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M&C Fwd: Medicinal Cannabis Meeting minutes

1 message

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Bcc: Tina Muna Barnes <tinamunabarnes@gmail.com>

09-15-19	5:48 PM	09-15-19	Medicinal Cannabis Meeting Minutes.*	Cannabis Regulation Commission

Sinseru yan Minagåhet,

Office of the Speaker • Tina Rose Muña Barnes
Committee on Public Accountability, Human Resources & the Guam Buildup

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

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35GL-19-1014
Speaker Tina Rose Muña Barnes
SEP 16 2019
Time 10:50 ( )AM ( )PM
Received By:

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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Ya mensåhi , put fabot ago' guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todu siha I kopian mensåhi. Si Yu'os ma'åse'.

---------- Forwarded message ---------
From: **Linda U. DeNorcey** <Linda.DeNorcey@dphss.guam.gov>
Date: Sun, Sep 15, 2019 at 5:48 PM
Subject: Medicinal Cannabis Meeting minutes
To: Suzanne S. Kaneshiro <Suzanne.Kaneshiro@dphss.guam.gov>, aliney74@gmail.com <aliney74@gmail.com>, adrian cruz <adrian.cruz@guam.gov>, jonathan.savares@yahoo.com <jo
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Dear Cannabis regulation commission members,

Attached please find the revised July 2019 and August 2019 meeting minutes and the Sept 2019 agenda. Our next meeting will be on September 18, 201
Conference room, 9:00 a.m.

Thank you

Linda DeNorcey

2019 SEP 16 PM 12:01

3 attachments

- **Cannabis Regulation Commission Meeting agenda Sept 2019.docx** 13K
- **Medicinal cannabis meeting minutes August 2019 final.docx** 43K
- **Medicinal Marijuana meeting minutes 071019 revised II.docx** 49K

1014

Type of Meeting: Medical Cannabis Regulation Commission
Date: July 10, 2019
Venue: Governor's Small Conference Room, Adelup
Recorder: Cid Mostales/Linda Unpingco DeNorcey

Persons Present: Linda Unpingco-Denorcey (Director, Department of Public Health and Social Services), Suzanne Kaneshiro (Chief Public Health Officer, DPHSS), Roy Adonay (Guam Board of Medical Examiner), Madeline Luces (Guam Radiology, Representing Dr. Gaerlan), Dr. Aline Yamashita (Former Senator, Public Member at Large), Frances Santos (Support Staff, DPHSS), Tom Pearson (Governor's representative), Rosanna Rabago (Environmental Public Health Officer, DPHSS), Adrian Cruz (Governor's Office), Jonathan Savares (Patient Advocate), Ed Santos (Guam Medical Cannabis Association), William Parkinson (Cannabis Control Board), Betwin Aloke (representing Environmental Protection Agency), Bryon Cepeda (Industry, Guest Speaker), Andrea Pellacani (Grassroots), John Concepcion (Guam Medical Cannabis Association), Senator Therese Terlaje (35th Guam Legislature), Chelsa Muna Brecht (Director, Department of Agriculture), Craig Camacho (Department of Revenue and Taxation), Gerard Aflague (Department of Revenue and Taxation)

TOPIC	DISCUSSION	DECISION
Call to order	The Chairperson-Linda Unpingco-DeNorcey of the Medicinal Cannabis Regulation Commission called the meeting to order at 9:08 a.m.	
Review of Meeting Minutes	Meeting minutes were emailed ahead of time to all the members and the minutes were also provided during today's meeting. Members are encouraged to read and make appropriate corrections.	Meeting minutes were accepted as written without any changes.
Nomination of Licensed Possessor Member	The Chairperson stated that during the past meeting, there was concern that the last member to be nominated has to be a licensed possessor. Andrea Pellacani provided a letter of interest to the board, expressing her interest in being in the medicinal cannabis regulation commission. However, she still has to go through the Government of Guam agencies to obtain approval for her license. She is very knowledgeable and resourceful and the Chairperson asked the board if Andrea Pellacani can join the members and serve as an ex-officio (non-voting) member until such time she gets her possessor license. Senator Therese Terlaje supported this request. Dr. Aline Yamashita requested for the board to inquire if the Director of Land Management can be contacted to see if he can give Andrea Pellacani's application a priority because it is crucial for her to serve as a board member and be able to vote on issues. Additionally, Roy Adonay brought to the board's attention that Andrea Pellacani also applied to be a licensed grower. He questioned if this would be a conflict in that she is applying to be a licensed possessor. A separate question has been asked: "what is the difference between a possessor and a grower?" A licensed possessor is an industry stakeholder and not a member of the public at large. The position was set for the commission and the regulatory body.	

TOPIC	DISCUSSION	DECISION
	Anybody in this industry, must have a license to possess Marijuana. If one wants to be a "grower", he/she will need another license to do the business. One can be a Grower, Manufacturer, or Dispensary, but they cannot also do business as a laboratory testing facility. Patient Advocate-Jonathan Savares stated for the record, should there be any conflict of interest among any board members, that member should exclude themselves from voting. By statue on how the commission was designed, a licensed possessor has a seat in the medicinal cannabis commission and this was designated to ensure that the industry was represented on this commission. The definition of a licensed possessor is a person or associate of a person within Guam that the department determines to be qualified, to produce, possess, distribute, dispense, acquire, cultivate, process, transfer, transport, sell, administer, or conduct laboratory testing of cannabis pursuant to this act, and that is licensed and approved by the department. The approving department is Public Health (page 8 of Public Law 33-220). The Chairperson-Linda Unpingco DeNorcey asked if a motion can be made for Andrea Pellacani to serve as a Licensed Possessor, but with non-voting rights until she obtains her license as a possessor. Senator Theresa Terlaje suggested that the commission allow Andrea Pellacani to participate in the commission meetings as a public member and we do not address the licensed possessor position at this time. Member Jonathan Savares made the motion for the commission to allow Andea Pellacani to serve as a public member and for the commission not to address the licensed possessor at this time. Member Tom Pearson seconded the motion.	Commission members voted unanimously for Andrea Pellacani to participate in the commission meetings as a public member without voting rights.
Role of: Medical Cannabis Regulation Commission vs. Recreational Marijuana Control Board.	From the June meeting and on the commission members' packet, the difference between the duties and responsibilities of Medical Cannabis Regulation Commission and the Recreational Marijuana Control Board was provided to board members. The Medicinal Cannabis Commission has 11 members, versus the Cannabis Control Board, which has 9 members. The Medical Cannabis Regulation Commission's job is to review a listing of all debilitating medical conditions, recommend and approve debilitating medical conditions that would benefit from the use of cannabis. According to the Chairperson-Linda Unpingco DeNorcey, today's agenda has anxiety, depression, and autism as debilitating medical conditions that need to be reviewed and approved to be part of the list of the approved conditions for medical cannabis. Moreover, the Medical Cannabis commission's role is to meet twice annually. However, the commission meets monthly to get up to speed since they have not met for over a year since the enactment of the Medicinal Cannabis law.	

