

**Department of Human Services  
Oregon Medical Marijuana Program  
Advisory Committee on Medical Marijuana**

Monday, October 23, 2006  
Portland State Office Building (PSOB)  
800 NE Oregon Street  
Portland, OR 97232  
10:00 am – 2:30 pm

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The Oregon Medical Marijuana Program (OMMP) Advisory Committee on Medical Marijuana (ACMM) provides an opportunity for the public to discuss administrative issues with the OMMP management.

**Meeting called to order at 10:05 am.**

**WELCOME AND INTRODUCTIONS**

Ms. Burbank commenced the Special Hearing meeting with introduction to the ACMM committee members: Jim Klahr; Laird Funk; Leland Berger; Sandee Burbank, Vice Chair of ACMM; Madeline Martinez; Chris Iverson, John Sajo; Dr. Darryl George, DO; Stormy Ray

**HANDOUTS:** ACMM Order of Business

**SUBCOMMITTEE SET-UP**

- Ms. Martinez motioned for a sub-committee to be created to work with Law Enforcement regarding Senate Bill 1085. The sub-committee would be meeting with Lt. Dingeman on Law Enforcement interpretation. Mr. Funk seconded the motion.
- Mr. Funk discussed his concerns regarding the omission of excess plants being taken by Law Enforcement.
- Mr. Berger would like to invite Jennifer Lloyd, Assistant Attorney General (AAG) and Lt. Dingeman to the meeting in December. The idea would be for a collaborative group meeting with Lt. Dingeman rather than an ACMM formal meeting.
- Ms. Ray would like clarification on the role of the sub-committee and what the creation of the sub-committee is for. The application packet already includes

the rules and statutes; everyone is aware of the procedures including Law Enforcement and is positive that the OMMP may already have in place a policy or procedure.

- Ms. Salsbury states that it is the advisory committee's responsibility to advise the program, formally the department, because it must go through certain channels before any paperwork goes out to the public.
- Mr. Iverson agrees with Ms. Ray to filter paperwork, public paperwork that goes out to patients, caregivers, and growers. Ms. Ray states that whatever avenue the committee takes, it should all be treated the same.
- Motioned passed with a majority vote from the committee members. Volunteers selected for the sub-committee is Sandee Burbank, Leeland Berger, Madeline Martinez, and Stormy Ray which will also include the filtering of all application materials.

### **DEPARTMENT OF JUSTICE (DOJ) LETTER**

- Mr. Funk would like to address the DOJ letter regarding medical marijuana and the issues of organized crimes and trafficking of marijuana. Mr. Funk submitted a letter of clarification to DOJ as well as requesting for evidences of the claims mentioned in the letter.
- Mr. Funk would like for the committee to formulate a letter to DOJ to not only support the claims made but to also answer some questions regarding the claims.
- Mr. Berger motioned to collaborate online a letter to DOJ to ask for explanations of their claims as well as having them oblige to respond according to the rules and statutes. Mr. Funk seconded the motion.

### *DISCUSSIONS*

- Ms. Ray stated that before a letter is sent out to DOJ, she would like a preface letter to introduce the ACMM, to legitimize that the ACMM exists and what the ACMM exists for since it is a newly formed committee.
- Mr. Berger stated that Ms. Ray could probably write the letter of introduction regarding the ACMM, Mr. Funk would address the letter of complaint, and Mr. Berger himself would complete the letter with a reminder that DOJ is obligated to respond to the letter in a timely manner. The letter would be drafted and completed online and edited by the committee members online before it gets sent out.
- Dr. George would like to know if the introduction of the ACMM to the public is still in the planning process or has the planning stopped. Ms.

Salsbury will talk to Dr. Higginson to discuss where the planning of the introduction is heading.

- Motion passed with a majority vote from the committee members.

## **ACMM WORK SESSION**

### **PATIENT HANDBOOK**

**HANDOUTS:** Preface to Patient Handbook, Preface to Patient Handbook with suggested modifications, Patient Handbook draft

#### **Preface to Patient Handbook**

- Mr. Berger would like to address the issues to the preface of the Patient Handbook first, with a consensus to accept Ms. Martinez's changes, but leave Mr. Berger's wording.
- Dr. George requested to add that patients are not protected under federal property where Mr. Iverson suggested for examples of what federal properties are to be included. The committee member's general consensus is to leave it stated as federal property without examples to avoid specifics.
- Ms. Ray opposes the setup of the handbook and would like to start from the beginning, creating a committee with the original motives of the ACMM to include questions and concerns from the patient rather than what the ACMM thinks are questions patients, caregivers, or growers have. Ms. Burbank motioned to move forward.
- All changes for the preface to the handbook are accepted with the exception of the third deletion from the top, it will remain as part of the handbook and for the addition of “, or federal property” to the ending sentence of the third line from the bottom.
- Mr. Berger motioned to accept changes to the preface, motioned passed with a majority vote.

