

Cannabis Public Health Advisory Council
Legislative Review Meeting
Tuesday, February 6, 2024
3:00 to 3:30 PM Virtual Meeting

Members Present:

Dr. Madhumi Mitra, PhD
Dr. Deondra Asike, MD
Dr. Leah Sera, PharmD
Dr. David Gorelick, MD, PhD
Dr. Leigh Vinocur, MD
Martin Proulx
Dawn Berkowitz, MPH
Karrissa Miller, MPH (Joined at 3:21 PM)
Sara Barra
Jason Semanoff

Members Not Present:

Jocelyn Bratton-Payne
Senator Benjamin Kramer
Elizabeth Kromm, PhD
Dorothy Lennig
Nora Urbietta Eidelman
Delegate Terri L. Hill, MD

MDH Members Present:

Dana Moncrief
Alex Nowalk
Susannah Beckerman
Snehal Gawhale

Meeting Minutes:

Opening of Meeting (3:00 PM): The meeting commenced at 3:00 PM as scheduled.

Roll Call (3:04 PM): Dana Moncrief conducted a roll call, confirming the presence of seven members.

Approval of January 30th, 2024 Meeting Minutes (3:05 PM): Dr. Deondra Asike called for a motion to approve the minutes from the previous meeting held on January 30th, 2024. Dr. David Gorelick moved to approve, and Dr. Leah Sera seconded the motion. The minutes were approved unanimously.

Vice Chair Voting (3:10 PM): Dr. Asike opened the floor for discussion regarding the nomination for Vice Chair. Dr. Leigh Vinocur expressed her support for Dr. Sera's nomination, withdrawing her own candidacy. Dr. Sera accepted the nomination and expressed gratitude for the opportunity. The motion to appoint Dr. Sera as Vice Chair by unanimous consent was made by Dr. Gorelick and seconded by Dr. Vinocur. The motion passed unanimously.

Discussion of SB399: Cannabis Advertising Prohibited Locations - Letter of Opposition (3:20

PM): Dr. Asike initiated the discussion on Senate Bill 399, providing an overview of its implications for cannabis advertising. Mathew Swinburne, a consultant to the Legislative Review Group, shared insights into the bill's origins, indicating that several cannabis businesses in Maryland sought the ability to use billboards for advertising. He highlighted the potential conflict with First Amendment rights and emphasized the importance of the billboard ban in protecting public health interests.

Dr. Gorelick expanded on the legal aspects, noting that commercial speech, such as advertising for cannabis, receives less constitutional protection under the First Amendment. He referenced court rulings upholding similar bans in other states and presented evidence supporting the ban's public health justification. Dr. Vinocur contributed to the discussion by highlighting the financial success of existing cannabis businesses without resorting to billboards.

Dr. Asike informed the council of two adjustments or edits made to the proposed letter of opposition for SB399, highlighting them as minor changes. She mentioned that the edits were displayed on the screen, with one involving the correction of a period and the other adding the word "proximity" in the third paragraph. Dr. Asike then asked if there were any further public comments before proceeding to a vote on the letter of opposition.

Dana noted the absence of a quorum due to Sara Barra's departure from the meeting. Sara had cited an emergency before leaving. Karrissa Miller joined the meeting, prompting Dr. Asike to welcome her and express gratitude for her presence, as it reestablished the quorum. Dr. Asike then summarized the previous discussions and indicated that they would proceed with voting on the letter of opposition for SB399.

Dr. Gorelick motioned to approve the letter of opposition as edited, and Leigh seconded the motion. Dr. Asike requested all members in favor to indicate by saying "aye," to which most present voiced their agreement. Dr. Asike then asked for anyone abstaining, to which Jason Semanoff indicated abstention. There were no opposed members. Dr. Asike confirmed the approval of the letter of opposition.

Discussion on Cross-Filing and Submission of Identical Letter:

Dr. Gorelick proposed a motion to submit an identical letter of opposition in the event of cross-filing in the House. Dr. Vinocur called for a motion to put the question to a vote, which Karrissa seconded.

Dr. Asike asked all members in favor to signify by saying "aye," to which everyone present voiced their agreement. There were no opposed members. Jason Semanoff abstained from voting. Dr. Asike acknowledged the consensus.

Submission of Identical Letter for SB244 to the House:

Dr. Asike highlighted the submission of a letter of support for Senate Bill 244, which pertained to the public health Clean Indoor Air Act revisions. She reminded the council members that SB244 had a cross-filed House bill, identified as House Bill 238. Dr. Asike then called for a motion to submit the identical letter of support that had been approved the previous week for SB244, but this time directed to the House. Dr. Gorelick made the motion, and Dr. Sera seconded it. Dr. Asike asked all members in favor to signify by saying "aye," to which the majority voiced their agreement. There were no opposed members. Jason Semanoff abstained from voting due to not being authorized to vote on behalf of the state Department of Education.

Motion to Adjourn:

Dr. Asike provided a reminder about the schedule of the legislative bill review meetings and their cancellation if no legislation needed to be reviewed. She then called for a motion to adjourn the meeting. Dr. Gorelick made the motion to adjourn, and Karissa seconded it. Meeting adjourned.