TOPIC	DISCUSSION	DECISION
	The Medicinal Cannabis regulation commission has to maintain confidentiality because most of the information discussed is very confidential. The Commission's role also is to recommend any quantities of cannabis that are necessary to constitute an allowable amount for those who are qualified. Article 24 of this practice will insure that all people that are qualified patients, have adequate access to medical cannabis and cannabis products. Furthermore, the Commission should also submit any policy recommendations to the Legislative Committee on Health and Human Resources. The commission can also develop regulations relative to the laboratory testing facility. The Recreational Marijuana Control Board made a consensus yesterday that whatever regulations the Medical Cannabis Regulation Commission decides, the Marijuana Control Board will mirror such regulations. There is still no RFP for the laboratory. Senator Therese Terlaje asked if DPHSS has an RFP for the laboratory. Andrea Pellacani questioned why an RFP would be needed for the laboratory. The RFP for laboratory testing facility is not needed since DPHSS will not operate any lab, it will be done by private business(es). Chairperson Linda Unpingco DeNorcey stated that in 2018, there was an RFP for the "seed to sale" tracking system, not a laboratory. Five vendors responded to the RFP in 2018, but no vendor was selected due to the lack of local funding. Thus, DPHSS did not pursue evaluating the RFP and selecting a vendor for the "seed to sale" software. Senator Therese Terlaje requested to put the RFP for the Laboratory in the agenda.	Chairperson Linda Unpingco DeNorcey will put the RFP for Laboratory Testing Facility in next month's meeting agenda.
Listing of Physicians	Chairperson Linda Unpingco DeNorcey stated that the Guam Board of Medical Examiners approved having a listing of physicians providing written certifications for the recommendation of Marijuana usage. The Chairperson questioned if the listing is ready. Member Roy Adonay stated there are 32 physicians on the listing. The Guam Board of Medical Examiners will be meeting and he cannot issue the list until the board meets and approves of the issuance of the listing. According to member Roy Adonay, all the physicians have voluntarily consented in having their names made public. The list should be out by next week. Chairperson Linda Unpingco DeNorcey expressed a concern that if the listing of physicians is made available, there would be pros and cons, or effects if the physician listed works for the federal agency or receives federal funding. Federally funded facilities must be drug-free places and so cannabis usage is not permitted. According to Roy Adonay, all 32 physicians are working in the private sector, so there are no conflicts. Physicians working in a federal area can refer patients to other physicians in the private sector. One thing that is emphasized is that individuals or patients needing to have this certification	

TOPIC	DISCUSSION	DECISION
	cannot just go to any physician and get this certification without developing a relation with the physician. They have to bring their medical records, bring any of their scans so the physician can fully understand their particular situation. If the patient or individual will not discuss their situation with the physician, then the physician will not issue a certification. The Chairperson Linda Unpingco DeNorcey expressed concern if the list of physicians' names were to be made public, would there be any ramification or concerns for any threats to them? According to Roy Adonay, physicians were made aware of all the possible issues before their names were put on the list. It is on a voluntary basis, the physicians are not mandated to put their names on the list. Chairperson Linda Unpingco DeNorcey asked if there is any form for the physician to safeguard themselves. Member Roy Adonay responded that this will be discussed in the Guam Board of Medical Examiners' meeting. Chairperson Linda Unpingco DeNorcey is concerned about any lawsuits. The physician should know that they are fully responsible if anything should happen. Member Roy Adonay also stated that physicians do not prescribe Marijuana, they only recommend its usage. Andrea Pellacani suggested that rather than saying that these doctors are willing to write certifications, what should be said is that these physicians can provide consultation. Thus, this is the list of doctors who are willing to consult patients. This means that they are open to discussion, but it does not necessarily mean that individuals will receive a written certification. This will encompass the intent of the law. Senator Therese Terlaje stated that this should be reflected in the forms.	
Amendment to Wave the Laboratory Testing	Mr. Parkinson provided the commission with a whole series of State models on laboratory testing facilities during the June 2019 meeting. He also gave samples of what states are doing in postponing lab testing so it does not delay the progress of the implementation of the Marijuana program. William Parkinson gave the commission a recap. The laboratory is the big holdup. He went through the laws of all the different States and looked at what they did to get around the issue. There were at least 13 States that have different mechanisms allowing for the temporary waiver of laboratory testing. The waiver on the lab testing from New Mexico was the best that Guam can adopt. He would like the board to adopt it because, as previously discussed, the Cannabis Control Board would largely mirror what this body's rule making is going to be. The particular language under New Mexico's staggered implementation states: "the department may waive testing requirements for this section in whole or in part if the department determines the number of laboratory approved to conduct the given test, is insufficient for all testing samples to be appropriately processed." This department may also adopt	