#### **Patient Handbook**

- Ms. Burbank suggested for the first two lines to be moved to the end of the handbook, motioned passed with a majority vote, one opposition.
- Mr. Klahr would like to know whether or not it is legal to place names in the handbook if it's government-funded. Ms. Silverwolf in turn stated that she holds the copyrights to the handbook and has no issue with the inclusion of her name. Mr. Berger would like for the program to meet with the AAG to ensure what can and cannot be included in the handbook.

- Mr. Berger motioned to move forward with the first two lines placed at the end of the handbook until the legality issue can be determined, motioned passed with a majority vote.

*ACMM work session adjourned by Ms. Burbank for morning break at 11:05 am.*

**Meeting called to order by Ms. Burbank at 11:15 am.**

**ACMM Work Session on Patient Handbook continue.**

#### WHO IS ELIGIBLE FOR THE OREGON MEDICAL MARIJUANA PROGRAM?

- Dr. George would like to know how the handbook will educate patients on the medical conditions and what each medical condition is described as. He would like for each of the conditions to be explained as well as what symptoms constitute a qualifying medical condition since chronic is defined as a length of time in duration while severe is a level of pain.
- It was decided that it would be up to the doctor's discretion to decide on what qualifies as meeting the medical condition.
- Mr. Funk understands the issue of obsolete diagnosis and would like to suggest for "current" to be included in the sentence. Majority consensus to add "current" to line 4, page 1 regarding diagnosis.
- Mr. Berger motioned to modify line 6, page 1 by inserting "qualifying" in front of debilitating rather than following after "condition," motion passed with general consensus.
- Ms. Berger motioned for "or treatment..." following "HIV/AIDS" to be moved to the following line, motioned passed with general consensus.
- Part of line 29, page 1 through line 32, was accepted without modification by the Committee.
- Mr. Berger motioned for lines 33 and 34, page 1 to be written as what is stated in the statutes with the suggestion by Ms. Burbank to state "patient is under eighteen (18) years of age..." rather than minor, motion passed with general consensus.
- Mr. Berger motioned for OMMP to be listed after DHS, the inclusion of the program's website by Ms. Martinez for lines 35 and 36, page 1, and the phone number was changed to reflect the proper last four digits, motion passed with general consensus along with the rest of this section.

#### WHAT IS THE FEE TO REGISTER?

- Ms. Ray motioned for lines 1 and 2, page 2 to properly reflect the language of the application fee with Mr. Berger’s suggestion to remove “adjustment” and replace it with “change,” motion passed with general consent along with the rest of this section.

#### WHAT ROLE DOES MY DOCTOR PLAY?

- Ms. Burbank motioned to align line 7, page 2 with what was mentioned earlier on line 9, page 1 and to add “current” before “qualifying,” motioned passed with general consensus.
- Ms. Burbank motioned to accept the changes as is from lines 9 through 11, page 2 with Mr. Berger’s suggestions to modify lines 12 and 13, page 2 to clarify what a current Attending Physician Statement (APS) is, motions passed with general consent.
- Lines 14 through 16, page 2 accepted without changes.
- The rest of this section was approved and passed with general consent.

#### WHAT IF MY DOCTOR WON’T HELP ME?

- Ms. Burbank motioned to modify lines 19 through 21, page 2 to clarify when a physician is unwilling to sign with Ms. Martinez’s suggestion to insert the OMMP website after the federal court case, motion passed with general consent.
- The rest of page 2 accepted without other changes, lines 2 through 4, page 3 accepted without changes.

*ACMM work session adjourned by Ms. Burbank for lunch at 1:04 pm.*

**Meeting called to order by Ms. Burbank at 2:09 pm.**

**ACMM Work Session on Patient Handbook continue.**

#### DO I NEED A CAREGIVER OR OTHER DESIGNATED PERSON TO GROW MY MEDICINE?

- Part of line 16 through line 18, page 3 was removed and placed under the Patients, Caregivers and Growers’ Rights and Responsibilities section, placed before “Patients are cautioned...”
- Part of line 1 through line 8, page 4 was removed and placed under the Patients, Caregivers and Growers’ Rights and Responsibilities section before “It is important to have...” regarding discussion between the patient, caregiver and/or grower.

- The recommended changes for this section were accepted through general consent with the clarification of Class A or Class B drug related felony regarding convictions with “your” changed to “their” on line 15, page 3.

