

Cannabis Public Health Advisory Council Meeting #10  
Wednesday, January 15, 2025 · 4:00 – 6:00 pm

Meeting Minutes

**Members Present:**

Dr. Madhumi Mitra  
Dr. Deondra Asike  
Dr. David Gorelick  
Dawn Berkowitz  
Karrissa Miller  
Dr. Leigh Vinocur  
Delegate Terri L. Hill  
Jason Semanoff  
Dr. Nishant Shah  
Jocelyn Bratton-Payne  
Elizabeth Kromm  
Martin Proulx

**Members Not Present:**

Nora Urbieta Eidelman  
Senator Benjamin Kramer  
Dr. Leah Sera  
Bethany Young

**MDH Members Present:**

Alex Nowalk  
Dana Moncrief  
Michelle George  
Cliff Mitchell  
Courtney McFadden

**Members from Public:**

Rebecca Jackson  
Johanna Heller  
Annie Carver  
Elease Booker  
George Townsend  
Christine Boyd  
Raimee Eck  
Sara Benjamin-Neelon

**Presenters:**

Dr. Michelle Sallin  
Mathew Swinburne  
Morgan Smith  
Selena Rawlley

## **I. Welcome by Dr. Deondra Asike, Chair. 4:00 PM**

The meeting was called to order by Dr. Deondra Asike, Council Chair, at 4:00 PM on October 16, 2024.

## **II. Open Council Meeting/Council Business. 4:01 PM**

Dr. Deondra Asike introduced the agenda.

Dana Moncrief took roll call; a quorum was present.

Dana Moncrief reviewed the meeting minutes from the October 16, 2024 meeting. Dr. David Gorelick made grammatical and sentence structure suggestions. Christine Boyd's name was also listed in the "MDH Members Present" section instead of in the "Members from the Public" section. Dr. Leigh Vinocur made the motion to accept the October 16, 2024 meeting minutes, Karissa Miller seconded the motion. All members present were in favor of accepting the meeting minutes from October 16, 2024.

Dr. Deondra Asike reviewed the council meeting structure including time during meetings for 30 - 60 minute work group breakouts. At the end of the meeting, there will be an opportunity for work group report outs. The work groups are also encouraged to meet outside of the standing quarterly council meetings. Members are encouraged to introduce topics of interest.

The Legislative work group meets every Monday at 4:00 pm. Additionally, every Tuesday at 4:00 pm there will be a 30 minute meeting to vote on the response to the proposed legislation.

Council members are reminded that attendance is required for at least 50% of the meetings. MDH does submit an attendance report to GAO. Attendance is counted on a yearly basis.

Dr. David Gorelick raised the concern of a council meeting falling on a Jewish holiday. Dana Moncrief and Dr. Asike will review the calendar and make adjustments accordingly.

Dr. Asike provided a reminder that the filing period for the 2024 Financial Disclosures is now open and is due by April 30, 2025.

## **III. Current Laboratory Testing Requirements and Stakeholder Communication. 4:12 PM**

Dr. Deondra Asike welcomed the meeting presenter from Maryland Cannabis Administration, Dr. Michelle Sallin, Ph.D., Chief, Office of Laboratory Services.

Dr. Sallin explained what the Office of Laboratory Services (OLS) does, the current testing regulations and proposals for future testing regulation changes. OLS does a manual review of any product that is orally administered.

The role of OLS ensures that products are compliant with packaging and label regulations; as well as, meeting all product testing requirements. OLS has three subdivisions:

1. Registration and Inspections: Oversee independent testing laboratories
2. State Reference Laboratory
3. Packaging, Labeling, and Product Approvals

Currently, there are not standard approaches or standard methods to cannabis testing. OLS has structured their “Technical Authority for Cannabis Testing” from what other entities and States are doing. The Technical Authority serves four purposes:

1. Provide guidance to independent testing laboratories to follow when analyzing cannabis and cannabis products.
2. Minimize the risk of contaminants being consumed by patients and adult consumers by setting action limits.
3. Provide guidance for the quantification of cannabinoid profiles and potency to aid consumers in determining the appropriate cannabis or cannabis product for individual use.
4. Provide a sense of public safety and product quality to cannabis and cannabis products.

Cannabinoid profiles and terpene analysis provides patients and consumers with cannabinoid and terpene profiles to make individual decisions about the product to meet their needs.

