

BUREAU OF MEDICAL CANNABIS REGULATION

PRE-REGULATORY MEETING

DISPENSARIES—MEETING SUMMARY

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October 5, 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:

- All the dispensaries that are currently operating illegally should not be allowed to obtain a license.
- Delivery vehicles should be required to be registered and identifiable to law enforcement.
- Delivery-only dispensaries should be allowed to operate out of a home.
- There should be an equal number of delivery-only licenses and Type 10 licenses.
- A delivery-only license should be allowed. The brick and mortar location should only be subject to local rules.
- Delivery vehicles should not be designated and should be inconspicuous for safety reasons.
- Delivery drivers should be allowed to carry extra inventory.
- Delivery-only dispensaries should be required to have a brick and mortar location.
- If delivery-only licenses are offered, there should be an economic analysis done to determine fees. Delivery-only dispensaries may require smaller licensing fees.
- The rules for inspection for delivery-only dispensaries should be the same as other dispensaries.
- Delivery-only dispensaries should not be allowed to operate out of a home.
- Delivery-only dispensaries should be allowed, but they should be subject to the same rules as other dispensaries.
- Delivery-only dispensaries may require stricter insurance requirements.
- There should be mandatory reporting for all crimes involving delivery employees.
- Should be similar to the system that is currently in place for pharmaceutical deliveries.

QUESTIONS:

- What are the inspection requirements for a delivery-only dispensary?

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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 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:

- Delivery employees should have a record of their DUIs. Delivery employees should have a record of drug testing and their prior convictions.
- The requirements for employees may be different for different employee types.
- Employees should be trained in subjects such as medical counseling.
- The requirements for employees and independent contractors should not be the same.
- Each dispensary should be required to have at least one Cal-OSHA certified employee.
- The state should not impose requirements for employers to keep specific records. Employers should be allowed to determine what records should be kept and then certify that they are keeping those records.
- All dispensary employees should have to undergo required training.
- Every dispensary should have a certified cannabis nurse on staff.
- It is a good idea to keep these employee records. The rules for what records must be kept should be clear.
- Owners should be required to administer background checks on all employees, but the owners should be free to determine what to do with the results of the background check.
- Dispensary employees should be required to undergo sexual harassment training.
- There is no need to require every dispensary to have a cannabis nurse on staff.
- Owners should be allowed to decide what employee records need to be kept based on the requirements of state labor laws.

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;**

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- b. Specialized locking system for storage of medical cannabis and medical cannabis products;**
- c. Vehicle alarm system; and**
- d. Separation between the people in the vehicle (i.e., drivers and passengers) and the shipment.**

COMMENTS:

- The patient's name should not be included. It should be replaced with a patient ID#. (Repeated four times)
- The requirement to list the start/end time and route is problematic due to potential changes. Delivery employees should just be required to record all stops.
- The patient's signature should be required after the completion of the delivery.
- Agree with the manifest requirements.
- Electronic manifests should be allowed in order to allow flexibility and changes in the route. (Repeated once)
- Pharmaceutical companies use GPS signature tracking for giving samples to physicians. Maybe a similar system could be used by dispensary delivery employees.
- Delivery employees should not be required to use a set route.
- Delivery employees should be allowed to carry additional inventory.
- Route, start/end time, and stops are not necessary and should not be required.
- Refrigeration requirements should be product appropriate.
- The rule regarding separation between the employee and the product should be more specific. For example, would keeping it in the trunk of a car be acceptable? (Repeated once)
- Delivery employees should be required to use a lock box for cash. (Repeated once)
- There should be a maximum amount of product and cash that a delivery employee is allowed to carry.
- Separation between the product and the employee is not necessary.
- Separation between the product and the employee should be required.
- A dashboard camera should be required for all delivery employees.
- There should be no refrigeration requirements for deliveries because most delivery trips are relatively short.
- GPS tracking should be required on all delivery vehicles.
- There should be a requirement that all deliveries must be made in a commercial vehicle and that delivery drivers must have commercial driver's licenses.
- Dispensaries should be required to disclose the risks to potential delivery employees.
- Insurance should be required for all delivery employees. (Repeated once)
- Refrigeration is not necessary.
- Delivery by motorcycle should be allowed.
- There should be a requirement that at least two dispensary employees be present for all deliveries.
- There should be mandatory security training for delivery employees.

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Topic 4: Transaction Limits

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 amounts a patient purchases should be monitored via the DOJ database used to track purchases of pharmaceuticals.
- Limits should be based on THC levels and should be consistent with clinical guidelines.
- There should be a limit on the number of deliveries a patient can receive within a certain amount of time.
- All of the proposed limits are too low.
- There should not be any limits. It is too difficult to gauge what a patient needs. Other industries do not place a limit. (Repeated twice)
- Any limits should be consistent with the state law regarding how much an individual can carry.
- Transaction limits hurt the patients because some patients have difficulty accessing the dispensary and must purchase enough medical cannabis to last for an extended period of time.
- It is difficult to set a limit that works for everyone because patients' needs vary wildly and are subject to changes as tolerance increases.
- Any limits set by the state will only encourage patients to figure out ways to circumvent the rules.

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