

Minutes
Iowa Medical Cannabidiol Board
Friday, August 20, 2021
10:00 a.m.

1. Call to Order

Mike McKelvey, Chair

The August 20, 2021 Iowa Medical Cannabidiol Board meeting was officially called to order at 10:06 a.m.

2. Roll Call

Mike McKelvey, Chair

| Members Present | Members Absent |
|--|------------------------------------|
| Cpt. Mike McKelvey – Law Enforcement | Vacant – Gastroenterologist |
| Dr. Bob Shreck – Oncology | Vacant - Neurologist |
| Dr. Lonny Miller – Family Medicine | Vacant - Pediatrics |
| Dr. Stephen Richards – Pharmacist | Vacant - Psychiatry |
| Dr. Jacqueline Stoken – Pain Management | |
| Staff | |
| Sarah Reissetter – Deputy Director | |
| Owen Parker – Bureau Chief | |
| Joseph Husak – Program Manager | |

3. Approval of Minutes

Mike McKelvey, Chair

Dr. Stoken made a motion to approve the May 5, 2021 minutes, with a second by Dr. Shreck.

A verbal vote was taken. Motion carried unanimously.

4. Public Comment Period

Mike McKelvey, Chair

- **Maggie Ballard** - Maggie is a certified prevention specialist. Maggie appreciated the Board's medical focus of the program. Maggie discussed her credentials, and requested that the Board consider recommending to the legislature that a seat for a prevention specialist be added to the Board.
- **Carl Olsen** - Carl expressed support for the Board's 2020 recommendation to amend the name of the program to "the Medical Cannabis Act," in order to be inclusive of all cannabinoids and to reflect scientific reality. Carl provided historical context for the Board's recommendation to seek a federal exemption for Iowa's program, and his desire to see that recommendation carried through as prescribed by the Board's original recommendation. Carl thanked the Board for their service to the state and the people of Iowa.
- **John Fenner** - John spoke about a friend who passed away of cancer, but was unable to afford the costs of participating in the program, and would not have been able to use medical cannabis products in his healthcare facility due to Federal illegality. John spoke to the safety profile of medical cannabis relative to some traditional pharmaceuticals.
- **Mike Hoffman** - Mike is a retired worker's compensation attorney, and wanted to create awareness that CLEs on medical cannabis issues are available for attorneys in Iowa. Mike gave thanks to the Board for their work.

5. Program Updates

Owen Parker, Bureau Chief

a. Data Review and Update

Owen spoke to new providers continuing to participate in the program and certify new patients. ARNPs are the highest proportion of new providers since the passage of HF2589, and are the primary users of the accredited CME's being provided by the Department. Owen expressed that the percentage of THC-waivers is staying consistent as the patient population grows. He also described how the past three months saw the highest numbers of new patient application approvals, unique dispensary visits, and dispensary sales.

b. New Dispensaries Update

Owen described how the RFP which awarded dispensary licenses in Iowa City and Council Bluffs reflected an operational date of July 1, 2021. Due to appeals and relaunching the RFP, a formal request was made to extend the operational date of both dispensaries. This request was approved by the Department, and both dispensaries are expected to be open on or around October 1, 2021

c. New Manufacturer Update

Owen notified the Board that ICC MFG Holdings, LLC made a formal request to move the location of their proposed manufacturing facility from Cedar Rapids to Iowa City. This request was approved by the Department pursuant to being given local zoning authority, which was granted by the local municipality.

d. Federal Exemption Update

Owen described how the Department had sent letters requesting "guarantees that federal funding would not be revoked from educational and healthcare facilities" pursuant to HF2589. These letters were sent to Federal agencies, including: DEA (Drug Enforcement Administration), FDA (Food & Drug Administration), DOE (Department of Education), and CMS (Centers for Medicare & Medicaid Services). The Department received a letter from the FDA, who expressed that funding eligibility would not be impacted by the circumstances prescribed in the

