

MINUTES OF SPECIAL MEETING

PUBLIC BODY: MEDICAL MARIJUANA AUTHORITY FOOD SAFETY STANDARDS BOARD

DATE & TIME: JULY 18, 2019 9:00AM

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

CONTACT PERSON: BUFFY HEATER

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Agenda Item 1:

Call to Order, Welcome & Introduction

Buffy Heater, OSDH Chief Data, Public Policy and Promotion Officer, called the special meeting of the Medical Marijuana Authority Food Safety Standards Board to order on Thursday, July 18, 2019 at 9:07a.m. Public notice of the special meeting was filed and posted with the Oklahoma Secretary of State and on the OMMA website prior to the special 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 also materials for the meeting are posted on the OMMA website.

Board members present: Becky Johnson, Scott Yates, Fenton Rood, Mark Woodward, Bud Scott, Travis Splawn, Troy Skow, and Dr. Edd Rhoades. Board member Bud Scott joined the meeting at 10:04 a.m.

Board member(s) absent: Scott Schaeffer, Kara Berst, Ray Jennings

Staff Present: Buffy Heater, Chief Data, Public Policy and Promotion Officer; Nicole Nash, OMMA managing Counsel; Phillip Jurina, Administrative Programs Manager, Consumer Protection Division; Scott Chisholm, OMMA Assistant Director; Cameron Capps, Assistant General Counsel; Samuel McClendon, OMMA Compliance Manager; Sara Coly, Lead Compliance Coordinator; Melissa Miller, OMMA Communications Manager; Gary Rutherford, Food Managing Inspector; Ogeoma Mbaraonye, OMMA Legal Intern; Rebecca Ledford, OMMA legal Intern; Jessica Wiewel, OMMA Legal Intern; and Nathan Hogan, OMMA Legal Intern.

Others Present: DeBrena Hilton, David Oakley, Tyler Talley, Jennifer Boyle

Agenda Item 2:

Consideration of meeting minutes from June 24, 2019 <http://omma.ok.gov/food-safety-standards-board>

a. Review & Board Action

Fenton Rood made a motion to approve the June 24, 2019 minutes. Becky Johnson seconded the motion. Motion carried.

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

Absent: Schaeffer, Berst, Jennings, Scott

Agenda Item 3:

Discussion of appointment of chair and/or other officers and committees for the food safety standards board

a. Discussion & Questions

The Board discussed appointing a Chair and Co-Chair for the Board and reelecting the positions for Chair and Co-Chair annually, with an election by the end of each year. The Board asked whether the creation of bylaws would be necessary. Nicole Nash, OMMA managing Counsel, advised that the appointment of Chair and Co-Chair can be done through motion and votes at public meetings and cautioned against the adoption of bylaws without the statutory authority to do so. The Board discussed conducting annually by fiscal year, July 1-June 30.

Travis Splawn nominated Fenton Rood as Chair and Becky Johnson also nominated Mr. Travis Splawn for Chair. The Board agreed on nominating Fenton Rood as Chair and Travis Splawn for Co-Chair.

The Board discussed establishing a laboratory committee to evaluate and consider recommendations for rules regarding the new testing and laboratory related requirements set forth in 2019 legislation. The board also discussed establishing a rule recommendation drafting committee. Board members Fenton Rood, Becky Johnson, and Mark Woodward volunteered to be on the laboratory committee. The Board members present at the time of this discussion also recommended that Bud Scott be asked to join the committee, which Mr. Scott agreed to when he joined the meeting. Fenton Rood, Travis Splawn, and Mark Woodward agreed to be on the rule recommendation drafting committee.

b. Consideration, possible action, and vote to appoint a chair and/r other officers and committees for the food safety standards board

Becky Johnson made a motion to elect Fenton Rood as Chair for the Board. Dr. Edd Rhoades seconded the motion. Motion carried.

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

Absent: Schaeffer, Berst, Jennings, Scott

Becky Johnson made a motion to elect Travis Splawn as Co-Chair for the Board. Scott Yates seconded the motion. Motion carried.

