

PUBLIC BODY: MEDICAL MARIJUANA AUTHORITY FOOD SAFETY STANDARDS BOARD

DATE& TIME: OCTOBER 14, 2019 9:00AM

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

Agenda Item 1:

Call to Order, Welcome

Fenton Rood, Chair, called the meeting of the Medical Marijuana Food Safety Standards Board to order on October 14, 2019, 9:06 a.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 and the OMMA website. Relevant materials for the Board and other materials for the meeting are posted on the website.

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

Board members absent: Scott Schaefer, Kara Berst.

Staff Present: Katelyn Metzger, Cortni Ogles, Rebecca Ledford, Lee Rhoades, Ashley Scott, Kim Heaton, Irene Martin, Travis Kirkpatrick, Melissa Miller, Scott Chisholm

Others Present: Tyler Talley, Jennifer Boyle, Seth Rott

Agenda Item 2:

Consideration of meeting minutes of September 9, 2019 <http://OMMA.ok.gov/food-safety-safety-standards-board>

a. Review & Board Action

Scott Yates motioned to approve the minutes of September 9, 2019.

Ray Jennings seconded. Motion carried.

Aye: Becky Johnson, Scott Yates, Fenton Rood, Mark Woodward, Ray Jennings, Travis Splawn, Troy Skow, Edd Rhoades. No members present opposed.

Absent: Bud Scott (arrived at 9:14)

Agenda Item 3:

OSDH presentation of OMMA Compliance Inspection Process and Procedures to date:

Fenton Rood asked for a program report from the OSDH. Travis Kirkpatrick introduced himself as the new Interim Director of Oklahoma Medical Marijuana Authority (OMMA). Since he just took on this role, he asked to table the item and present the report until next meeting.

Agenda Item 4:

Agency intersection presentations by FSSB members

- a. **OBND, Mark Woodward**—Title 63 requires any entity that manufactures or dispenses a controlled substance to have a license from the Bureau of Narcotics. OBND's lane is very narrow. It covers the theft and prevention and diversion of any controlled substance. Whether you are a pharmaceutical manufacturer or cannabis manufacturer, you must have the license. As of one week ago, OBND has issued approximately 4,000 manufacturer licenses, which would be growers. There are about 2,000 distributor licenses, which would be dispensaries. The bulk of OBND's activity revolves around doing background checks to make sure these individuals meet all the criteria to obtain a license and responding to complaints. It's a national background check. This is very similar to State Question 788 and the health department requirements with regard to criminal convictions and ownership groups—making sure they are local and making sure there are no outstanding warrants. OBND has had a few issues, but so far out of 6,000 applicants, only one has been denied. Seventeen analytical laboratories have received an OBND license to test for controlled substance, in this case specifically cannabis. OBND is currently doing some inspections. OBND makes sure that every complaint about a grower or dispenser is looked into. Some have involved actionable violations; on some OBND found no violations to substantiate. OBND has encouraged members of the cannabis industry to report instances where they see possible violations.
- b. **Dept. of Agriculture, Scott Yates**—Mr. Yates stated he didn't have much of an update. They will have a group meeting toward the end of the month in preparation for meeting with the Secretary of Agriculture to discuss areas of crossover relating to medical marijuana between the Department of Agriculture and the Oklahoma State Department of Health. He believes the meeting they are preparing for is on the 28th of the month.

Bud Scott asked Mr. Yates if he could explain what some of the conflicts were. Mr. Yates said that from the food safety side, the medical marijuana can't be in meat and poultry products because it is against federal regulations. It is not on the safe and suitable list for FDA so its use in dairy products is restricted right now. That is something the Department of Agriculture is working on. Other issues the Department of Agriculture is working through involve CPS licensing the nurseries, which would preclude some of the grows, and pesticides. Mr. Yates did not know the number of nurseries that CPS has licensed.

- c. **Dept. of Environmental Quality, Fenton Rood**—The Department of Environmental Quality had a similar meeting with the the Department of Agriculture, looking at areas where the two agencies might share jurisdiction in relation to medical marijuana. Environmentally, an issues have arisen relating to industry use reverse osmosis to treat water, which generates a waste product.

- d. **Other members that have impact**—Travis Splawn spoke for Tulsa City-County Health Department (“TCCHD”). Processors have been obtaining their food licenses and TCCHD will begin inspections this week.

Troy Skow spoke on behalf of Oklahoma City-County Health Department. It began inspections the week before.

Agenda Item 5: Discussion of possible rule recommendation to draft rule language which provides emergency rules that operationalize waste disposal license, laboratory licenses and educational and research licenses.