Department's inquiry, and encouraged the Department to reach out to other Federal agencies. No responses have been received from the DOE, DEA, or CMS.

e. CANNRA, Medical Use and Research Update

Owen notified the Board that he had been appointed Co-Chair of the Cannabis Regulators Association (CANNRA) special committee on Medical Use and Research. The committee will focus on making recommendations for improving and implementing medical cannabis programs, and maintaining medical programs if and when states pass adult-use legislation. Owen thanked the committee for earning this appointment through their focus on setting a medical standard for Iowa's program.

f. FY22 IDPH Regulatory Plan, Administrative Rule Updates

Owen notified the Board that the program would be submitting rule updates as a part of the Department's FY22 regulatory plan. Some items for inclusion will be proposed updates to advertising and marketing regulations, providing practitioners with the authority to cancel a patient's registration card, providing a reduced fee option for veterans, and in-general reducing the regulatory burden for licensees and the Department. The Board and program stakeholders will be notified when rules are available for public comment.

Dr. Stoken asked if the increase in application volume was becoming a burden on program staff. Owen explained that the program was focusing on IT quality improvement projects and encouraging patients and caregivers to apply online unless they are unable, which has allowed the program to handle increased volume without additional staffing or costs to the program.

6. Introduction - 2021 Annual Report to the Legislature

Owen Parker, Sarah Reisetter

a. Previous Recommendations Not Adopted

1. Amending the name of the program to "The Medical Cannabis Act"

Owen explained how the term "medical cannabidiol" may have been relevant prior to HF2589 and Iowa using a 3% THC limit on products, but it has since become obsolete and increasingly problematic. Now that Iowa's licensees provide products that may be formulated like any other high-THC medical cannabis products, it is congruent with the rest of the country to reflect the scientific reality and accuracy of the program by updating the name. Owen also expressed how the name of the program creates a knowledge and communication barrier, and has caused confusion with law enforcement and healthcare stakeholders who are otherwise unaware that THC products are legally available in Iowa. This confusion has also been exacerbated by the recently implemented "consumable hemp" program, and Owen notified the Board that both programs field calls by confused Iowans unnecessarily.

2. Additional Dispensaries

Owen reminded the Board that additional dispensaries had been discussed at prior meetings. A "satellite delivery" option had been previously proposed, and the Department spoke with similar rural states that had considered this option. Owen explained that other states opted not to implement this option due to licensee feedback on economic viability, as well as compliance and security concerns voiced by local law enforcement. He reminded the Board that due to RFP requirements and the time required for build-out, it would be prudent to make this recommendation now due to a realistic go-live timeline of Summer, 2023.

3. Exemption of products from sales tax

The Board previously recommended that medical cannabidiol products at dispensaries be exempt from sales tax, similar to traditional pharmaceuticals. Cpt. McKelvey inquired

if this would at all impact the program budget, to which Owen explained that it would not.

b. 2021 Annual Report Recommendations Discussion

1. New Board Seats - PA or ARNP

Dr. Richards asked the Board if there was interest in adding additional seats, and Dr. Shreck introduced the potential to add new disciplines to reflect those allowed to certify patients under HF2589. Dr. Miller expressed concern with adding seats or individuals to the Board that may have an agenda or introduce bias, whether advocates or adversaries of the program. He expressed that part of the value proposition of the current board composition is their neutrality, objectiveness, and adherence to what current medical literature suggests. Cpt. McKelvey concurred with Dr. Miller's comments.

1. Veterans inclusion in the reduced application fee option

The Board expressed unanimous consent to allow for veterans to be eligible to receive the reduced fee option provided to patients who provide proof of documentation.

7. Future Meetings

Mike McKelvey, Chair

a. November 19, 2021

8. Adjourn

Mike McKelvey, Chair

A motion to adjourn the meeting was made by Dr. Stoken, seconded by Dr. Shreck. A verbal vote was taken: Motion carried unanimously. The meeting officially adjourned at 11:10 a.m

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