TOPIC	DISCUSSION	DECISION
Amendment to wave the laboratory testing	and enforce staggered random testing schedule for the testing of dry usable cannabis and concentrated dried cannabis products from license non-profit producers." Mr. Parkinson stated: "adopting this exception will solve two problems: if nobody gets into the lab business after we have done all we could, this is a way to get the industry moving forward if we have no takers on the lab. If there is a lab, what happens when that lab falls out of compliance? Does that mean our industry comes to a grinding halt?" That is something that we should consider for the future. What if we have a lot of successful dispensaries one lab cannot do the entire test? This also lets us work around that problem. For the consideration of the Cannabis Control Board, we would like you to adopt this exception and petition the legislature to amend the laws to add this rule to the laboratory requirements section. Last meeting there was no motion, but there was a lot of information given to the board so they would have time to think about it, and consider their positions. If we can get the legislature to approve this amendment, we can easily plug it in the end of the current established rules and it will go in seamlessly. Member Roy Adonay just wanted to remind the Cannabis Regulation Commission that member Michelle Lastimosa from EPA and DPHSS team member Rosanna Robago were very adamant with their hesitancy on this because of the safety concern of the Cannabis products. Member Tom Pearson asked: "What is our number one priority here?" William Parkinson answered patient access. Tom Pearson asked: "what is preventing that?" William Parkinson answered the labs. Tom Pearson asked: "why do we have a requirement of the laboratory anyway? Because there are obviously States that don't. So how did we come about having a requirement for a laboratory?" William Parkinson stated: "initially in the original legislation for the medicinal cannabis, they have tried to put a waiver in but at the time, the political climate would not allow the waiver to pass. But with a different administration, different legislature, we do have the opportunity to pass it. Andrea Pellacani said that she does not believe for one minute that the lab has held back the Marijuana industry. According to her, this commission has not met since the Medicinal Cannabis Regulation Commission was established. She thinks that is the first problem that's why we have not stood up for this industry. She further stated: "we have done nothing as a community, or government to attract investors into business setting us up." While she agrees with the intent of the language, she would agree with the waiver under certain conditions. Her concern is not so much with the flower; if flowers were the only ones we are producing, the harm is not as great. Her concerns are concentrates, edibles, and if there is	

TOPIC	DISCUSSION	DECISION
Amendment to wave the laboratory testing	no way to confirm potency. The reason why labs has become necessary in the industry is because of the way the market and the types of product variety sort of dictated the necessity. She also commented that we have seen bad actors come to the industry, people going to the hospital, which was the number one concern of the legislature while they were debating on the Medicinal Cannabis program. The question was on the high number of people ending up in the hospital. The number was high because they did not mitigate it through potency, serving size, etc. Flower market has been around for a long time and no one has been taken to the hospital if we are only talking about flowers. William Parkinson stated: "it was one thing he thought about when he was considering this specific amendment. The language on the amendment says that the department may waive testing requirements in whole or in part. Basically as the board sees fit. So one of the things you could do is as a board with this specific amendment, you can waive testing requirements for flowers, but not waive it for concentrates. This gives the board maximum flexibility as they see fit, as best to serve the community. The main thing is that lets us get through to patient access and we can address concerns, by not allowing concentrates to go to the market without testing." Dr. Aline Yamashita stated that this is talking about our patients who want to get ease of illness, ease of side effects, and also being healed with cannabis. According to her, it is really essential that the product be identified, determined, and regulated. It is not just taking an oil or something because I want to, it is because I want to take something to lessen seizures, or to lessen anxiety, or just to lessen the confusion in my head. She also stated: "that is dependent on what I am taking, so it is really crucial to know what we are taking. I would like to know the strength of this, and how it will interact with the other meds. Patient access is absolutely a priority, but we have to do it smart and safely. The community gave us the task to do this. The essential importance is monitoring public safety for our people and so regulation is important. We should do everything to make sure that it is not bogged down. We need to be very thoughtful on what we are doing." William Parkinson replied if we are looking at public safety specifically with just the flower to get patient access we have no serious hospitalizations, and zero fatalities in the last 40 or over years. What I am proposing is taking the industry (if no labs show up), from zero legislation to some legislation. Then if the laboratory becomes available, Cannabis products will be tested without any exceptions. William Parkinson thinks	

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Amendment to wave the laboratory testing	this is an important move that this commission can do to possibly get stores open by the end of the year. Senator Therese Terlaje stated that there has been lot of discussion of this in the last meeting. I would move that this topic be tabled to the next meeting agenda because there was no motion at the last meeting unless there is a motion today. She commented that she will re-read the statue again. Public Health is in charge of doing the lab. The lab is really not the responsibility of the commission. Public Health can report to us at the next meeting as the status of an RFP of the lab, or what their plans are for the licensing of a lab, and if they have an issue with the lab then the commission can help. Andrea Pellacani stated: "the slowdown, coming from the industry side, is a lack of confidence from the government side to stand the industry up. If there are things we can consider to put on the table on how to attract businesses, or pick out people who are potentially applying for a laboratory testing facility and have them come to the table. I think this is where this commission is at. Maybe an announcement that says the application period is open. If people don't even know, then that is a basic stumbling block we can cross with public announcements. Member Chelsa Muna-Brecht stated that it might raise another issue if we are going to have a waiver for, and this will be for a commercial grower, to produce flowers they sell to the public. Member Chelsa Muna-Brecht commented that one of the five positions budgeted in FY 2020 for the Marijuana program should be changed to include an agricultural specialist. William Parkinson stated: "if we are going to waive lab testing for a period of time, we are going to need some sort of grower guideline and some specialist, because one of the things we want to mitigate is the public safety issue." In the medicinal law there is a provision that allows the various departments to go in and make inspections. So if we are not using lab testing, we have the ability as a board to go in and send people that are qualified and specialized in this to tell us if there is anything wrong. And if there is anything wrong, we can pull their waivers till they get into compliance." Member Chelsa Muna-Brecht also stated that the commission can provide them with proper guidance from the get go. Andrea Pellacani stated: "we should first adopt a ban on the pesticide list. That should mitigate some of the concerns with flower. Right now the concerns with flower without lab testing is "pyrolysis" which means the decomposition brought about by high temperatures. Pesticides break down when they are burned, which would happen when cannabis or tobacco is smoked. Earlier on the industry, they were using the food consumption list, because nothing is approved right now from the federal government to allow testing specifically on	Amendment to wave the laboratory testing will be tabled at the next meeting. DPHSS will provide the Laboratory Licensing requirement. DPHSS will determine what needs to be worked on.