The list of required cannabinoids to be tested include

1.  $\Delta 9$  - tetrahydrocannabinol (Delta 9 - THC)
2.  $\Delta 8$  - tetrahydrocannabinol (Delta 8-THC)
3. Tetrahydrocannabinolic acid (THCA)
4. Cannabidiol (CBD)
5. Cannabidiolic acid (CBDA)
6. Cannabigerol (CBG)
7. Cannabinol (CBN)
8. Total THC - cannabis flower

Current revision includes these additional cannabinoids:

1. Cannabigerolic acid (CBGA)

2. Cannabichromene (CBC)
3. Cannabichromenic acid (CBCA)
4. Tetrahydrocannabivarin (THCV)
5. Tetrahydrocannabivarinic acid (THCVA)
6. Cannabidivarin (CBDV)
7. Cannabidivarinic acid (CBDVA)

As more information comes forward about the different types of cannabinoids, there is speculation that there may be different health effects. However, there are no clinical studies out yet to suggest that cannabinoids really do have different health effects. Therefore, health claims supporting this rhetoric are not allowed on product labels.

The list of required terpenes to be tested include:

1.  $\beta$ -Pinene
2.  $\beta$ -Caryophyllene
3. Limonene
4. Terpinolene
5.  $\beta$ -Eudesmol
6. Linalool
7. (-)-Caryophyllene Oxide
8.  $\beta$ -Myrcene
9. Ocimene
10.  $\alpha$ -Humulene
11. (+/-)- $\alpha$ -Pinene
12. trans-Nerolidol

The independent testing labs (ITLs) are allowed to test beyond the provided list. All terpenes tested by a laboratory are reported on the certificate of analysis (COA).

Heavy Metal Screening: metal contaminants are considered a priority for public health. Cannabis is known to be able to tolerate high accumulation of heavy metals and is used for bioremediation. All cannabis and cannabis products are screened for

1. Arsenic (Ar)
2. Cadmium (Cd)
3. Lead (Pb)
4. Mercury (Hg)
5. Chromium (Cr)

Edible products are not tested for chromium due to the minimal public health risk.

Microbial contaminants testing falls into two categories:

1. Quality testing to essentially test for cleanliness due to a lack of federal regulations standards that leads to poor manufacturing practices.
2. Pathogenic testing is to identify specific species typically considered as food pathogens. The product must be destroyed if there is presence of Salmonella spp., shiga toxin producing E.coli (STEC), L.monocytogenes, aspergillus, penicillium, or fusarium.

Residual Solvent Testing: Solvents are used by manufacturers to extract cannabinoids from flowers to make a concentrate.

Pesticide Screening: Commonly used in agriculture for pest control and plant growth but can be harmful to humans. In collaboration with MDH and Maryland Department of Agriculture, the MCA created a list of 48 classes of insecticides, fungicides, and plant growth regulators that may be used in cannabis cultivation. Presence of any of these pesticides requires that the product be destroyed.

Excipient Testing - Vitamin E Acetate: In 2019, vitamin E acetate was determined as the causative agent of e-cigarette or vaping associated lung injury (EVALI) and has been banned by the CDC. The current version of the Technical Authority sets the limit at 0.7% by weight which is guidance from NY Office of Cannabis Management. The revision currently available for public comment has reduced this limit to 100 ppm which aligns with the CDC recommendation of not having any additives in vape products. Therefore, the presence of vitamin E acetate requires that the product be destroyed.

COMAR 14.17.18.03 requires all products to have a link or QR code to the COA for the product. Patients and consumers are informed about testing of a product. The MCA requires that all dispensaries make available a COA upon request to patients and consumers without the ability to view the COA from a link or QR code. MCA is working on a data dashboard to show all the testing that is done on cannabis and cannabis products.

$\Delta$ 10 and  $\Delta$ 8 should not be showing up in the regulated market because those would have to be chemically altered. The state lab is working on bringing software to test for  $\Delta$ 10 but for compliance testing, that is not a requirement.

Independent Testing Labs can provide testing to home growers.

The state police have the ability to test for fentanyl but OLS does not have any plans to be testing for fentanyl.

**III. Legislative Session Discussion HB132/SB215: Cannabis – On–Site Consumption Establishments and Cannabis Events. 4:41 PM**

Dr. Asike welcomed Dawn Berkowitz to lead the discussion on the HB132/SB215: Cannabis – On–Site Consumption Establishments and Cannabis Events. Dawn Berkowitz introduced Selena Rawley, Morgan Smith, and Matt Swinburne. MCA submitted a report that provides a starting point for a viable licensing model that maintains no smoking, no alcohol, and continues to delegate the consumer education piece at point of sale to this council. Selena Rawley and Morgan Smith developed legislative briefs that clarify certain ambiguous or conflicting provisions under current law while also maintaining a strong public health and safety protection in the bill, including continuing the indoor smoking prohibition that follows the Clean Indoor Air. The departmental bill also in large part seeks to expand market access to cannabis beverages. If this bill goes into effect, it would be subject to local control much like most of the cannabis market as it stands now.

