Medical Marijuana Act Oversight Committee

Meeting Minutes

Meeting Date: 10/08/2019

Meeting Location: DHSS, Herman Holloway Campus

Approval: Draft

Recorded By: Joseph F. Schlimer

DRAFT

Attendance

Committee Members

Name	Title	Organization	Present
Dr. Jason Silversteen (committee chair)	Physician – Neurologist	Christiana Care	Christiana Care Y
Elizabeth Lockman (committee co-chair)	Senator	State General Assembly	Y
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
Joe Bryant	Health Care Policy Advisor	Office of Governor	N
Dr. Samuel Stubblefield	Physician – Pediatrician	Nemours	Y

Guests

Name	Title	Organization	Present
Administrative Support for the Committee			
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	N
Public Guests with Meeting Comments			
Peter Murphy	Attorney	N/A	Y
Sarah L.	Guest	N/A	Y
Jessica Andreavich	Guest	N/A	Y
Richard Jester	Patient	Medical Marijuana Program	Y

Call to Order

The meeting of Delaware's Medical Marijuana Act Oversight Committee was called to order by Dr. Jason Silversteen, Chairman of the committee, at 5:02 PM on Tuesday, October 8, 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.

Seven 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) .

Agenda

Welcome / Chairman's Comments

Dr. Jason Silversteen, Chairman

Chairman Silversteen welcomed the committee members and guests. Guest comments are scheduled for the end of the meeting agenda.

Discussion/Approval of Minutes from February 12, 2019 meeting and Agenda

Dr. Jason Silversteen, Chairman

- No changes were requested for the minutes.
- Motion was made and properly second to approve the minutes as written.
- Senator Lockman requested to add discussion about the rejection of the opiate use disorder petition.
- Paul Hyland asked to add Dr. Rattay to the agenda in order to update everyone on the current vaping issues.

Old Business

Paul Hyland, Medical Marijuana Program

- Mr. Hyland discussed compassion center supply and demand. Currently the centers has grown 4,046 lbs. of marijuana and sold 1,860 lbs. The centers, collectively have 48 strains of marijuana in production, 22 strains removed and 14 in pre-production.
- Mr. Hyland then briefed on the current debilitating conditions and patient count. Currently there are 8,721 patients with severe pain as the number one debilitating condition followed by Post Traumatic Stress Disorder, Multiple Sclerosis and Cancer.

New Business

Paul Hyland, Medical Marijuana Program

- Mr. Hyland discussed the meeting dates and location. Mr. Hyland stated the Oversight Committee Meetings are on the 2nd Tuesday of October and February based off of the previous Chair's vision. The vision was to have a meeting before the Legislative session and one shortly into the session just in case there were issues that needed to be acted upon. Mr. Hyland asked the committee if they thought there was a need to change the date or location which the committee agreed to keep the meetings as currently scheduled.

Legislative Updates

Elizabeth Lockman, Vice Chairman

- Senator Lockman briefed on Legislation that passed during the last session. House Bill 141 added Chronic Migraines and Persistent Headaches to the list of qualifying conditions for pediatric

patients and added Persistent Headache to adult patients. Senate Bill 24 established the Compassionate Use Card for patients who do not have a qualifying condition but their physician feels that Marijuana could be another treatment option.

- Senator Lockman also stated that there are other Bills that will be brought forward in the next Legislative session which include HB110 Recreational Use, Senate Bill 170, CBD rich card for anxiety and House Bill 243, which would allow patients and caregivers to grow marijuana at home.
- Representative Bolden stated she was out in Denver Colorado in August attending a marijuana conference and had the opportunity to tour dispensaries and found that the medical marijuana is taxed at 5% and the recreational marijuana is taxed at 35%.
- Dr. Rattay clarified the Compassionate Use Card and stated it is a tool for physicians to use when all avenues have been exhausted and the patient will be closely monitored during treatment. Dr. Ratty also stated there is interest in adding anxiety as a condition but there is concern that using high THC products will exacerbate anxiety. CBD rich strains could possibly be used without the unintended consequences.