TOPIC	DISCUSSION	DECISION
	cannabis pesticides. So early on the States were adopting pesticides. Later on, when they realized when they burn it, it changes the makeup of the pesticide contained in the flower. They also have to adopt the banned pesticide list for the tobacco. So as a commission, we should look into a banned pesticide list before a waiver." William Parkinson stated: "with the waiver, when people come in and apply for it, you have a chance to sit down and talk with these growers and let them know what the expectations are regarding this waiver. You can tell them about the banned pesticide list and tell them what they can and cannot do. And if you agree to that, then we can give you a waiver under our discretion. And any condition the commission has can be dictated on that waiver." Betwin Aloke from Environmental Protection Agency stated: "as far as I know, there are no registered pesticides for Marijuana. So, if you are trying to say something that is banned, there is no pesticide for Marijuana in the first place." Andrea Pellacani stated that there is a banned pesticide list that Colorado adopted and it is really a best practice. The banned pesticide is adopted relative from the tobacco use. If these pesticides are bad for tobacco, they're probably bad for marijuana use. Thus, Colorado has an evolving list of banned pesticides. Member Chelsea Muna-Brecht also stated: "I think this is something we should consider because there is nothing federal at this time. The commission needs to determine what we would like to see out there in our community. That's where the guidelines come into play. If they are not aware of it, someone who is a farmer and currently using a pesticide for other products might say it's ok to use it since I am using it on food. Then detrimental effects can happen. Senator Therese Terlaje stated: "according to the law, it is the Department of Public Health who shall establish the rules for: acceptable amounts of mold, fungus, heavy metal, and other contaminants; determining operational standards and protocol for testing, rejecting, and destroying batches that do not meet acceptable amount; certifying private and independent testing labs. She also suggested to table this discussion at the next meeting after hearing from DPHSS. She stated that the commission be notified if DPHSS needs help from the commission in establishing these rules, or in licensing the lab. Dr. Aline Yamashita seconded the motion.	DPHSS will identify if there are rules on: lab testing; operational standards and protocols for testing, rejecting, and destroying batches of Marijuana; certifying private and independent testing labs.

TOPIC	DISCUSSION	DECISION
Waste Disposal & Expired Cannabis	Does Environmental Protection Agency have any update on waste disposal and the possibility that people might want to dig in the disposal and use the product? Betwin Aloke asked the question: "in the industry, exactly how much waste are we talking about? "what is being wasted?" He also commented that if they are hauling the waste, they need a collection permit which is only $25 for 3 years. There are a couple of composing facilities on Guam, I don't think it is a problem for the industry. Senator Therese Terlaje stated that DPHSS is responsible in establishing rules relative to destroying batches of cannabis that does not meet the acceptable amount when tested. Rules should be in conjunction with EPA and their disposal policies with the Government of Guam." Andrea Pellacani responded: "there are rules-if there is a batch or a harvest that is deemed bad and you have to throw it, there is also so much of the plant that is usable. Most of the flower, as well as the high-quality trim. Everything else would be considered waste. There is a process in our rules that the department has established that would require that waste to be mixed with non-cannabis waste, at 50 percent. At that point it can be taken to the proper waste disposal facility in conjunction with the EPA guideline." Chairperson Linda Unpingco DeNorcey stated that the regulations on the destruction of cannabis are on page 138, and it is specified in accordance with subsection 10-217, that Cannabis must be disposed of in accordance with the Guam law with 24 hours of determination.	Andrea Pellakani requested for a copy of the EPA disposal guidelines. EPA will provide a copy of their disposal guidelines.
Seed to Sale software	Bryon Cepeda will be doing a demonstration on the "seed to sale" software. Come October 1st, the FY 2020 budget will provide funding for the "seed to sale" software. She recommended that the same software be used not only by Department of Public Health, but also in conjunction with Department of Revenue and Taxation, and other agencies.	
Addition to the list of approved conditions.	Can the commission add Anxiety, Depression, and Autism to the listing of approved medical conditions for Marijuana usage? Because these conditions were not included in the approved list of medical condition for marijuana usage, Dr. Aline Yamashita made the motion to have these conditions added to the list of approved conditions for Marijuana usage. Chairperson Linda Unpingco DeNorcey has asked the commission if there are any pros and cons in favor of anxiety, depression, and autism as additional medical conditions to be included in the list of approved conditions for medical marijuana usage. William Parkinson stated: "the only	The commission can add more debilitating medical conditions to the list.

TOPIC	DISCUSSION	DECISION
	criticism I heard regarding anxiety and depression is from the chapters of cannabis laws. They say it is just a method for people to go to the doctors and say I am feeling sad and please give me my certification. The negative public backlash might be that we are adding these conditions so that it is easy for people to get "high". Andrea Pellacani asked about Marinol that has a specific set of uses that are accepted. So this is synthetic THC. If Marinol has a list of accepted use can we add those to the list of conditions? I do know that anxiety is a little tricky, it may be strength or delivery dependent. Some strains can trigger more anxiety, and so consultation with a physician to monitor patients' progress is really needed. If this is accepted in the medical field why use synthetic THC when you can use the natural THC? Member Roy Adonay stated: "all the doctors he has spoken to have different specialties. For anxiety and depression we might need to bring in a psychiatrist/psychologist. This will be discussed at the Guam Board of Medical Examiner meeting. William Parkinson added that on page 50 of the medicinal rules, there is a section adding a debilitating medical condition to the list. Mr. Parkinson asked: "Do we need to follow page 50 in regards to having to go through a public hearing and presenting formal documentations to add more debilitating conditions to the list of approved medical conditions for the usage of Marijuana, or is this something the board can do ad hoc? Member Jonathan Savares stated that he would like to add these additional conditions. He discussed a single case study from Austria entitled: "Use of a perspective single case study with early infantile autistic child". Looking at the results on the chart, this is the pre THC level case study for anxiety. Hyperactivity, irritability, lethargy, stereo type, and speech. Graph shows a six-month study. According to member Jonathan Savares, there was a double blind study done with a 120 people. There was a placebo, and 60 persons control group with a 20 to 1 THC, CBD ratio. In that study, 61 percent of the patients improved after the cannabis treatment. Chairperson Linda Unpingco DeNorcey suggested that the additional medical conditions be tabled to the next meeting after member Roy Adonay gets information from the medical community as to whether or not they recommend adding these medical debilitating conditions to the existing conditions for the usage of Marijuana. Mr. Bryon Cepeda provided a demo on one "seed to sale" software. Seed to sale has to be traditionally standardized throughout the industry. The type of software is a full platform for the entire industry. It has tracing and monitoring, reporting for taxation and collection, payment processing, operational resource management, and stable banking services.	Member Roy Adonay will request for the Guam Medical Board of Examiners to provide feedback on whether or not anxiety, depression, and autism should be added as debilitating conditions for the usage of Marijuana.