The model that is recommended in the legislative brief presents a viable revenue opportunity for businesses pursuing a license while maintaining a smoke-free revenue opportunity. Priorities include:

1. Maintenance of local product safety
2. Product safety
3. Conscientious of combustible modes of smoking marijuana
4. Strengthen certain parts of the code before it is moved forward of introducing this new license category to the broader market.

Matt Swinburne provided further information about HB132/SB215. The two main parts of the bill are (1) on-site consumption and (2) cannabis events.

On-site consumption establishments are already in law. This new law would create an edibles only model so that these businesses would be able to sell edibles to adults for on-site consumption.

This bill prohibits the smoking and vaping of cannabis products. These businesses would not be allowed to serve cannabis products to individuals who are visibly impaired.

This bill would allow consumption sites to operate as a food service facility which would allow them to serve regular food; as well as, edible cannabis products in a restaurant type setting. The concern from the public health community has focused on delayed onset of intoxication and increased duration of intoxication which could lead to further traffic safety issues.

The consumption sites would be able to purchase edible products from existing licensed businesses (like a processor or dispensary), repackage those edible products into single-servings, while still complying with all of the state's packaging and labeling laws.

This bill would also allow these businesses to create their own single-serving edible products but must still comply with the same state packaging and labeling requirements.

New prohibitions for on-site consumption establishments include:

1. Individuals cannot bring their own cannabis to the sites.
2. The products that are sold at the site, cannot be removed. The edibles must be consumed or disposed of on-site.
3. Cannot sell or distribute cannabis edible products containing more than a single serving of cannabis (up to 10 mg THC/serving).

Cannabis events would allow a person to secure a registration from the MCA to host an event where cannabis edibles and cannabinoid beverages can be consumed by adults (21+). Events cannot serve an individual who is visibly impaired.

To secure a cannabis event registration:

1. Event holders must be permitted by local government
2. Provide MCA with
  - a. General information about the event
  - b. Time, date, location, and duration of the event
  - c. At least 60 day notice before the event
  - d. Any other information MCA requests
  - e. \$500 fee per day of event

MCA must post event information on their website. Registration for cannabis events are valid for up to 4 days and no more than 48 hours. Licensed cannabis businesses cannot secure cannabis event permits.

The law allows for three types of events:

1. Host a “bring your own cannabis edibles” to consume at the event.
2. Sell cannabinoid beverages to adult event attendees
  - a. A cannabinoid beverage is a single serving cannabis infused beverage limited to 5 mg THC/serving. Beverages are subject to the same testing, labeling, and packaging standards as any other cannabis edible.
  - b. Non-cannabis entities could host these types of events.
3. Host an event with cannabis vendors
  - a. Can only sell edible products
  - b. The entire event must be age restricted to 21+ and prohibit the sale of alcohol or all cannabis activities must be segregated to an age restricted/alcohol free area of a larger event.
  - c. Cannabis businesses must secure a vendor permit from MCA at least 30 days before the event.

The initial vendor permits will be restricted to social equity businesses.

Any edible can have up to 10 mg THC/serving. The 5 mg THC/serving is a new product that is a lower potency that can be sold by permit holders. 5 mg THC/serving products do not have to be sold by a dispensary, but rather by the “cannabis event” host. The licensed vendor can sell the more potent product of 10 mg THC/serving. The lower potency product (5 mg THC/serving) is for more novice users or those with a lower tolerance.

The Cannabis Reform Act tasks the Council with creating the education consumption standards for the consumption sites, not the vendor training standards. However, the Council is also tasked with developing educational content for point of sale. All dispensary staff are required to go through responsible vendor training. Additionally, MCA developed pocket guides that were provided to dispensaries to hand out. The pocket guide includes guidelines for beginners with the recommendation to start with 2.5 milligrams of THC. Dawn Berkowitz made the recommendation that these pocket guides go to the on-site establishments as well.

A discussion item was raised about the change in the market of introducing 5 mg THC/serving cannabis products versus the 10 mg THC/serving cannabis products. Additionally, how will this new product limit business opportunities for those social equity applicants entering the marketing.

Morgan Smith is going to follow up on how the layering of regulation between MCA and local regulations will work out if a certain jurisdiction does not allow for these cannabis events but MCA has approved a permit.

A concern also was raised on how these cannabis events will regulate an individual from purchasing multiple servings at separate times. Currently, the law only requires that the consumption site regulate the area but not the regulation of the products being sold.

There are several states that have permitted consumption sites, but not many of them have actually operationalized their consumption sites. MCA looked at Colorado and Nevada as a model. Both have dual license types where a consumption facility can partner with a dispensary and people can only bring things purchased from that dispensary over. Another model is where an individual can purchase cannabis products on site which is similar to what Maryland is proposing with limited products, can't smoke inside, etc.

