

**THERAPEUTIC USE OF CANNABIS ADVISORY COUNCIL**  
**Tuesday, December 4, 2018, 10:00 AM**  
**Legislative Office Building, Room 205**

**DRAFT MINUTES**

Members in attendance:

Burt Dibble, MD, NH Board of Medicine  
John Encarnacao, Department of Safety  
Michael Holt, Department of Health and Human Services (Clerk)  
Representative James MacKay (Chairman)  
Representative Bill Nelson, House of Representatives  
Senator John Reagan, Senate  
Andrew Shagoury, NH Association of Chiefs of Police  
Richard Vincent, Qualifying Patient

Members absent:

Devon Chaffee, NH Civil Liberties Union  
Jill Hunter, APRN, NH Nurse Practitioner Association  
Stuart Glassman, MD, NH Medical Society  
James Vara, NH Attorney General's Office  
NH Board of Nursing Member (vacant)  
Community Hospital Member (vacant)  
NH Hospital Member (vacant)  
Public Member (vacant)

**Call to Order**

Representative James MacKay called the meeting to order at 10:05 am.

**Discussion on Council's Formal Opinion Whether the Therapeutic Cannabis Program Should Be Continued or Repealed [RSA 126-X:9, II(d)]**

Rep. MacKay

*Question 1:* What is the Council's formal opinion on whether to recommend that the Therapeutic Cannabis Program be continued or be repealed?

- Rep. MacKay received a letter from the Commissioner of the Department of Health and Human Services encouraging the Council to issue its formal opinion to continue the program.

*Question 2:* Should the Council itself be continued?

- The legislature, in the 2018 legislative session (SB 477), authorized the creation of a Medical Oversight Board for the Therapeutic Cannabis Program; and the Commission to Study the Legalization, Regulation, and Taxation of Marijuana recommended the creation of a separate advisory board for any adult use cannabis program in NH.

*Discussion*

Mr. Holt. Submits to the Council, and for the record, data from the Department's Therapeutic Cannabis Program for consideration by the Council in forming its formal opinion.

Sen. Reagan. Adult use legalization in other neighboring states will continue to be an issue for New Hampshire citizens. The LBA audit of DHHS's cannabis ID card issuance process is underway. There may still be a role for the Council.

Chief Shagoury. The recreational shops in Massachusetts are co-located with the medical shops, and they have the same menu of products.

Rep. Nelson. Do adult use programs in neighboring states have age requirements or residency requirements, and how does the pricing compare to NH therapeutic dispensaries?

- Chief Shagoury. There are no residency requirements in other states for purchase. Pricing is cheaper in Maine. Vermont does not have retail sales; they allow “gifting.”

*Discussion on to which entities should the formal opinion be sent.*

**Motion:** Formal opinion to be sent to Senate President and Speaker of the House, with courtesy copies sent to the Governor, the Health and Human Services Oversight Committee, the Board of Medicine, the Board of Nursing, and the Department of Health and Human Services.

Sen. Reagan makes motion; seconded by Rep. MacKay. Vote in favor is unanimous.

*Discussion on Question 2 above.*

Dr. Dibble. Will the Department continue to collect and analyze data?

- Mr. Holt. Yes, the Department will continue to publish its annual data report. The 2018 report contains additional data related to SB 388 (2018 session) regarding the expansion of dispensary locations in underserved areas of the state. The Department will also work with the newly authorized Medical Advisory Board on other data related issues.

Sen. Reagan. Suggests that the Council remain as is, without an expectation of regular meetings, but rather to meet at the will of the Council Chair, and see how the newly authorized Medical Advisory Board meets the Department’s needs for programmatic advice.

**Motion:** The formal opinion to be issued by the Council shall not include a recommendation for or against the continuation of the Council.

Sen. Reagan makes motion; seconded by Rep. MacKay. Vote in favor is unanimous.

*Other discussion.*

Cost of products at NH dispensaries, legality of crossing state borders with cannabis, Council’s responsibilities to advise the state legislature and not just the Department of Health and Human Services.

### **Meeting Adjourned**

Meeting adjourned at 10:30.