TOPIC	DISCUSSION	DECISION
Seed to Sale Tracking System	Some of the vendors have the "seed to sale" tracking and trace system. They have a payment system that allows us to operate with a state chartered or community bank. There is a separate sub-section that allows government boards to track and trace the industry as a whole, what it is doing to date, weekly, bi-weekly, and monthly. The system software also is compliant for the federal and banking institutes. Most of the "seed to sale" software is cloud base. This software allows for retail, manufacturing, and cultivation tracking. Mr. Bryon Cepeda stated: "there is an ecosystem to see what the government is using, so in this platform, there is a regulatory framework that is basically for the Board. We have an integration of cultivator, storage facility, laboratory testing, manufacturer, retail sales, and patient access system that integrates into the software. We would have the ability to view the industry from top to bottom." William Parkinson wanted to know how the system works from beginning to end starting from the seed. Mr. Bryon Cepeda stated: "once the system is procured, the software will identify the RFID tags. Tags will start at the adolescence of the plant, and it will be followed throughout its whole life cycle. The plant will have a unique batch identifier and that identifier will go into a system that the Department of Public Health has access to (such system). Agriculture also can have access to the system. You will have the ability to identify the concentrate that comes from that batch testing. There is an integration with the laboratory that once that batch is identified, the lab uses that unique identifier to test that batch. Once the lab identifies that the batch is safe to push out to the community or to the industry, it identifies it in the software as OK. Once the transition of that batch goes to the processing side, the processor will make all kinds of products, edibles, concentrates, and that unique identifier will follow those serial numbers to the patient accessing system, which will be the access point for the dispensaries." Thus, the "seed to sale" software also has a "point of sale" system that allows every single dispensary to have the same access to information from top to bottom. Each plant has a unique identifier, when we are talking batches, we are talking about testing batches. Our current law right now is 5 flower, 15 trim make one batch. According to Mr. Bryon Cepeda, currently all of Canada and Rhode Island are utilizing this system. It is a very new system that partnered with Microsoft and so it runs on the Azure government cloud base platform, which is also ISO certified. Andrea Pellacani asked: "how will the taxation apply? We are looking at dual licensing. For medical establishment we have 4 percent from the GRT. That will also apply for adult use. Then we have corporate tax and excise tax. Is the software DISCUSSION	

TOPIC		DECISION
	customizable on the retail end? So as a consumer, I go to the counter and I am a patient, my taxes are going to be waived. Andrea Pellacani also inquired: "will the system be able to determine that, and if I am not a patient, should I be charged with the excise tax, but would the tax go to the wholesaler?" Mr. Cepeda responded: "Yes" the industry is triple taxed and the software can distinguish the function. As far as wholesaler to retailer, Revenue and Taxation will have the government platform and software that will shoot out the entire tax system that will show you which tax at what level and what particular function. Rev and Tax can send you a tax bill. They can pull the data from the system for the wholesaler excise tax. They will have a true tracking and trace function. That is the push for the 60 days implementation process that also includes training and information gathering. The company has the human resource capability for training and information technology. The majority of the training side will be coming from California, but the implementation will be sourced locally. Capacity will be 100 percent local. Chairperson Linda Unpingco DeNorcey expressed concern about the software company providing technical support and the timing of the support given Guam has a different time zone than the U.S. She commented: "what if something happens to the software, or if the software goes down, will we get help immediately in terms of getting the software back up?" "We have to be certain that whoever will be assigned here to do the IT should also train the local IT staff. Due to disasters we need a backup server so that once we go down, or have an emergency, we can get back up right away." One member asked: "can the software be used on a MAC since it is a Microsoft product?" Mr. Bryon Cepeda replied that since it is cloud base, it can operate on any device. All you need is a 4G connection and you can operate from that one tablet. With this software, the laboratory is implemented in the software so that the results will be pushed into the software. There is also access that will allow the board, or any department to actually view it. The software also has a patient registry base system that allows doctors to implement the patient database that is in there, because they will be doing a lot of data inputting and that will be done in real time.	
Public Forum	No one from the public had any questions.	
Scheduling of the Next Meeting		The next meeting will be on August 9, 2019, 9:00 a.m. at the same location.
Adjournment	Motion was made to adjourn the meeting and it was seconded.	Meeting adjourned at 10:35 a.m.

Type of Meeting: Medical Cannabis Regulation Commission
Date: August 9, 2019
Venue: Governor's Small Conference Room, Adelup
Recorder: Cid Mostales/Linda Unpingco DeNorcey

Present: Linda Unpingco-Denorcey (Director, Department of Public Health and Social Services),Suzanne Kaneshiro (Chief Public Health Officer, DPHSS), Roy Adonay (Guam Board of Medical Examiner), Dr. Aline Yamashita (Public Member at Large), Tom Pearson (Governor's representative), Adrian Cruz (Governor's Office), Jonathan Savares (Patient Advocate), Bryon Cepeda (Industry, Guest Speaker), Andrea Pellacani (Grassroots), John Concepcion (Guam Medical Cannabis Association), Senator Therese Terlaje (Guam Legislature), Chelsa Muna-Brecht (Director of Department of Agriculture), Dr. Maria Stella Gaerlan (Board Certified Physical Medicine, Pain Management), Janine Sablan (Grassroots), Maia San Jose (UEG), Nicolas Moure (UEG), Natasha Charfauros (Senator Terlaje's Staff)