There is no state standard in this bill for zoning of the consumption site businesses, but the state permits local governments to prohibit outright and use their zoning authority to set up a zoning policy related to where these consumption sites can go. Locals can also



regulate the hours of operation for consumption sites. There are rules about having cannabis anywhere close to schools, churches, daycares, playgrounds. Additionally, federal law would take precedence due to the Federal Drug Free School and Communities Act. The state 500 foot zoning standard applies to dispensaries but zoning is not outlined in this current bill.

The cannabis on-site consumption lounges would still be required to serve products to be “pre-packaged” single serving that has been tested. Current edible products are not allowed to contain added caffeine but they can contain naturally occurring caffeine like chocolate.

A concern was raised about how cannabis is not the same as other products, like alcohol, when consumed orally. Therefore, there is a public health concern about driving safety. A point was raised on if the Council could enter a suggestion of tabling the bill until a clear definition is available for cannabis intoxication and measuring cannabis intoxication. Delegate Hill stated that the Council can raise the point and it does not have to wait until a hearing.

Dr. Asike called for a motion to submit, as a council, a letter of opposition to HB132/SB215. Dr. Leigh Vinocur made the motion and Dr. Nishant Shah seconded the motion.

Dana Moncrief took a roll call vote.

Dr. Asike’s vote was Yes.

Dr. David Gorelick’s vote was Yes.

Jocelyn Bratton-Payne’s vote was Yes.

Dr. Vinocur’s vote was Yes, to oppose the bill with a letter.

Karrissa Miller’s vote was “Supportive of a letter of opposition”

Elizabeth Kromm abstained.

Martin Proulx abstained.

Jason Semanoff abstained.

Delegate Terri Hill voted to support the motion to oppose.

Dr. Nishant Shah voted to support the letter of opposition.

There were 7 votes supporting the letter of opposition, 4 abstaining.

A suggestion was made that the bill's author be notified of the Council's concern with the bill prior to the hearing if time allows.

A letter of opposition will be presented during the council meeting on Tuesday, January 21, 2025 for review and vote by the Council. The hearing for SB215 is scheduled for Thursday, January 30, 2025.

#### **IV. Vaping and Cannabis. 5:48 PM.**

In December 2024, a situation came up with multiple incidents of high school age youth who were admitted to the emergency department after vaping cannabis. Dana Moncrief introduced Cliff Mitchell, the Director for the Environmental Health Bureau, who is leading the response to the situation. The Baltimore County Health Department reported unusually severe reactions after vaping cannabis that required medical care. The response has included collaboration with the Maryland Poison Center and the National Syndromic Surveillance System [Electronic Surveillance System for the Early Notification of Community-based Epidemics] - ESSENCE. It is unclear if this is a cluster of related events or a cluster in space but not necessarily related. There are no obvious connections of these cases at first glance although symptomatically, the cases seem similar.

#### **V. Workgroup Breakouts. 5:51 PM.**

To be mindful of the meeting time, the workgroup leads presented in the main group instead of in breakouts.

The Youth Mitigation workgroup meets on the first Wednesday of each month. The next scheduled meeting is February 5th. The workgroup did not meet in January.

The Healthcare Provider Education meets on the third Wednesday of every month. The workgroup did not meet in January. MedChi recently put out a list of resources from different organizations that have education programs.

The Onsite Consumption workgroup has delayed starting until the outcome of HB132/SB215.

The Data workgroup is currently inactive and the Legislative workgroup is meeting on Mondays at 4 pm.

#### **VI. Public Comment. 5:54 PM.**

Dr. Asike opened the floor for public comment.

Sarah Benjamin Neil, a professor of public health at Johns Hopkins. Sarah Benjamin Neil requested that the Council consider including points in the letter of opposition like placing limits on advertising that are not present in the bill as proposed. Specifically limits that are placed on dispensaries about advertising outside of the business only but not product advertisement and then advertising for event sponsorship where at least 85% of the audience has to be 21 years of age or older.

**VI. Wrap Up/Next Steps. 5:55 PM.**

The next full council meeting is on April 16, 2025.

Additionally, there will be a legislative meeting for all council members on Tuesday at 4 pm. All members are requested to be present during these special legislative meetings as the Council requires a quorum to vote.

They will revisit the future meetings to be mindful of the Jewish holidays.

**VII. Adjourn. 5:58 PM.**

Dr. Asike asked for a motion to adjourn the meeting. Karrissa Miller made the motion and Dr. David Gorelick seconded the motion. Dr. Asike asked for a vote to adjourn the meeting. All members present were in favor of the motion.