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## Medical Marijuana Act Oversight Committee

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### *Meeting Minutes*

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Meeting Date: 02/12/2019

Meeting Location: DHSS, Herman Holloway Campus

Approval: DRAFT

Recorded By: Joseph F. Schlimer

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## Attendance

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### Committee Members

Name	Title	Organization	Present
Elizabeth Lockman	Senator	State General Assembly	Y
Joe Bryant	Health Care Policy Advisor	Office of Governor	N
Stephanie Bolden	Representative	State General Assembly	N
Karyl Rattay	Director	Division of Public Health	Y
Susan Kelly	Caregiver Cardholder (SC)	Medical Marijuana Program	Y
Jan Roberts-Rudzinski	Patient Cardholder (NCC)	Medical Marijuana Program	N
Thomas Shabazz	Patient Cardholder (KC)	Medical Marijuana Program	Y
Jason Silversteen	Physician – Neurologist	Christiana Care	N
Samuel Stubblefield	Physician – Pediatrician	Nemours	Y

### Guests

Name	Title	Organization	Present
<i>Administrative Support for the Committee</i>			
Paul Hyland	Program Manager	Office of Medical Marijuana	Y
Joseph Schlimer	Management Analyst	Office of Medical Marijuana	Y
Joanna Suder	Attorney	Delaware Department of Justice	Y
<i>Public Guests with Meeting Comments</i>			
Laura Layfield Sharer	Patient	Medical Marijuana Program	Y
Richard Jester	Patient	Medical Marijuana Program	Y
Cynthia Ferguson	Guest	Delaware NORML	Y

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## Call to Order

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The meeting of Delaware's Medical Marijuana Act Oversight Committee was called to order by Dr. Karyl Rattay of the committee, at 5:15 PM on Tuesday February 12, 2019, in the chapel of the Herman M. Holloway, Sr. Health and Social Services campus, located at 1901 N. DuPont Hwy, New Castle, DE 19720.

Five of the 9 appointed committee members were present, establishing a quorum. The meeting was audio-recorded for preparation of the minutes by Joseph Schlimer.

(<http://dhss.delaware.gov/dhss/dph/hsp/medmarocmtg.html>).

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## Agenda

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### Welcome / Chairman's Comments

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#### *Dr. Karyl Rattay*

Dr. Rattay welcomed the committee members and guests. Dr. Rattay had the committee members introduce themselves due to having new members.

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### Committee Nominations for Chairman and Vice Chairman

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#### *Dr. Karyl Rattay/Paul Hyland*

Dr. Rattay stated the first order of business was to take nominations for the Committee position of Chairman and Vice Chairman. Dr. Rattay stated Dr. Silversteen was interested in Committee Chair but was unable to attend tonight's meeting. Dr. Rattay nominated Dr. Silversteen for the Committee Chair and asked for other nominations. No other nominations were given, motion was made and properly second for Dr. Silversteen to hold the position of Committee Chair.

Paul Hyland requested nominations for Committee Vice Chair. Dr. Rattay nominated Senator Lockman for the Committee Vice Chair. Paul Hyland asked for other nominations for Vice Chair. No other nominations were given, motion was made and properly second for Senator Lockman to hold the position of Committee Vice Chair. Committee members were all in favor of the nominations for Dr. Silversteen to hold Committee Chair and Senator Lockman to hold the position of Committee Vice Chair.

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### Discussion/Approval of Minutes from October 10, 2017, February 13, 2018 and December 6, 2018 meeting

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#### *Dr. Karyl Rattay*

- No changes were requested for the minutes. No discussion.
- Motion was made and properly second to approve the minutes as distributed for the October 10, 2017, February 13, 2018 and December 6, 2018 meetings.

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### Old Business

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#### *Paul Hyland-Program Manager*

- Mr. Hyland discussed Medical Marijuana application fee re-structure and said he has two proposed fee structures that he completed data on. Currently patients, caregivers, pediatric and employee applications, both new and renewals cost \$125.00. Pediatric responsible party applications has no cost associated. Mr. Hyland further stated the program averages 40% low income cards, costing approximately \$162,500 a year in losses.
- Proposal #1 consists of patients, pediatric and caregiver cards both new and renewals costing \$50.00. Employee's application fees would not change and stay at \$125.00. This proposal also includes no low income sliding scale which is along the same lines as PA, MA and NY.
- Proposal #2 is similar to proposal #1 where patient, caregiver and pediatric applications would cost \$50.00 to include no change for the employee application at \$125.00. This proposal does include patients with income below 100% of the poverty level would receive the card at

\$25.00. The low cost card will take approximately 2 to 4 weeks longer to verify and approve the additional required documentation. Mr. Hyland also stated the low cost card will generate between \$50K to \$100K in losses.

- After a lengthy discussion among Committee members, Proposal #3 was developed. Proposal #3 will consist of patients, caregiver and pediatric applications both new and renewal costing \$50.00 with employees remaining at \$125.00. Patients with income at or below 138% of the poverty level would receive their card for \$25.00. Dr. Stubblefield made a motion to adopt proposal #3 which was properly second and accepted with no further discussion.

## Program Update (Compassion Center update)

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### *Paul Hyland – Program Manager*

- Paul Hyland introduced Aaron Epstein who is a Principle Officer for Compassionate Care Research Institute (CCRI). Mr. Epstein stated they are anticipating opening the Newark facility March 1, 2019. Mr. Hyland also introduced Sharice Ward who is the General Manager for Columbia Care and has their retail facility in Smyrna. Mr. Hyland further related that First State Compassion Center has been working on plans to initiate phase 3 which will increase the amount of grow rooms to increase product production by 30%.
- Dr. Stubblefield asked what is the policy for the amount of product a facility can produce. Mr. Hyland related the regulations state a vendor can grow up to a level of production for patient demand.
- Mr. Hyland stated that we have three growers in the state and one grow facility for 320K per Delaware population. The current program population is 0.7% of the current population in the State of Delaware.

## Legislative Updates

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### *Dr. Rattay*

- Dr. Rattay stated she was not aware of any current legislative items involving the Medical Marijuana Program.

## Public Comments

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### *Dr. Karyl Rattay*

- Cynthia Ferguson stated she is the Executive Director for Delaware Norml. Delaware Norml supports the Opiate Use Disorder as a qualifying condition for a medical marijuana card.
- Laura Layfield Sharer commented about the compassion center and lack of low cost programs. The costs of medicine is too high and only available in small increments. Ms. Layfield stated New York has introduced a Bill which will allow patients to purchase medicine through the state Medicaid program and we should look into doing the same. Ms. Layfield further related she appreciated the improvement of implementing low cost cards.
- Richard Jester state I am the author of the Opiate Use Disorder, anxiety and terminal illness petitions. I am going to continue to add petitions every 6 months until we have doctor's choice in this state. Mr. Jester wants physician assistants and nurse practitioners to be able to sign marijuana applications. Mr. Jester also wants home grow which will allow patients to grow 10 or 12 plants.

## Closing Comments

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### *Dr. Karyl Rattay, Co-Chairman*

Chairman Rattay thanked the committee members, and especially the public, for attending.

## Next Meeting

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### *Dr. Karyl Rattay, Co-Chairman*

- Next meeting scheduled for October 8, 2019 at 5:00pm at this same location.

## Adjournment

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Meeting End: 5:55 P.M.

## Decisions Made

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Adoption of new application fee schedule.