



Creating a State of Health

MINUTES OF SPECIAL MEETING

PUBLIC BODY: MEDICAL MARIJUANA AUTHORITY FOOD SAFETY STANDARDS BOARD

DATE: FRIDAY, AUGUST 24, 2018

ADDRESS: OKLAHOMA STATE DEPARTMENT OF HEALTH

CONTACT PERSON: BUFFY HEATER TELEPHONE: (405) 271-4200

Agenda Item 1:

Call to Order, Welcome & Introductions

Board members present: Becky Johnson, Scott Yates, Scott Schaeffer, Fenton Rood, Mark Woodward, Bud Scott, Kara Berst, Ray Jennings, Travis Splawn, Troy Skow, and Edd Rhoades

Board members absent: Dr. Ravi Jadeja

Staff present: Lynnette Jordan, Spencer Kusi, Gary Rutherford, Michael McClure, Nicole Nash, Buffy Heater, and Teresa Martinez

Others present: Ashley Rook, Tyler Talley, Marcus Wray, Jennifer Boyle, Nicole Mukes, Deborah Stafford, and Drew Grimes

Agenda Item 2:

Consideration of Meeting Minutes from August 14-15, 2018 <http://omma.ok.gov/>

a. Review and Board Action

An amendment was made to remove the word “Control” from recommendation number 6 on page 7 of the minutes.

Scott Yates made a motion to accept the minutes as amended. Fenton Rood seconded the motion.

Roll call

Aye: Becky Johnson, Scott Yates, Scott Schaeffer, Fenton Rood, Mark Woodward, Bud Scott, Kara Berst, Ray Jennings, Travis Splawn, Troy Skow, and Edd Rhoades

The motion carried.

Agenda Item 3:

Purpose & Charge of Board per State Question 788 <http://omma.ok.gov/rules-regulations>

The Board’s charge per State Question 788 is to develop a recommended set of food safety standards for licensed processors in the preparation of food containing cannabis. These recommendations should be in line with existing standards and should not be excessive or punitive.

Agenda Item 4:**Overview of the Board's Plan to Establish Food Safety Standards as Approved 8/15/2018**

- a. Timeframes
- b. Deliverables

The Board adopted and approved the recommendations on August 15, 2018. These recommendations were translated into draft rule language and brought forth at this meeting for review.

Agenda Item 5:**Review of Food Safety Standards Board Recommendations as Approved 8/15/2018**

<https://omma.ok.gov/Websites/ddeer/images/Food%20Safety%20Standards%20Board%20Recommendations%202018.15.18.pdf>

- a. Discussion & Questions

1. Applicability of Existing Food Manufacturing and Food Establishment Laws

The intent of this recommendation is to make clear that processors of food products containing cannabis are not relieved of their obligations under existing food safety laws to the extent those laws are applicable and do not conflict with SQ 788.

2. Voluntary Adoption of the Hazard Analysis and Critical Control Plan (HACCP) Standards

A HACCP is not required under Title 310:260. The HACCP is a useful tool for managing operations.

3. Oklahoma Adoption of Most Recent Code of Federal Regulations (CFR) Standards

The current standards found in Title 310:260 are from 1991. As existing law is updated, the updated standards should apply to processors of food products containing cannabis as well.

4. Incorporation of FOCUS Manufacturing Standards, Section 12 (D) – (J)

It was the will of the Board to have the actual language from the FOCUS standards placed into the draft rule language.

5. Incorporation of FOCUS Packaging and Labeling Standards

This makes clear that labeling requirements under existing law apply in addition to some that are cannabis specific.

6. Oklahoma Poison Center Information

No additional comments were made for this recommendation.

7. Individual Food Labeling Standards

This recommendation would cover labeling standards for bulk packaging.

8. Oklahoma Uniform Symbol

The final symbol has not been determined at this time.

9. Pregnancy and Warning Labels

No additional comments were made for this recommendation.

10. Living Quarters Requirements per OAC 310:257-11-21 and OAC 310:257-11-22

It is the intention of the Board that these rules apply to cannabis processors. This does not pertain to the Home Bakery Act.

Agenda Item 6:**Review of Draft Rule Language Intended to Incorporate the Food Safety Standards Board Recommendations into OSDH Regulation (available Thursday, August 23, 2018 at <http://omma.ok.gov/news>)****a. Discussion & Questions**

Nicole Nash provided a walk-through of the drafted language according to the recommendations.

There was extensive discussion concerning testing, labeling, concentrates, and nutrition labeling. A comment was made that nutrition labeling should conform to the current version of the CFR 21 part 101 instead of the 1991 version that is incorporated into Title 310:260.

A statement was made that cannabis concentrates used in infused edibles should be considered food grade and placed into the regulations under Title 310:681.

A copy of the Colorado Code of Regulations from the Marijuana Enforcement Division, M 712 – Medical Marijuana Testing Facilities: Sampling and Testing Program was provided. The Board looked at the language under Permissible Levels of Contaminants. There were differences in the testing threshold levels between Colorado and the language adopted from the FOCUS standards.

A request was made to have other states testing levels researched and printed for comparison with ones from Colorado. THC levels should be part of this testing. The Board considered concerns about whether requiring testing could place an undue strain on small businesses but agreed there is a significant need for testing to protect the public.

