials are available to patients? What type of training is available for staff?

A: Maui Grown Therapies is working with our staff to create curriculum. Educational material is available on our website and in print. The staff will receive training under Michael Backes, Dr. Yim, and Dr. Park.

Q: Can you describe the first phase of operation? What does this look like?

A: One production center has been approved for operation. We are working to get a permit for a manufacturing site.

Q: Have you received any negative feedback about your approach?

A: Initially, one judge had some concerns (he's retired now). We walked him through the safeguards in place by the DOH and we educated him on the medicinal properties of medical marijuana. As a result, he became supportive of the program.

III. DOH Monthly Update: Patient Registry Program & Dispensary Licensing Program

DOH representatives (Keith Ridley; Scotti Ruis; & Peggy Leong) presented an update of the two parts of the DOH Medical Marijuana Program: (1) the Medical Marijuana Patient Registry Program; and (2) the Dispensary Program.

DOH Patient Registry Update

- On October 31, 2016, there were 14,836 registered patients.
- 15 business day application turn around.
- Amendments to the administrative rules (HAR 11-160-56 "Confidential information, exceptions") was signed by the Governor and is at the Lieutenant Governor's office pending final recordation, numbering and official distribution back to the Department of Health.
- On November 7, 2016, approximately 60% of registered patients were renewals and 30% were new applications.
- Registered patients have increased 27% from DOH inception on January 1, 2015.
- On September 30, 2016, 10% of patients had a caregiver.
- On November 7, 2016, approximately 16% of patients did not have a grow site registered

DOH runs data quarterly – January 2017 is the next reporting period

Q: What has been published about MDs & APRNs certifying patients?

A: APRN was added to anything that said physician.

Q: Is DOH aware that letters that are sent to APRNs are addressed incorrectly? APRNs have reported receiving letters from the DOH addressed to „doctor.“ The paperwork needs to be addressed correctly in terms of the credential. This becomes the documentation for patient files.

A: DOH can discuss specific cases.

Q: Can you clarify how many patients have caregivers? Did you say 70% have caregivers?

A: No, 10% of patients had a caregiver. 16% of patients do not have a grow site.

Q: How difficult is it for physicians to navigate the DOH website to certify patients?

A: Once they familiarize themselves with the process, they should not have issues. DOH believes patient site is user-friendly

Q: There are concerns about the DOH website. Many find it kind of tough to navigate. In telehealth, there are physician designees. Is there a staff member that can walk physicians through the system?

A: DOH Registry Program has a staff member that can walk doctors through the website. DOH has online videos that walk doctors/APRNs through the certification process. We are also able to provide training to certifying physicians/APRNs as a group.

Q: Is the training on the use of the website for staff or doctors/APRNs?

A: Both doctors/APRNs and staff.

DOH Dispensary Update

Status of BioTrack contract:

- Waiting for the signed original to be returned in order to execute the contract
- DOH has asked BioTrack for a timeline for the phased implementation

Testing labs:

- DOH has received an application from Pharm Lab HI
- Going through ISO onsite audit
- Located on Maui – intended to provide statewide service
- Will need narcotics licensing
- Narcotics division and state land division will jointly conduct on-site inspection (1 week long)

Q: What is the status of the DOH environmental health checklist?

A: All questions have been compiled. We are asking the Deputy AG, how far does the 203 exemption reach? Is it just the facility itself? DOH is waiting on a response.

Some licensees are going through the building permitting process. The environmental division has had direct contact with licensees.

So you do not really need a response from the AG on 203? Correct.

Q: Will training on the inventory systems be provided?

A: Yes, BioTrack will provide training. They will provide a timeline.

Q: When will cultivation tracking be available?

A: We are awaiting the timeline from BioTrack.

Q: Some patients in my district want to be able to access labs to test their own product. Will patients be able to use labs for testing?

A: Great question. Working Group will have to explore that.

IV. Prioritization of subcommittee topics

Professor Chandler reviewed the prioritization of subcommittee topics survey results. The response rate was low, so the survey will be open for another week.

With current results, the top three interest areas include:

- Education;
- Product; &
- Patient issues.

Recommendation:

Add education features to advertising and marketing so dispensaries know what they can do.

V. Identify members & set up process and timelines for subcommittees

Representative Belatti requested volunteers who would like to head sub-committees. Working group members were instructed to email Senator Baker and Representative Belatti to identify which subcommittees they would like to be on and if they would like a leadership role.

VI. Questions and comments from public

Q: Honolulu Wellness Center: When physicians call the DOH doctors hotline, they get a recording saying they will receive a call back ASAP, but it takes a month for a response. Why are calls are not being returned? Does DOH need help with that?

A: The physician's hotline is intended to help certifying physicians/APRNs through the registration process. However, the number was given out to everyone including patients. The volume of phone calls was affecting the staff's ability to get work done. DOH would have to shut down phones in order to get work done. If a caller does not receive a call back, it's typically because the caller was a non-physician.

Q: Are members of public allowed on sub-committees?

A: No, working group members only.

Q: Regarding testing, we need to review how testing will be handled at different sites. What is the standard? What will be tested? Absolute measures or percentages? Who establishes the protocols for different products? Everyone is going to have different products being offered. What is the expectation?

A: Labs and standards are included on the list of topics for sub-committees. Working Group will be reviewing testing practices and standards in other states.

Q: Concerns expressed about doctors prescribing a Schedule 1 substance.

A: Doctors certify patients with debilitating conditions, they do not prescribe.

Q: Is there a timeline for the BioTrack implementation?

A: BioTrack has signed the contract. We are expecting to receive the original via express mail and will expedite execution of the contract. We would like it to be complete by end of next week.

Q: Was it reported that Pharm Lab has submitted an application?

A: As of today, one lab has submitted an application.

Comment: Concerns expressed about the difficulty navigating the DOH patient certification website and additional fees.

Comment: Reasonable to add to Education subcommittee topics: preventing use of medical marijuana by youth, pregnant women; preventing impairment and drugged driving; reviewing administrative rules and whether rules cap THC levels.

Comment: Testing should focus on the safety of product

VII. Next Steps & Announcements

Senator Baker explained that the April 2016 “Model Guidelines for the Recommendation of Marijuana in Patient Care” by the Federation of State Medical Boards has been adopted by many other state medical boards. A copy of these guidelines can be found at https://www.fsmb.org/Media/Default/PDF/BRD_RPT_16-2_Marijuana_Model_Guidelines.pdf

These recommendations will be taken up by the Hawai,i board at its December meeting to begin discussing and addressing issues on patient use of medical cannabis. Any outcome or recommendation will be discussed at the next working group meeting.

Survey for the prioritization of subcommittee topics will be sent to Working Group members again. Please complete survey and email chairs if you want to sign-up for a sub-committee.

Feedback on dispensaries presentation: Discuss industry challenges. Broad focus. Dispensaries will be asked to discuss what their current contact and outreach is with patients and caregivers?

One strength of the working group is the ability to share resources and information. If working group members have particular resources they would like to share, please send it through the co-chairs for distribution. Upcoming Education event: First CEU course for nurses is being offered November 19, 2016, sponsored by Patients Out of Time, Hawai,i Drug Policy Forum & Hawai,i Drug Alliance, at HDA’s Real Office Center (1110 Nuuanu Avenue, #6).

Representative Belatti explained the working group must draft a report by the beginning of next legislative session to document progress.

VIII. Adjournment

**The next Task Force Meeting is Wednesday, December 14, 2016
at the State Capitol, Room 325, 1:00-3:00pm.**