TOPIC	DISCUSSION	DECISION
Call to order		Meeting was called to order at 9:10 a.m.
Review of Meeting Minutes	Meeting minutes were e-mailed to the members in advance for their review. A paper copy of the minutes was also provided during today's meeting. Corrections need to be made on the July 10, 2019 meeting minutes. The Chairperson-Linda Unpingco DeNorcey will send the revised minutes to the Cannabis Regulation Commission. Motion was made for Mr. Pearson to submit the corrections on the July 10, 2019 meeting minutes to the Chairperson so that she can make the corrections and send the corrected version to the Regulation Commission members.	Members have mention and voted. Meeting minutes will be approved. 9:18am The Chairperson will make the corrections on the minutes.
Overview of the Seed to Sale Cannabis Software	During the last meeting Mr. Byron Cepeda was unable to present the Seed to Sale Cannabis software demonstration since the audiovisual equipment was inoperable. Therefore, he will be given the opportunity to do the demonstration today. The Seed to Sale Cannabis software is capable of biometrics and RF identification tracking. Seedling or clone will receive barcodes or RF ID tag. Every plant is tracked throughout its life, including all aspect of harvesting, cultivation, curing, packaging, storage, production, and sale to the consumer. Regardless of where the plant is moved in the process, the software can account for it in real time. Regulators will know where it is at all times with 100% certainty. If a product needs to be recalled, it can be quickly located. Software can use biometrics for door access to track employees where they have been and how long they were there. The software can also limit access to job specific duties/areas.	

TOPIC	DISCUSSION	DECISION
	The system also has a 24/7 surveillance system throughout the cultivation and retail sites. Consumer identities are confirmed by all sales information that is stored to create records. The Seed to Sale Cannabis software also uses encrypted password or biometric identifiers. Reports are fully customizable. Oversight can be done via all levels of government if needed. Law enforcement, regulatory compliance, and data security are essential in a tracking system. The system must also track every facet of cannabis cultivation and sales while ensuring transparency and detailed records of tax collection and remittance at all levels of government. The Chairperson made it clear that the presentation is only a demonstration and no cost will be mentioned during the demo presentation. The Regulation Commission members asked a few questions. These questions are as follows: Question: When does the RF ID start? Response: It starts from inception of the clone of a plant. Question: Does every grower need to have cameras in their growing area? Response: Majority of all the cultivators have cameras. It is just an option in the software. Regulation Commission member-Andrea Pellacani commented that cameras in certain areas are a requirement according to Guam's regulation. Question: Can Anybody that is authorized from the government tap into the cameras at any time, or will that be dictated in our rules? Answer: It will be dictated by the rules and how the Chairperson would give certain form of access control to certain users, so there are many levels of access control. Question: What level of accessibility should be given out? Answer: The software can be customized to meet levels of control. Depending on what roles are given out to the individual user. Commission member-Aline Yamashita inquired about accessibility to training. There has to be continuous training because training cannot happen in one snapshot. Training should be requested in the RFP. Bryon Cepeda stated that everything from the IT support all the way down to training would be localized, so there will be a designated person to coordinate the training.	

TOPIC	DISCUSSION	DECISION
	The software does have a portion for the doctors when they write prescriptions. It also has a third-party API (Application Programming Interface) so the medical record can integrate with the patient data base system. The patient's records are in compliance with HIPAA (Health Insurance Portability and Accountability Act) and ISO (International Organization for Standardization) certification.	
Seed to Sale RFP	Public Health issued a Request for Quotation (RFQ) for the Seed to Sale Cannabis software in 2018. The Chairperson Linda DeNorcey does have the RFQs from three vendors who responded to the request. She cannot release the responses to the Regulation Commission members because the DPHSS will be issuing a Request for Proposal for the procurement of the Seed to Sale Cannabis Tracking System and DPHSS needs to ensure that the procurement process is not violated. Out of fairness, the DPHSS wants to give every vendor the opportunity to do a demo of their Seed to Sale Cannabis tracking system. Additionally, since the Chairperson is also part of the Cannabis Control Board, she and the vice chairperson of the Cannabis Control Board will be meeting with the Attorney General to get the AG's support in having conference calls with other states who have legalized recreational marijuana. The calls will provide input on their Marijuana regulations as well Seed to Sale Cannabis Tracking System. Chairperson Linda DeNorcey would also like to have a committee for the Seed to Sale Cannabis Tracking System to develop the RFP and evaluation criterion for the RFPs. These criteria can include: vendors' length of time in the IT business, major deliverables, projects that they have completed in the past years, etc. The RFP committee will individually evaluate the RFPs and then the scores from the RFP Committee are averaged out to obtain the final score from each Offeror. The top two Offerors will be identified. The vendor with the highest score will have their cost proposal examined and if the cost is too excessive, then the next cost proposal will be examined. If the price is reasonable, DPHSS can still negotiate pricing (negotiate pricing to reduce cost even further) and make a final determination. Afterwards, a contract will be developed. The RFP including the results and evaluation will be sent as part of the procurement record during the time the contract is being routed to the Attorney General for review and signature. Upon the approval of the AG, the Governor then signs the contract.	
Bill 185-35	Chairperson Linda DeNorcey notified commission members that DPHSS requested $750,000 for the Medicinal Marijuana program. However, Bill 185-35 eliminated funding for the	

TOPICS	DISCUSSION	DECISION
	Medicinal Marijuana program. Member Andrea Pellacani requested to add on the agenda Bill 185-35. She stated that she has sent an inquiry to Senator San Agustin's office. She stated that Medicinal Marijuana is a people's mandate, it is not a government option. She stated: "understanding the limitation of what was in the policy, the DPHSS Director was also mandated to implement the Marijuana program. The DPHSS Director provided a pathway, which is the first time since 2014 that we had a clear pathway, to get this program started." Ms. Pellacani also stated: "the response I have gotten from the Senator was there is a mandate to fund the medicinal Cannabis program with Healthy Futures fund, and the intent of public law 33-220, 34-125, and 35-5 was for the Cannabis program to receive funds from the registration and license fees. Unfortunately, there is only so much money to go around and we wanted to ensure GMHA, Public Health, Guam Behavioral Health and Wellness were funded as much as possible first. If additional revenue comes in, it can be utilized to support Cannabis education and abuse prevention programs. Ms. Pellacani also stated: "the budget bill is a full bill and any amendments that need to be made to the funding for the Cannabis program can be contained in the budget bill. The Medicinal Cannabis program is a mandate. 20,000 people voted for it, and I don't know if the lack of money is going to fly anymore in 2019." Ms. Pellacani recommended that the Cannabis regulation adopt a formal request, and that it be sent to the Senator San Agustin. The Medicinal Cannabis commission needs to take a formal position and say to the Senators that this money is needed.	No objection to add the agenda for today's meeting.
	A motion was made by Ms. Pellacani to adopt a formal request to include the Medicinal Cannabis budget in Bill 185-35. Ms. Pearson seconded the motion.	Ms. Pellacani will will prepare a formal request to include the Medicinal Cannabis budget in Bill 185-35.
	Chairperson DeNorcey requested assistance from the Commission by joining the RFP committee and policy committees.	Member vote all in favor.
	Senator Therese Terlaje commented that the RFP is the DPHSS' mandate and it is their responsibility to get this RFP out, not the commission. Chairperson Linda DeNorcey stated that the Cannabis Control Board should also have an input on the Seed to Sale Cannabis tracking system since we plan to share the same software. There was a question regarding an RFP for the laboratory.	DPHSS team will work on the RFP for the procurement of the Seed to Sale Cannabis Tracking System.

