

**TENNESSEE BOARD OF PHARMACY
TELECONFERENCE
APRIL 19, 2010
227 FRENCH LANDING, IRIS ROOM
NASHVILLE, TN**

MEMBERS PRESENT ELECTRONICALLY

Bettie K. Wilson, D. Ph., President
Larry Hill, D. Ph., Vice President
David Todd Bess, D.Ph.
Brenda Warren, D. Ph.
Jason Kizer, D.Ph.
Charles Stephens, D. Ph.
Joyce McDaniel, Consumer Member

STAFF PRESENT

Kevin K. Eidson, Board of
Pharmacy Executive Director
Ben Mezer, Assistant
Attorney General
Christy Allen, Assistant
Commissioner
Elizabeth Miller, Director of
Health Related Boards
Sheila Bush, Board of
Pharmacy Administrator

Mr. Ben Mezer opened the teleconference and informed the board that in order to ensure all requirements are met to have a valid teleconference there are several formalities that must be first accomplished, each of which will require a roll call. Mr. Mezer asked that each member introduce themselves for the record. All the members of the Board appeared by telephone. Mr. Mezer asked Dr. Bettie K. Wilson, president, if this constitutes a quorum of the board? Dr. Wilson affirmed that a quorum was present.

Mr. Mezer informed the board that this is an electronic meeting as provided for in Tennessee Code Annotated 8-44-108(b)(1), which states that a governing body may, but is not required to, allow participation by electronic or other means of communication for the benefit of the public and the governing body in connection with any meeting authorized by law. Therefore, pursuant to Tennessee Code Annotated 8-44-108(b)(2), in order for a quorum of members to participate by electronic or other means of communication, the governing body must make a determination that a necessity exists. Such determination, and a recitation of the facts and circumstances of which it was based, must be included in the minutes of the meeting. Mr. Mezer stated that this meeting is in reference to amended House Bill 2562 and Senate Bill 2511. Mr. Mezer informed the board that the original bill is called the Safe Access to Medical Cannabis Act. Generally this bill legalizes the use of medical cannabis by a qualifying patient enrolled in the Safe Access program established by this bill. Under this bill a qualifying patient is any Tennessee resident who has been diagnosed as having an eligible medical condition. With regard to the regulatory side of the bill, this bill requires a person to obtain a certificate from the program to produce or distribute medical marijuana for medical purposes, pursuant to this bill. A license producer and/or distributor would be under the direct supervision of the Department of Agriculture and a participating pharmacy would be under the direct supervision of the Board of Pharmacy. The amended House Bill 2562 deletes the original bill in its entirety and states that the Board of Pharmacy is directed to study issues related to the medical use of marijuana and to report its findings to the house health and human resources committee and the senate general welfare, health and human resources committee on or before January 31, 2011. Mr. Mezer informed the

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board that the House Health and Human Resources Committee will be meeting on April 20, 2010 at 10:30 a.m. After discussion, Dr. Warren made the motion that the necessity existed. Dr. Stephens seconded the motion. Dr. Warren amended the motion to include that meeting is to discuss the amended House Bill 2562. Ms. McDaniel seconded the amended motion. The amended motion carried. A roll call vote was taken with each member voting in the affirmative.

Mr. Mezer stated that the DEA has marijuana listed a controlled substance schedule I and the State of Tennessee has it listed a controlled substance schedule VI. Dr. Wilson stated that the board must decide if they want to take a position and that she is not sure if the board has the available resources or expertise to conduct a sufficient study. Dr. Stephens stated that if the legislation wants the board to conduct the study, then the board needs to go back to the legislation and asked for additional funding since the board has a deficit. Dr. Bess stated that the board must take in consideration the safety issue concerning medical marijuana. After discussion, Ms. McDaniel made the motion to submit a letter to the Chairman of the Committee and copies to the members of the committee stating that the board supports the amendment. Also, the board would like to request that the study findings reporting timeline be changed from January 31, 2011 to on or before April 1, 2011 and expressed concerns about funding this study from existing resources and request that the Committee consider allocating funds from other Health Related Boards and/or the Department of Health to fund a credible study. Dr. Hill seconded the motion. A roll call was taken with each member voting in the affirmative. Dr. Hill left the meeting after the roll call vote.

Ms. McDaniel suggested that one of the board members attend the meeting and deliver the letter to the Committee in person. After discussion, Dr. Stephens stated that he would attend the meeting and present the board's response.

Dr. Stephens made the motion to adjourn. Dr. Warren seconded the motion. The meeting adjourned at 1:55 p.m.

Ratified at the June 8, 2010 Board Meeting.