Discussion

Dr. Karyl Rattay, Director Division of Public Health

Dr. Rattay addressed the denial of the Opiate Use Disorder petition. Dr. Rattay stated she understands that other states have Opiate Use Disorder as a condition. Dr. Rattay related she has conducted a tremendous amount of research weighing out the pros and cons. She has spoken to national experts and colleagues in other states about this topic and have tremendous concerns putting Opiate Use Disorder as a condition. Dr. Rattay stated she believes this will create more harm than good for Delaware and has rejected the petition at this time. Dr. Rattay further related if science evolves to show a potential benefit she will re-visit the request.

Dr. Rattay discussed the vaping issue and started by saying this is a very complex issue that we as a nation are dealing with right now. Initially when people became aware of this issue, it was thought to be just related to nicotine products. As this has evolved over the last few months the FDA has collected more information with many more questions than answers. No one product, device or chemical is responsible for driving this illness with the only common denominator being the act of vaping. A majority of the cases involve THC, some are a combination with nicotine and 15% nicotine only. Banning these products will not be the answer to this issue.

Delaware reported 11 cases, 10 involve THC with one being medical marijuana and the others are illicit marijuana products. We understand the concerns of people using these products that is why we recommend other options. All of the compassion centers have signage posted recommending other options. If you do continue to use vaping products make sure to monitor yourself for coughing, fever, vomiting and GI issues.

Senator Lockman asked what steps other states are taking. Dr. Ratty stated she talks with colleagues from other states daily and there seems to be a push to remove vaping products from medical marijuana centers. In our region, they felt it is too soon to take a measure like that. Several states are banning all vaping products and has concerns of the consequences of this which they believe will push people to the illicit market for nicotine and marijuana products.

Paul Hyland stated that the medical marijuana program is currently conducting reach back testing of vaping oils received in our lab over the past four months. Common items the lab is looking for is vitamin E, Glycols and pesticides.

Public Comments

Sarah L stated she has had a card for two years and is a PTSD patient. She is having problems finding a physician and wants a list of approved doctors given to her. Sarah also stated that she wants the medical marijuana program to have an online patient portal so patients can do applications online. Sarah also wants the program to notify patients of changes in the program like when compassion centers open or other conditions added. Sarah stated her previous physician lost his Delaware license and is up on charges in Pennsylvania. Paul Hyland stated that the medical marijuana program does have an online patient portal and is currently putting together a system to send mass emails to inform patients of changes or other information. All changes and updates are on the medical marijuana web page for viewing. Dr. Rattay added by stating that we cannot legally provide a list of doctors that sign applications.

Peter Murphy who identified himself as a Delaware Lawyer asked for guidance on the medical research of marijuana bill that passed some time ago. Paul Hyland stated that the last time we spoke about this subject the process was for you to submit a proposal at which time we would put together regulations to support that. Mr. Murphy asked if there is a formal application or just show us your ideas. Mr. Hyland stated we would receive the proposal and have our attorney give us guidance on moving forward. Mr. Murphy asked is the department considering the need for additional compassion centers and if so, what is the time frame. Mr. Hyland stated he created another RFP (Request for Proposal) for another center which is still going through legal review.

Jessica Andreavich identified herself as a marijuana activist and former patient. Ms. Andreavich stated that she follows many states and their laws. She has concerns that no information has ever gone out to any patients about any changes to the program. Ms. Andreavich gave an example of 2017 a law was created that made purchasing marijuana off the street illegal. Ms. Andreavich further related that the state sets the price of the marijuana which is too expensive and much cheaper to buy off the street. Ms. Andreavich stated that there was no information put out about the vaping crisis, but Maryland reached out to its patients and requested feedback if they were experiencing any problems with vape products. Ms. Andreavich stated she wants more communication.

Rich Jester stated he has been advocating for expansion of the program for years and people still do not have access to medication due to bureaucracy. Mr. Jester stated he submitted the Opiate petition and is extremely disappointed to see Delaware deny and cherry pick science to fit their agenda.

Closing Comments

Dr. Jason Silversteen, Chairman

Dr. Silversteen thanked the committee members, and especially the public, for attending. He also thanked everyone for their stories and comments.

Next Meeting

Dr. Jason Silversteen, Chairman

- Next meeting scheduled for February 11, 2020 at 5:00pm at this same location.

Adjournment

Meeting End: 5:55 PM

Decisions Made