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Medicinal Cannabis Licensing	Chairperson Linda DeNorcey responded that DPHSS is not doing the RFP for the laboratory. The laboratory testing facility will be done by private businesses only, not DPHSS. Public Health's role is just the regulation and licensing. Chairperson Linda DeNorcey stated that the commission members all have the forms and general requirements, steps for applying for a license, the licensing application, declaration of statement form, and a listing of requirements and fees associated with the cultivator, manufacturer, dispensary, lab testing, qualified patients, caregivers, couriers, etc. Applicants must obtain clearances for the license via Government of Guam entities (e.g., Superior Court, Guam Police Dept, DPHSS, Dept. of Agriculture, Land Management, Revenue and Taxation, etc.).	
Laboratory Testing Facilities ASA/ISO Certification	Senator Therese Terlaje suggested for the DPHSS to update the application for the laboratory. The laboratory testing facilities are required to be ASA or ISO certified, but there is no indication of this in the current application. She also stated that if the lab does not need to be either ASA or ISO certified, then an amendment needs to be made. Adrian Cruz said just for clarification, laboratory can go in today and turn in all this stuff, but we don't have a Seed to Sale Cannabis tracking, system. How do we make all that work? Technically we cannot have a lab until we have the software. Someone can set up a lab if they choose, but it will be non-operational. The lab can apply for business, but can't operate. Commission member-Andrea Pellacani stated that it is clear, that there was a concern at the time when Bill 34-80 passed in that there was an inability to secure a Seed to Sale Cannabis tracking system and without this, it would hold back the implementation of the Medicinal Cannabis program. Thus, there was language put into the law that basically states that DPHSS would have up to two years to procure the Seed to Sale Cannabis Tracking System. Meanwhile, without a system, DPHSS cannot hold the program back from being implemented because of this. It basically means that even without a software, this is not going to stop the program from moving forward. Chairperson Linda DeNorcey stated that people have come to DPHSS to picked up a laboratory application, but no one has submitted an actual licensing application. DPHSS Team member- Suzanne Kaneshiro stated that DPHSS is ready. On the ISO requirements, people have more questions than what is entailed. You have to be a certified Lab. You have to get the certification.	

TOPICS	DISCUSSION	DECISION
Laboratory Testing Facilities ASA/ISO Certification	ISO is a specialized type of requirement that has to be done in a laboratory setting. This type of accreditation is hard to come by. The Laboratory can still operate even if they have concerns about ISO. Some laboratories do ask for a year or two to achieve it if they are not presently ISO certified. It would be an off-island team to come to Guam and inspect your laboratory. Other than ISO, ASA certification can be attained. Thus, the laboratory testing facility can be either ISO or ASA certified. Senator Therese Terlaje asked what is Public Health's concern right now about licensing a laboratory? Is there anything holding Public Health back? The DPHSS team member stated that businesses can apply and submit their lab application. DPHSS is ready to accept it. Commission member-Aline Yamashita stated: "let's go to another issue about awareness-getting the word out, it is doable, while you are doing the process for lab, we are doing the process for Seed to Sale Cannabis Tracking System. Commission member-Andre Pellacani stated that the people who came forward have done their homework on the matter. They were aware of the accreditation. Anyone who is ready to establish a laboratory will have their money, pay for their certification, and they are aware of the process. Commission member-Roy Adonay asked: "what is stopping them from moving forward?" According to Commission member-Andrea Pellacani, there is no actual license from Revenue and Taxation. They wanted to formalize a lab business license relative to the cannabis industry. According to Adrian Cruz, from the business point of view, why will you spend millions of dollars and there is nothing for you to test? Commission member-Andrea Pellacani stated that businesses have nine months to get their license. I imagine the day when a cultivator applies for the license, it may take three to six months to see people coming in to apply for the lab because it only takes two to three months for them to apply if they are already in the process of certification, or if they are already certified somewhere else. Cultivators will not move until a Seed to Sale Cannabis Tracking System is in place. There are so many misinformation given to the public for many years. The public just don't know what is happening. The Department of Public Health and Social Services saying that they are prepared to process applications would trigger vendors of businesses to come forward. There is nothing stopping the program if we are unable to get the Seed to Sale	ISO is the International Government Standardized Organization.