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

Absent: Schaeffer, Berst, Jennings, Scott

Travis Splawn made a motion for the Chair and Co-Chair to be chosen annually by the end of each fiscal year period, which is June 30th. Becky Johnson seconded the motion. Motion carried.

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

Absent: Schaeffer, Berst, Jennings, Scott

Becky Johnson made a motion to establish a laboratory committee. Mark Woodward seconded the motion. Motion carried.

Aye: All members present voted to approve the motion. No members present opposed.
Absent: Schaeffer, Berst, Jennings, Scott

Travis Splawn made a motion to elect a rule recommendation drafting committee. Dr. Edd Rhoades seconded the motion. Motion carried.

Aye: All members present voted to approve the motion. No members present opposed.
Absent: Schaeffer, Berst, Jennings, Scott

Agenda Item 4

Discussion of possible recommendations pursuant to recently enacted statutes resulting from the 2019 legislative session pertaining to the cultivation, manufacture, testing and labelling of medical marijuana and medical marijuana product to ensure they are safe for consumption <http://omma.ok.gov/food-safety-standards-board>

a. Discussion & Questions

The Board discussed House Bill 2612 giving the Board authority to regulate the cultivation and manufacturing of medical marijuana and medical marijuana products. The Board broadly discussed what might fall under the cultivating and manufacturing authority of the Board. Mr. Splawn recommended that the Board should not leave the purview of its authority set forth in the State Question 788 and should focus on food and safety.

The Board discussed concerns in the industry that the testing standards used by labs in the industry are not providing consistent results and agreed that recommending rules regarding testing limits, standards, and other matters should be a focus of the Board in considering recommendations for rules.

The Board asked about the testing requirements set forth in new legislation. Ms. Nash advised that House Bill 2612 treats medical marijuana and medical marijuana products as separate and requires testing for both.

It was clarified that the testing requirements laid out in Section 17 of the House Bill 2612 requires harvest and product batches of no greater than ten (10) pounds to be tested and that House Bill does not specify the amount or sample size required to be tested.

Ms. Heater stated that the Department recognizes the need for testing labs to have clear processes and procedures in the industry so OMMA is currently seeking lab consultants to provide expert assistance.

Ms. Nash explained that House Bill 2612 authorizes the department to contract with an independent oversight lab. The lab is prohibited from having business relations with members of the industry.

The Board discussed whether there are any rules the Board needs to recommend for the Transporter license created in House Bill 2612. Board member, Travis Splawn, suggested requiring Time and Temperature controlled for Safety (TCS) requirements for the transportation of food.

The Board discussed the requirement in House Bill 2612 for terpenoid testing and considered whether providing total terpene potency on the labels would be sufficient. The Board also discussed other matters related to packaging and labeling, including whether QR codes could be allowed, address requirements, and dosage minimums. The Board discussed the possibility of addressing labeling requirements in rule recommendations. Board member, Bud Scott, offered to do some research and then share the information with the Board on a later date.

b. Consideration, possible action, and vote regarding food safety standards board recommendations

No action was taken.

Agenda Item 5

Annual food safety standards board meeting schedule

a. Discussion & Questions

The Board discussed selecting the First Wednesdays of June for its annual meetings.

b. Consideration, possible action, and vote to establish annual meeting schedule

Bud Scott made a motion for the FSSB to have its annual meeting on the first Wednesday of every June at 9:00AM. Travis Splawn seconded the motion. Motion carried.

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

Absent: Schaeffer, Berst, Jennings

Bud Scott made a motion for the Board to meet by special session on September 9, 2019. Becky Johnson seconded the motion. Motion carried.

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

Absent: Schaeffer, Berst, Jennings

Bud Scott made a motion for the Board to meet by special session on October 14, 2019. Becky Johnson seconded the motion. Motion carried.

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

Absent: Schaeffer, Berst, Jennings

Agenda Item 6

New Business

No new business

Agenda Item 7

Closing, Adjournment & Dismissal

Becky Johnson made a motion to adjourn. Fenton Rood seconded the motion. Motion carried

Aye: All members present voted to adjourn. No members present opposed.

Absent: Schaeffer, Berst, Jennings

The meeting adjourned at 11:03 a.m.

Authorized Representative of the Board