- a. **Discussion & Questions** –Fenton Rood asked who would lead the discussion on rules. Melissa Miller, from the OMMA, said OMMA was expecting the board to provide feedback on the rules. Mr. Rood asked for suggestions on the definition section.

Mr. Rood asked if the Unity Bill waste definition included seeds. Bud Scott said that one of this board’s previous recommendations included seeds

Someone clarified Mr. Rood was referring to the definition of waste in SB 882 which includes an exemption for seeds.

There was also discussion about remediation.

Bud Scott made a motion to re-recommend remediation language previously proposed at the August meeting.
Becky Johnson seconded.

Melissa Miller stated OMMA does not believe there is statutory authority for remediation in the rule. Bud Scott disagreed, there is nothing in statute that prohibits remediation. Someone asked if adding redemption language would require going back through the Legislature or to court.

Bud Scott responded that as an advisory board, the board should make their recommendations whether or not they are accepted. Travis Kirkpatrick agreed is the FSSB is an advisory board and OMMA is always in the process of recommending, amending and requesting amendments to statute. OMMA, is subject to statute and can’t make a rule that is going to violate statute. The Board recommendations will give insight that OMMA can take into consideration.

Roll call vote was taken—those voting aye: Becky Johnson, Scott Yates, Fenton Rood, Mark Woodward, Bud Scott, Ray Jennings, Travis Splawn, Troy Skow.
Nay vote(s): Edd Rhoades. There were no abstentions; the motion carried.

Bud Scott made a motion re-recommend the process validation language previously proposed at the August meeting.
Becky Johnson seconded.

The Board discussed that process validation fell under that same statute. Agreeing readdressing process validation will indicate to the legislature as something to be addressed.

There was a roll call vote was taken—those voting aye were: Becky Johnson, Scott Yates, Fenton Rood, Mark Woodward, Bud Scott, Ray Jennings, Travis Splawn, Troy Skow.

Nay vote(s): Edd Rhoades. There were no abstentions; the motion carried.

Additional discussion about the meaning of data reporting section 8-E.3(5), containing synthetic cannabinoids shall be reported on the analysis. Dr. Edd Rhoades could not provide clarification. Dr. Rhoades asked whether it should be quantified. Melissa Miller responded the language was taken from a previous rule version that stated tests would be failed if they tested for positive for synthetic cannabinoids.

Dr. Rhoades discussed if it was realistic to have a 99% confidence interval. He explained the 3 standard deviations on either side of the mean, widens your target as opposed to 95% confidence level. He had been in touch with a couple of the accrediting bodies regarding their recommendations for testing. It is unknown if a new process is precise until there is consistent data. Then targets are set for proficiency testing.

Agenda Item 5: Discussion of future 2019 meeting dates or 2020 future meeting dates filed with Secretary of State by December 15, 2019.

Discussion and Questions: Regular meeting dates for next year must be filed with Secretary of State's office by December 15, 2019. Special meetings are permitted. Kim Heaton, OSDH, suggested the board may want to have meeting in November and December There was discussion as to when the RFP closes on Seed-to-Sale. Melissa Miller did not have an exact date. Ms. Heaton was informed by Ashley Scott that December 13th is the deadline to submit permanent rules. Ms. Miller said once a vendor is selected, OMMA will meet with the selected vendor to discuss logistics.. Implementation was predicted be sometime in the spring.

Travis Splawn motioned to hold November 18 at 1:00 and December 9, 2019, at 1:00 p.m.
Bud Scott seconded.

Roll call vote was taken: Ayes were Becky Johnson, Scott Yates, Fenton Rood, Mark Woodward, Bud Scott, Ray Jennings, Travis Splawn, Troy Skow, Edd Rhoades. No members present opposed. The motion carried.

Fenton Rood said the dates for 2020 were already set in a previous meeting. June 3, 2020, at 9:00 a.m. is the first 2020 meeting. There was discussion about changing the time.

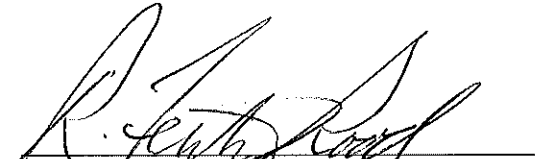
Ray Jennings motioned to change the June 3, 2020, meeting from 9:00 a.m. to 1 p.m. Edd Rhoades seconded.

A roll call vote was taken—ayes were: Becky Johnson, Scott Yates, Fenton Rood, Mark Woodward, Bud Scott, Ray Jennings, Travis Splawn, Troy Skow, and Edd Rhoades. No members present opposed. The motion carried.

Item 6: New Business—there was none.

Item 7: Adjournment—meeting was adjourned by acclamation at 11:00 a.m.

The meeting adjourned at 11:00 a.m.


Authorized Representative of the Board