

BUREAU OF MEDICAL CANNABIS REGULATION

PRE-REGULATORY MEETING

DISPENSARIES BREAK OUT GROUP—MEETING SUMMARY

OAKLAND

SEPTEMBER 26, 2016

Topic 1: Subtypes of Dispensary Licenses

BMCR Thoughts: Establish a subtype of dispensary license that is delivery-only. The delivery-only dispensary license would require a brick and mortar premises but would allow for delivery, non-storefront retail sales to qualified patients and primary caregivers. BMCR and law enforcement would maintain the right to inspect the premises at any time.

COMMENTS:

- It should be easier for delivery-only businesses to obtain a license.
- There may not be a reason for creating a separate license type. It makes the system more complicated.
- Like the idea of a delivery-only dispensary license. The license should be easier to obtain and require fewer fees. (repeated twice)
- There should be a good reason for creating a separate license type for delivery only, such as lower licensing fees.
- Local license caps may affect an individual's ability to apply for and obtain a state license.
- Delivery-only dispensaries should not be allowed. A dispensary should be required to have a storefront.
- A delivery-only model should have more detailed regulations.
- It appears that delivery is already covered in current law and an additional license type would be superfluous.

QUESTIONS:

- Is on-site consumption a different license type?
- What happens if a school moves into the vicinity of a dispensary after the dispensary has been opened?

MAIN THEMES:

- Creating a delivery-only dispensary license type would only be worthwhile if there were significant differences in the requirements.

Topic 2: Employee Requirements

BMCR Thoughts: Require licensees to maintain an accurate, up-to-date roster of all employees (i.e. contractors, full-time and part-time employees, delivery employees, etc.) and accompanying information on each employee as part of

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their records. The information would include data such as the date the employee started, all applicable training, job description, and any employee information maintained by the licensee.

COMMENTS:

- All of these requirements are standard business practices and should be required of dispensaries.
- There should be a requirement placed on employees that if they commit an offense that may jeopardize their employment, they would be required to inform the employer.
- These requirements should only apply to any individuals who have continued independent site access, including any independent contractors.
- Training requirements should be very clear and specific.
- Suggested training: dram shop liability/safe consumption of medical cannabis.
- It should be specified when training needs to occur. (before starting, within six months, etc.)
- Business owners should be trusted to train their own employees. Light guidance from the state would be acceptable, but not specified required training.
- Requirements should not apply to every employee. It is too broad.
- All of these things are already required by law. The current state and local laws governing employees already cover this. There is no reason for separate regulations.
- It would be helpful for the state to provide a list of references to laws that employees must comply with.
- Information on independent contractors should not be required. It is difficult for dispensary owners to obtain that information.
- There are concerns regarding the privacy of employee information.

QUESTIONS:

- Who will be administering training to dispensary employees?

MAIN THEMES:

- The requirements appear to be acceptable.

Topic 3: Delivery Requirements: Manifests, Storage

BMCR Thoughts:

1. **Require the following information on all delivery manifests:**
 - a. **Name and license number of dispensary;**
 - b. **Name of primary caregiver or qualified patient who ordered the medical cannabis or medical cannabis products;**
 - c. **Number of units or weight of items being transported;**
 - d. **Strain and product type of medical cannabis and medical cannabis products in shipment;**
 - e. **Unique identifiers of all products in shipment;**
 - f. **Travel route, start and end time; and**
 - g. **All planned stops on travel route.**
2. **All dispensary delivery vehicles shall be equipped with the following:**
 - a. **Refrigeration;**
 - b. **Specialized locking system for storage of medical cannabis and medical cannabis products;**
 - c. **Vehicle alarm system; and**

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d. Separation between the people in the vehicle (i.e., drivers and passengers) and the shipment.

COMMENTS:

- OK with the manifest.
- Patient names should not be included. Patient ID# can be used instead. (repeated three times)
- Some of the information required on the manifest may not be useful to law enforcement.
- Start/end time should not be required. There is no way to control traffic. (repeated once)
- Requiring refrigeration may be unnecessary for the small amounts being delivered.
- Please clarify “specialized locking system.” (repeated twice)
- Delivery may be done on a bicycle, scooter, on foot, etc. Requirements for alarm systems and separation may not work with those modes of transportation. (repeated once)
- Manifest should include dispensary phone number.
- Delivery employees should be allowed to carry extra product while making deliveries in case patients want to increase their order or additional deliveries are added on to the trip.
- “Separation” should be clarified. Clarify whether keeping it in a lock box or in the trunk is sufficient. (repeated once)
- The manifest should be able to be modified after the delivery is complete in order to make adjustments to the actual route taken.
- Start time/end time and planned route are not necessary and may change. There is no reason to include it on the manifest.
- Strain should not be required as not every product has a strain.
- Instead of require the route and the start/end time, the manifest should just include the address where the delivery is to be made.
- Each product should have a unique ID number. This will likely streamline the information on the manifest.
- It is too onerous to treat delivery like transportation. A delivery employee may make dozens of deliveries in a day. It is unlikely that a transporter does the same.
- Digital manifests should be accepted.
- All products should be required to be sealed individually and be tamper evident.
- Refrigeration should not have to be powered refrigeration. Cooler should be ok.
- Listing the times of delivery and routes may be a security risk.
- The manifest should not be made available to the public.
- Simple refrigeration systems should be favored over complex systems.
- “Out of reach” should replace “separation” because some vehicles may not have a completely separate trunk.
- Employees should be able to use their personal vehicles for delivery in order to minimize costs.

QUESTIONS:

- Will the state provide a list of all potential product types?

MAIN THEMES:

- Manifest requirements are acceptable except the inclusion of the patient name, the start/end times, and the route.

Topic 4: Transaction Limits

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BMCR Thoughts: Set the transaction limit for an individual patient within the following range for all dispensaries, based on other states:

1. 2.5 oz per month of usable medical cannabis, regardless of product type;
2. 5 oz per month of usable medical cannabis, regardless of product type; or,
3. Limitations as follows:
 - a. 24 ounces of dried flower;
 - b. 16 ounces solid or 72 fluid ounces of liquid medical cannabis product;
 - c. 16 ounces of cannabinoid concentrate whether sold alone or in an inhalant delivery system;
 - d. Five grams of a cannabinoid extract whether sold alone or in an inhalant delivery system;
 - e. Four immature medical cannabis plants; and, 50 seeds.

COMMENTS:

- The state should not track every single sales transaction.
- The proposed limits are arbitrary since people can make purchases from multiple dispensaries.
- There is no universal consensus on maximum useable doses or what amounts are required for treatment.
- There is such great variety in products that any transaction limits will be arbitrary.
- Local jurisdictions already have local purchase limits.
- If there is a transaction limit, allowances should be made for patients who have a physician's note indicating that they require an amount over the limit. (repeated once)
- Other medication limits have science to support them. This does not yet exist with medical cannabis.
- If there is a limit imposed, there should be a stated justification as to why the limit is set at that point.
- The state should not impose any transaction limits. (repeated three times)
- Any limits imposed should be flexible in order to account for new scientific information.
- Any limits should only be daily limits rather than monthly or weekly.
- It is difficult to limit the number of plants a person purchases.
- Diversion is not much of a concern at the retail level. There is little incentive to resell medical cannabis.

MAIN THEMES:

- There should not be any transaction limits.

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