

MINUTES OF SPECIAL MEETING

PUBLIC BODY: MEDICAL MARIJUANA AUTHORITY FOOD SAFETY STANDARDS BOARD

DATE & TIME: DECEMBER 9, 2019 1:00 p.m.

ADDRESS: OKLAHOMA STATE DEPARTMENT OF HEALTH—Central Office, Room 1102

Agenda Item 1:

Call to Order, Welcome

Travis Splawn, Co-Chair, called the meeting of the Medical Marijuana Food Safety Standards Board to order on December 9, 2019 at 1:12 p.m. Public notice of the meeting was filed and posted with the Oklahoma Secretary of State and on the Oklahoma Medical Marijuana Authority (“OMMA”) website prior to the meeting. The final agenda was posted on the Oklahoma State Department of Health (“OSDH”) building entrance on December 6, 2019 at 12:20 p.m. Relevant materials for the Board and other materials for the meeting are posted on the OMMA website.

Board members present: Rebecca Johnson, Scott Yates, Scott Schaeffer, Mark Woodward, Bud Scott, Kara Berst, Travis Splawn, Troy Skow, and Dr. Edd Rhoades.

Board members absent: Fenton Rood, Ray Jennings.

Staff Present: Travis Kirkpatrick, OMMA Interim Director; Melissa Miller, OMMA Assistant Director; Nicole Nash, OMMA Managing Counsel; Ashley Scott, Legislative Liaison; Kassy French, OMMA Executive Assistant; Terri Watkins, OMMA Communications Manager; Kelli Chrisco, OMMA Administrative Assistant; and Sam McClendon, Commercial License Manager.

Others Present: Chip Paul, Gnu Pharma; Cynthia Paul, Oklahomans for Health; Seth Rott, McSpadden, Milner and Robinson; Tyler Talley, ECapitol; Brian Ted Jones, PC; Jennifer Boyle, Oklahoma Department of Environmental Quality.

Agenda Item 2:

Consideration of meeting minutes of November 18, 2019 <http://OMMA.ok.gov/food-safety-standards-board>

a. Review & Board Action

Troy Skow made a motion to approve the minutes of November 18, 2019.

Edd Rhoades seconded the motion. Motion carried.

Aye: All members present voted to approve the meeting minutes. No members present opposed.

Agenda Item 3:

OMMA Stakeholder Updates

a. Board Member Reports

Travis Splawn asked all board members present if they had any updates or policy they would like to address. No board members came forward with any reports.

Bud Scott asked Travis Kirkpatrick, OMMA Interim Director, if he had an update on the seed-to-sale system. Mr. Kirkpatrick shared that the OSDH evaluation panel is currently in the final stages of evaluations and is hoping to have that information sent to OMES by the first of the year.

Mr. Scott asked Mr. Kirkpatrick if OMMA has received any waste management license applications. Mr. Kirkpatrick noted that he believed three (3) waste license applications have been submitted.

Becky Johnson asked Mr. Kirkpatrick about the OMMA call center. Mr. Kirkpatrick explained the call center is now staffed with twelve (12) employees and all are currently taking calls from patients as well as businesses. Ms. Johnson then asked if the compliance checklist that Mr. Kirkpatrick had mentioned during the November 18, 2019 Food Safety Standards Board meeting has been completed. Mr. Kirkpatrick informed the board that Drew S'Renco, OMMA Compliance Manager, is diligently working on the compliance checklist is hopeful it will be available publicly by the end of the year.

Agenda Item 4:

Discussion of possible recommendations for permanent rulemaking

a. Discussion & Questions

Nicole Nash provided to the Board a document presenting a summary of proposed permanent rulemaking changes (see Attachment A). Ms. Nash first outlined the substantive rulemaking changes with the Board and then allowed time for board discussion and recommendations.

The Board discussed recommending that the rules contain a definition of “sampler” and discussed redundancies in some of the sampling requirements set forth in Oklahoma Administrative Code (“OAC”) 310:681-8-3(c)(9).

Nicole Nash, Managing Counsel for OMMA, introduced the addition of Appendix A in the draft permanent rules, which charts the allowable thresholds for testing requirements set forth in OAC 310:681-8-1. Bud Scott posed a question concerning the acceptable threshold of ethanol at <5,000 ppm in Appendix A. Lee Rhoades, OMMA Laboratory Manager, explained that this amount was meant specifically for inhalants. The Board discussed and posed questions to Mr. Rhoades concerning the testing thresholds for total yeast/mold in Appendix A. The Board also discussed pass/fail standards for remediation and testing of harvest batches and water activity and moisture content.

b. Consideration, possible action, and vote regarding rule recommendations

Bud Scott made a motion to add language in OAC 310:681-8-3 specifying that remaining sample amounts shall remain with the grower or processor. Troy Skow seconded the motion. Motion carried.

Aye: All members present voted to approve the motion. No members present opposed.

Absent: Fenton Rood and Ray Jennings.

Bud Scott made a motion to add to a definition of “**sampler**” to OAC 310:681-1-4 that would include employees of the grower or processor. Rebecca Johnson seconded the motion. The motion carried.

Aye: All members present voted to approve the motion. No members present opposed.

Absent: Fenton Rood and Ray Jennings.

Bud Scott made a motion to correct language in 310:681-8-3 to clarify that growers and processors will have the ability to transport those samples to a laboratory for testing. Scott Schaffer seconded the motion. The motion carried.

Aye: All members present voted to approve the motion. No members present opposed.

Absent: Fenton Rood and Ray Jennings.

Bud Scott made a motion to delete subsections (B) – (J) in the draft rule OAC 310:681-8-3(c)(9). Rebecca Johnson seconded the motion. The motion carried.

Aye: All members present voted to approve the motion. No member present opposed.

Absent: Fenton Rood and Ray Jennings.

Travis Splawn made a motion that anything not defined in the Products to be Tested column in Appendix A should be defined in OAC 310:681-1-4. Scott Yates seconded the motion. The motion carried.

Aye: All members present voted to approve the motion. No members present opposed.

Absent: Fenton Rood and Ray Jennings.

Bud Scott made a motion that the <5,000 ppm limit be prescribed and to specify that the product to be tested is inhalants. Rebecca Johnson seconded the motion. The motion carried.

Aye: All members present voted to approve the motion. No members present opposed.

Absent: Fenton Rood and Ray Jennings.

Bud Scott made a motion to remove yeast from the 10^4 CFU/gm threshold and leave total yeast in the 10^2 CFU/gm section of Appendix A. Mark Woodward seconded the motion. The motion carried.

Aye: All members present voted to approve the motion. No members present opposed.

Absent: Fenton Rood and Ray Jennings.

Scott Schaffer made a motion to look further at the pass/fail standards language of 310:681-8-1(i) to include remediation of harvest batches that fail water activity and moisture content testing by curing or further drying of the product and subsequent testing abilities. Scott Yates seconded the motion. The motion carried.

Aye: All members present voted to approve the motion. No members present opposed.

Absent: Fenton Rood and Ray Jennings.

Agenda Item 5:

New Business

No new business.

Agenda Item 6:

Public Comment Regarding Agenda Items and Board Discussion

No public comment.

Item 7:

Adjournment

Scott Yates made a motion to adjourn.
Bud Scott seconded the motion. Motion carried.

Aye: All members present. No members present opposed.

Absent: Fenton Rood and Ray Jennings.

The meeting adjourned at 3:55 p.m.

Authorized Representative of the Board