## PATIENTS, CAREGIVERS AND GROWERS RIGHTS AND RESPONSIBILITIES

- At the request of Dr. George, clarification was stated that all parts of the marijuana plants is the patient’s property and can be returned to the patient at his/her request, request was granted and placed before “It is important to have a clear understanding...”
- Regarding the marijuana grow site and the limitations of how many patients was clarified between the patient, caregiver, and grower.
- Lines 18 through 21 were suggested by Ms. Burbank to be placed at the beginning of the section before “A Caregiver is not limited...” to supplement the importance of communication, passed with general consent.
- Lines 12 and 13, page 4 was motioned to be two different questions, line 14 was modified to reflect the statutes wordings, line 15 was removed, line 16 was suggested to include “back-up plans.”
- The rest of this section was approved and passed through general consent.

## LEGL REQUIREMETNS FOR CARDHOLDERS AND GARDENS

- Lines 23 through 25, page 4 and lines 1 and 2, page 5 accepted without changes.
- Mr. Iverson motioned to add clarification that the grower is also protected when possessing and transporting the medicine with an explanation from Ms. Salsbury that the old caregiver and grower cards must be returned when a patient changes it from one person to another. Ms. Burbank suggested for the placard to be included, motion passed with general consent.
- Mr. Iverson suggest for “the patient” to be bolded, suggestion accepted. Due to repetition, lines 11 through 15, page 5 was removed is replaced by lines 25 and 26, page 5 to lines 1 through 7, page 6. Changes were accepted without further changes with the exception that Ms. Ray will be adding additional wordings to this particular section regarding networking.
- At the suggestion of Mr. Iverson, “collectively possess” has been bolded with Mr. Berger’s addition to note that medicine can only be grown at the registered address, motion passed with general consent.
- The rest of this section was approved and passed with general consent.

## WHERE CAN I USE MY MEDICATION?

- Part of lines 15 through 17 was removed through general consent; the committee felt it was not necessary to place it in the handbook.

#### DISCUSSION

- Dr. George would like clarification in the handbook that just because a caregiver or grower is protected with a card to possess and transport the medicine, does not mean that the law protects them from using and selling the patient's medicine.
- Mr. Berger clarified that a person cannot be prosecuted for using marijuana. A person can be prosecuted for possessing, cultivating or distributing marijuana but not for using since the law protects only the patient to use marijuana. The medicine belongs to the patient and cannot be wrongly used in anyway without the patient's permission.
- Mr. Iverson stated that it is not our position (ACMM) to tell caregivers or persons responsible for a grow site that they can or cannot medicate. He would like for it to state that the medicine belongs to the patient and then let them work it out. Mr. Iverson states that his patients would love for him to medicate because they know he needs the medicine, but he doesn't have a card. He does not want to be told by you (ACMM) or anyone else that he can't medicate. No further changes were made, this section passed with majority consent.

#### IF I AM UNABLE TO GROW MY OWN, HOW CAN I GET MEDICINE?

- Mr. Klahr would like language clarification to reflect "sources" rather than "markets" with the suggestion from Ms. Ray to change "cardholders" to "patients" with emphasis from Mr. Berger regarding quantity limitations when sharing or delivering regarding lines 12 through 18, page 6, motion passed through general consent along with the rest of this section.

#### HOW DO I INTERACT WITH MY LANDLORD?

- This section was approved with no further changes or modifications through general consent.

#### HOW DO I INTERACT WITH THE POLICE?

- Ms. Burbank motioned for the removal of "or pending application" since the Program gives only 'yes' or 'no' answers. Lines 6 through 11 passed with general consent.
- Ms. Burbank motioned for language specification regarding police inquiry of the home or grow site address with Mr. Iverson's suggestion to add

“medicine” before “seedlings,” lines 12 through 16 passed with general consent.

- Lines 17 through 22 accepted with no further changes, passed with general consent.

### **PUBLIC ANNOUNCEMENTS AND COMMENTS**

- Charles Ping would like for the committee to know that he will be attending all the scheduled hearings.
- Kareem (?) would like to suggest that there be some kind of a donation center so that teenage plants are available for patients or growers who are not great growers. Would like for training availability for Law Enforcement Officers due to poor communication and risk for patients, caregivers, and growers. Would like to nominate Alice Ivany or Bryan Michaels to the ACMM vacancy position and is encouraging people to vote.
- Lou Wale (?) would like for the committee to consider disabled veterans for the \$20.00 reduced fee as well. Feels that it is unfair that only individuals who qualify for the two programs to get the reduced fee since it is a financial hardship for veterans.

*Meeting adjourned at 3:08pm.*

*Respectfully submitted by Choua Vue.*