TOPICS	DISCUSSION	DECISION
Laboratory Testing Facilities ASA/ISO Certification	Cannabis Tracking System. They would have to go manual. Commission member-Roy Adonay stated the difficulty about all of this is that there is no informed information going on. There are people that want to cultivate, they are waiting for the lab, and there is a situation on who is waiting for what. I think there should be public information stating that we are ready, this is where we are, and this is the information on this and that. Definitive and right information that people can count on so it is not frustrating and confusing. Senator Therese Terlaje stated: "it is very clear what the commission is supposed to do and what Public Health is supposed to do. I think that if we put on our agenda a report from Public Health, an agenda on what needs reporting, the commission can be used as a way to get the message out to the public. Just information for the commission because the commission does not have a role in that. The limited mandates that we have, we can help. But if you are coming to us on the scope of the RFP that will be new business. Just a lot of this should be a report from Public Health. If there is a problem then we can discuss it." Commission member-Aline Yamashita suggested to go back on the need for awareness. Maybe use DPHSS' website for individuals to ask information. Word travels, if you need the latest info go here and click so you can get the right information. That will help Public Health to get the word out. Maybe the commission can look into the possibility of a chat room. Commission member-Andrea Pellacani stated that when Nick came last time, they provided a draft of things that was available through the public laws, and they put together these frequently asked questions, which can be updated with any new information. I think we also made one for Revenue and Taxation and Department of Agriculture. Nick was a consultant that has been coming to Guam, and a colleague with Grassroots, he has been providing consults and helping the department network with other people that can provide some assistance and resources. They just scanned the law and put some frequently Asked Questions (FAQ) together. Chairperson Linda DeNorcey stated that the DPHSS team along with Department of Revenue and Taxation will continue working on the RFP for the procurement of the Seed to Sale Cannabis Tracking System. Chairperson Linda DeNorcey stated that the Director of Agriculture inquired about having an Agricultural Specialist as part of the personnel for the Medicinal Marijuana program.	Andrea Pellacani will provide the frequently asked questions to all the members.

TOPICS	DISCUSSION	DECISION
Laboratory Testing Facilities	Chairperson Linda DeNorcey asked Commission member-Chelsa Muna-Brecht to provide information on the salaries (wage) of this position so that the budget can be amended. Additionally, during past meetings, commission members inquired about the amendment to wave the laboratory testing (i.e., postponing the lab testing) until such time a laboratory is in operation. This was suggested by Mr. William Parkinson. No commission member made a motion to amend the lab testing. Commission member-Andrea Pallacani suggested we can put the laboratory waiver under the policy committee. According to Andrea Pellacani, the third-party certification policy needs to be reviewed and we are required to do this as a commission. Thus, there should be some work done on this. What organization are we going to use? Some organizations are not federally recognized. American for Safe Access is a good certification. My organization believes in them. There are many certifications out there and we can do our research. We can make recommendations to the legislature or to the department if they wanted to add it to the regulations to require a list for third-party certifications. If the business gets these certifications, it alleviates the workload from the department from regulating because these parties come in and do their audit process, which is in line with what is required by our laws and regulations. ASA can do a sample audit, they can look into our law and then say these are all the checklist of things that you need to require. They come in, they do the audit, then they give you the certification. So by the time Public Health comes in to do their own inspections and audits, a lot of the hard work has already been done. This is not unique to the industry, but we should consider any review of certifications that are out there that we would like to include in a list. There is a lot of work and learning for the Department of Public Health. There is business that has been doing this for many years. They know some of the mistakes that they have made. The department can benefit from their knowledge. Jonathan Savares stated that he found ASA to be one of the top ones. Chairperson Linda DeNorcey inquired if there is any motion to establish policy sub-committees, which is inclusive of the third-party certification. One Commission member asked: “Can we also have an official conduit between the Medical Cannabis Board and the Recreational Control Board to see both sides of the progress?”	Chelsa Muna-Brecht will provide salary of the Agricultural specialist.

TOPICS	DISCUSSION	DECISION
	Commission member-Chelsa Muna-Brecht recommended Adrian Cruz to serve as the conduit involving both sides to share information. Chelsa Muna-Brecht made the motion to establish the policy committees and Tom Pearson seconded the motion. Commission member-Chelsa Muna-Brecht will be working with Andrea Pellacani on the policies; Jonathan Savares has requested to work with Roy Adonay on the regulatory specifications. Commission member-Aline Yamashita suggested adding public awareness and communication links to the DPHSS website. She nominated Cid Mostales to work on this. Adrian Cruz stated that the Cannabis Board is pumping information and the Regulation Commission can use them as a conduit. They are currently drafting Frequently Asked Questions (FAQs). Make sure that the information is dated. Aline Yamashita made the motion to add public awareness, which will be inclusive of communication and information on the DPHSS website. Mr. Pearson seconded the motion.	Members voted in favor of adding public awareness inclusive of communication and information on the DPHSS website.
Open Discussion	Commission member-Mr. Pearson inquired about the list of doctors, and adding anxiety, depression, and autism into the list of debilitating conditions for the usage of Cannabis. Roy Adonay stated the Guam Board of Medical Examiner unfortunately did not meet for its regular meeting. When the GBME met last time, it was discussed that people are coming to them voluntarily asking to be added to the list. The GBME actually decided to give out a survey to all the three hundred physicians on island to inquire if they want to be added onto the list of providers who recommend the usage of Marijuana. There are certain medical groups that prohibit their physicians to be added to the list. Additionally, there are officially 12 doctors who do not want to be included in the list. Commission member-Roy will be the conduit if there is a person who has difficulty finding a physician to recommend the usage of Marijuana. People can call him and he can refer them to the proper person. By October, the GBME will meet. From the federal prospective such as Public Health Community Health Centers, the physicians are not authorized to recommend Marijuana use because they work in a Federally Qualified Health Center. Roy Adonay said people who are working in private practice has to earn a living so it is not actually free to see those particular physicians. There is always a fee associated. Dr. Maria Stella Gaerlan stated the physicians will charge as much as $300.00 for consultation in Nevada. Guidelines might have to be created here maybe to	

TOPICS	DISCUSSION	DECISION
	discuss the allowable amount that can be billed for the service. Different physicians charge different rates upfront depending on the clinic.	
Public Forum	No one from the public asked any questions.	
Schedule of Next Meeting		The next meeting will be on September 18, 2019, 9:00 a.m. at the Governor's Small Conference room.
Adjournment		Meeting was adjourned at 10:37 a.m.

Cannabis Regulation Commission Meeting
September 18 2019
Governor's Small Conference Room
9:00 a.m.

I. Call to Order

II. Review of Meeting Minutes

III. Old Business

1. Seed to Sale Cannabis Tracking System RFP Update

2. Bill 185-35 Update (Approval of Medicinal Marijuana Program Budget of $750,000

3. Listing of Providers recommending Marijuana Usage

4. Addition of Anxiety, Depression, and Autism to be added onto the list of debilitating conditions.

IV. New Business

1. Frequently Asked Questions for Medicinal Marijuana

2. Third Party Certification

V. Open Discussion

VI. Scheduling of the Next Meeting

VI. Adjournment