Copies of testing standard thresholds were provided from Montana, Illinois, Michigan, Washington, and Oregon. These and language from Colorado were reviewed and compared to determine if the language could be used for Oklahoma as well.

Agenda Item 7:**Consideration, Possible Action, and Vote to Approve Food Safety Standards to be presented to the Board of Health on August 27, 2018 for Their Consideration, Possible Action, and Vote at a Future Board of Health Meeting**

- a. Possible action may include but is not limited to: taking no action; continuing the matter; approving the proposed food safety standards in whole or in part; deciding not to approve the food safety standards; or approving a modified version of the food safety standards**

A recommendation was made to adopt the residual solvents (excluding Ethanol), metals, and microbial testing thresholds found within Colorado's regulations. If the cannabis concentrate used to make an infused product passed testing, further residual solvent, metals, pesticide, and potency testing should not be required for food containing the concentrates. Microbial and filth and contaminants testing would still be required.

Travis Splawn made a motion to accept these thresholds. Troy Skow seconded the motion.

Roll call

Aye: Becky Johnson, Scott Yates, Scott Schaeffer, Fenton Rood, Mark Woodward, Bud Scott, Kara Berst, Ray Jennings, Travis Splawn, Troy Skow, and Edd Rhoades

The motion carried.

Bud Scott made a motion to adopt a rule requiring mandatory testing in processing of food containing medical marijuana. Edd Rhoades seconded the motion.

Roll call

Aye: Becky Johnson, Scott Yates, Scott Schaeffer, Fenton Rood, Mark Woodward, Bud Scott, Kara Berst, Ray Jennings, Travis Splawn, Troy Skow, and Edd Rhoades

The motion carried.

The Board recommended that the product be tested for THC potency and the potency level be placed on the label.

The definition of “lot” found in Title 310:260 should be adopted into this language. The lots would be determined by the facility.

Travis Splawn made a motion to adapt and apply the language in 4C under metals testing to the sections on pesticide and solvent testing. Fenton Rood seconded the motion.

Nicole Nash was drafting the language as it was being discussed and read it back to the Board. Frequency – processors shall, on a quarterly basis, test one lot of each type of edible marijuana product.

Travis Splawn made a motion to adopt the language as stated by Nicole Nash. Becky Johnson seconded the motion.

Roll call

Aye: Becky Johnson, Scott Yates, Scott Schaeffer, Fenton Rood, Mark Woodward, Bud Scott, Kara Berst, Ray Jennings, Travis Splawn, Troy Skow, and Edd Rhoades

The motion carried.

Scott Schaeffer made a motion that product that fails to meet the thresholds as set forth must be rejected and/or recalled immediately. In the event of a recall, processors shall immediately notify the Department and all commercial establishments to which the recalled product was or may have been sold or transferred of the recall. Upon notification of the recall, the Department should work with dispensaries to notify patients who received the recalled product. Ray Jennings seconded the motion.

Roll call

Aye: Becky Johnson, Scott Yates, Scott Schaeffer, Fenton Rood, Mark Woodward, Bud Scott, Kara Berst, Ray Jennings, Travis Splawn, Troy Skow, and Edd Rhoades

The motion carried.

Bud Scott had to leave before the meeting adjourned. He stated his approval of the work that has been discussed and adopted.

Nicole Nash placed the recommendations and adoptions into the draft language and provided a copy for review. There were some typographical changes made to the draft language provided.

Ray Jennings made a motion to accept the rule language as drafted and amended. Travis Splawn seconded the motion.

Roll call

Aye: Becky Johnson, Scott Yates, Scott Schaeffer, Fenton Rood, Mark Woodward, Bud Scott, Kara Berst, Ray Jennings, Travis Splawn, Troy Skow, and Edd Rhoades

The motion carried.

Agenda Item 8:

Meeting Wrap Up

a. Outstanding Questions

b. Follow Up Activities

There was no discussion under this agenda item.

Agenda Item 9:

Establishment of Future Food Safety Standards Board Meeting Schedule

a. Discussion and Questions

There was a consensus to meet on March 1, 2019 from 9:00 am to noon. The Board will determine at that time if they need to schedule further meetings.

Agenda Item 10:

Closing, Adjournment and Dismissal

Scott Yates made a motion to adjourn. Troy Scow seconded the motion.

Roll call

Aye: Becky Johnson, Scott Yates, Scott Schaeffer, Fenton Rood, Mark Woodward, Bud Scott, Kara Berst, Ray Jennings, Travis Splawn, Troy Skow, and Edd Rhoades

The motion carried.

The August 24, 2018 special meeting of the Medical Marijuana Authority Food Safety Standards Board adjourned at 5:43 pm.

Acronyms and References

[OAC 310:257 – Food Establishments](#)

[OAC 310:260 – Good Manufacturing Practice \(GMP\) Regulations](#)

[OAC 310:681 – Medical Marijuana Control Program](#)

[Hazard Analysis and Critical Control Points \(HACCP\) – Food and Drug Administration](#)

[Oklahoma Medical Marijuana Authority](#)

[Oklahoma State Department of Health – Consumer Health Service](#)

[Foundation of Cannabis Unified Standards \(FOCUS\) – Manufacturing Standard Index](#)