

**February 7th, 2024**

**To: Senator Hickman, Representative Supica, and Honorable Members of the Joint Standing Committee on Veterans and Legal Affairs**

**From: Jackson Mcleod**

**Subject: LD 2185: VLA PROPOSED MEDICAL CANNABIS RULES HEARING**

After reviewing the proposed rules and attending the public listen session with the OCP I have concerns about the vague nature of some of the proposed rules and fines. I believe the proposed rule change and subsequent fines will make it more difficult to operate in this space and are not focused on health and safety of the public. I will provide two examples to highlight this concern and demonstrate the vague nature of the rules that would make it more challenging to operate in this space and leave a lot of room for interpretation by the OCP. I believe any of these fines should have a quantitative nature to them and not be left to interpretation.

First,

**§ 10 – Compliance and Enforcement**

**(D) Requirements applicable to registered dispensaries.** In addition to the requirements applicable to all registrants, all registered dispensaries:

**(1) Shall cultivate no more cannabis plants than are necessary for the purpose of assisting qualifying patients; and**

While attending the public listening session with the OCP I asked for further clarification or a numerical metric to define what “no more cannabis plants than are necessary”. It appears they have not further defined this. Open ended and subjective points left to the interpretation of the OCP and enforcement of the OCP make operating in this space challenging, especially when it is now a major violation subject to large fines. How can I plan my cultivation seasons not knowing how the OCP will determine if I am cultivating more cannabis than is necessary?

Second,

**(3) - Administrative and Enforcement Actions.**

**(B) Registration violations.**

**(2) Major registration violation**

**(b) Major violations include, but are not limited to:**

**(mxiii) Making claims about the health or physical benefits of cannabis or cannabis products for medical use;**

While attending the public listening session with the OCP I asked for clarification about making health claims or for a system for approving the “patient education” language that is required under section 12-

Dispensary policies, procedures, and records. Here a dispensary is required to provide the following educational information.

**(B) Patient education.** Dispensary policies must include a provision that requires dispensaries to provide educational materials about **cannabis** to qualifying patients and their **primary caregivers**. Each dispensary must have, available for distribution, an adequate supply of up-to-date education material that assists the patient or **primary caregiver** in the selection of **prepared cannabis or cannabis products for medical use** appropriate for the patient. Educational materials must be available for inspection by the Department upon request. The educational material must include, at a minimum, the following:

**(1)** information about the typical and potential effects of different strains of **cannabis** preparations, and methods of administration. Dispensaries shall provide “tracking sheets” to qualifying patients and **primary caregivers** who request them to keep track of the strains used and their effects.

**(2)** Information on how to achieve proper dosage for different modes of administration must be shared. Emphasis shall be on using the smallest amount possible to achieve the desired effect. The impact of potency must also be explained.

**(3)** Information on tolerance, dependence and withdrawal must be provided. **(4) d.** Information regarding substance **abuse use disorder** signs and symptoms must be available, as well as referral information.

This feels like catch 22. I must provide educational information specifically about the potential effects of different strains, but I can be fined if this educational material is making claims about health or physical benefits of cannabis or cannabis products for medical use.

Thank you for your time and consideration on these matters.

Jackson McLeod