

Pima County Board of Health
Minutes
September 22, 2010
Room 1108, Abrams Building
3950 S. Country Club Road
Tucson, Arizona 85714

1. CALL TO ORDER:

Dr. Horwitz called the meeting to order at 3:16 p.m.

Mr. Schlueter called the roll as follows:

Ms. Allen
Mr. An - absent
Dr. Brumm
Mr. Elías
Dr. Fulginiti - absent
Ms. Gonzales
Dr. Horwitz
Mr. Stopani - absent
Ms. Trowbridge

A quorum was established.

2. PLEDGE OF ALLEGIANCE

Dr. Brumm led the Board in the Pledge of Allegiance.

3. ADOPTION OF MINUTES

The motion was made and seconded (Allen/Gonzales) that the June 30, 2010 Minutes be adopted as written. The motion carried.

4. EXECUTIVE SESSION

▪ Call to the Public (for Executive Session items only)

Dr. Horwitz inquired whether anyone wished to be heard on the Executive Session item and the following five individuals addressed the Board.

Allison Jacobs said she was representing Compass Behavioral Health Care and the Community Prevention Coalition in saying that they are in favor of stricter regulations regarding the medical marijuana initiative as she anticipated Pima County Attorney Barbara LaWall would soon share with the Board.

Margaret Higgins said she was the Executive Director for The Haven, a rehabilitation center for women, and stated that she was in favor of strict zoning and strict regulations to keep medical marijuana related temptations away from recovering addicts in The Haven.

Barbara LaWall, Pima County Attorney, addressed the Board to encourage their support of the proposed Ordinance (Agenda Item 5.) to provide regulations for medical marijuana. She discussed the complexity of the medical marijuana initiative, Proposition 203, and pointing out that it is largely void of necessary restrictions and regulations. If passed, Proposition 203 would allow for medical marijuana dispensaries at a ratio of one dispensary for every ten licensed pharmacies in Arizona. The dispensary agents would be subject to lenient criminal record restrictions which disqualify only violent felons and those with a felony drug conviction within the last ten years. There are no regulations on employees, no restrictions on where and how much marijuana is grown and no regulations on oversight. Ms. LaWall asserted that the more drugs are accepted by a community, the higher the teen drug rate is and cited that a recent study showed young people in jurisdictions with medical marijuana laws have a higher rate of marijuana use than in areas which do not have such laws.

Amelia Cramer, Chief Deputy County Attorney, said Proposition 203 is ten pages of complicated legal language. Ms. Cramer reiterated that there are very few restrictions on who can dispense medical marijuana. There are provisions within Proposition 203 that lend themselves to the occlusion of identity of those operating medical marijuana dispensaries; these provisions include a requirement to destroy the dispensary agents' fingerprints after the background check and not requiring that the dispensary be incorporated. There are also provisions that prohibit law enforcement agencies from investigation the operations of the dispensaries. The patient authorization is referred to as a certification not a prescription and can be issued by a doctor of medicine, osteopathy, naturopathic medicine, or homeopathy. Ms. Cramer encouraged the Board to endorse the proposed County medical marijuana Ordinance and pointed out that Pima County is trying to put regulations in place ahead of time in the event that Proposition 203 is approved; citing that it is hard to apply restrictions after a business has been established.

Tom Rankin, Deputy County Attorney, reported that in Oregon 85 percent of the medical marijuana certifications are for pain. He also passed around medical marijuana ads from California. In response to questions, Mr. Rankin stated that per Proposition 203 the certifier must assess the patient's medical history, but that it doesn't have to be in person; there is no tracking required on the certifier; and there is no dosage control. In response to questions, Mr. Rankin cited increased crime in areas with medical marijuana dispensaries and increased marijuana related DUIs and marijuana related DUI fatalities in Montana.

The motion was made and seconded (Elías/Gonzales) that the Board convene to Executive Session. The motion carried and at 3:58 the Board convened to Executive Session.

The meeting reconvened at 4:21 pm with the same members present as at roll call.

5. PROPOSED AMENDMENT TO TITLE 8 ADDING CHAPTER 8.80 -
MEDICAL MARIJUANA

Dr. Horwitz referred the Board to the draft Ordinance to amend Title 8. Deputy County Attorney Paula Perrera was present and participated in discussion, primarily in answering questions. Ms. Trowbridge asserted that the meeting's medical marijuana discussions were one sided and that there are people with legitimate health conditions who can benefit from medical marijuana. Mr. Elías expressed concerns over budget impacts from medical marijuana. Discussion brought out that Planning and Zoning was anticipated to be impacted the most by medical marijuana and proposed related ordinances, but there could also be an impact on the Health Department.

The motion was made and seconded (Allen/Horwitz) that the Board recommend the Ordinance to the Board of Supervisors with one minor edit, the deletion of item 4 which read as follows: "Marijuana lacks acceptance for any medical use by the Federal Drug Administration and is therefore listed in Schedule I of both the federal and Arizona Controlled Substances Acts." The motion carried. Mr. Elías and Ms. Trowbridge abstained from voting.

6. ELECTION OF OFFICERS

Dr. Brumm, Chair of the Nominating Committee, reported that the Nominating Committee, having polled the membership, had arrived at nominees for President and Vice President. The nominees were Dr. Horwitz, unopposed, for President, and Dr. Brumm and Carolyn Trowbridge for Vice President. Ballots were distributed to the Board members, who then voted. Dr. Horwitz was reelected President and Ms. Trowbridge was reelected Vice President.

7. FISCAL YEAR 2010/2011 BUDGET UPDATE

Due to time constraints this item was not addressed.

8. REVIEW OF FISCAL YEAR 2011/2012 BUDGET TIMELINE

Due to time constraints this item was not addressed.

9. APPOINTMENT OF BUDGET ADVISORY COMMITTEE FOR FISCAL YEAR 2011/2012 BUDGET

Dr. Horwitz appointed Dr. Brumm to Chair the Budget Advisory Committee; Ms. Allen, Ms. Gonzales and Ms. Trowbridge as Committee members; and recommended Dr. Fulginiti also serve on the Committee.

10. RESTAURANT PERMITTING PROCESS FOR NEW AND EXISTING RESTAURANTS

Due to time constraints this item was not addressed.

11. HAND WASHING ORDINANCE COMMITTEE UPDATE

Due to time constraints this item was not addressed.

12. CALL TO AUDIENCE

Other than those heard before the Executive Session, there were no speakers from the audience.

13. DIRECTOR'S SUMMATION OF ACTION ITEMS

Due to time constraints no summation was made.

14. ADJOURNMENT

The meeting adjourned at 4:42 p.m.