

## MINUTES OF REGULAR MEETING

PUBLIC BODY: OMMA Executive Advisory Council

DATE & TIME: April 11th, 2025 9:00 am

ADDRESS: OKLAHOMA STATE CAPITOL-2300 N. LINCOLN OKLAHOMA CITY, OK  
73105 ROOM 230

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### **Agenda Item 1:**

#### **a) Call to Order, Quorum Check, Approval of Prior Meeting Minutes**

Adria G. Berry, OMMA Executive Director and Chair of the Executive Advisory Council, called the meeting to order on April 11th, 2025, at 9:01 am. Public notice of the regular meeting was filed and posted with the Oklahoma Secretary of State on December 10<sup>th</sup> 2024. The final agenda was posted at the entrance of the Oklahoma Medical Marijuana Authority (“OMMA”) building on April 9th, 2025, at 4:30 p.m. After roll call quorum was established.

Council members present: Council Chair Adria G. Berry, Randy Hendrix, Kadi Nail, David Gerken, and Taras Filenko

Council members absent: Tommie Johnson III

Council member Randy Hendrix made a motion to approve the January 17<sup>th</sup>, 2025 meeting minutes. Taras Filenko seconded the motion. Motion carried.

Aye: Adria G. Berry, David Gerken, Kadi Nail, Randy Hendrix, and Taras Filenko.

Absent: Tommie Johnson III

#### **b) Introduction of New Council Members**

Chair Berry briefly introduced newly appointed council members who were in attendance, David Gerkin and Taras Filenko. Tommie Johnson III, another newly appointed council member, was not able to attend the meeting.

### **Agenda Item 2:**

#### **Vote to appoint OMMA Executive Advisory Council Co-chair**

Council member David Gerken made a motion to table this item for the July 11th, 2025 meeting. Council member Randy Hendrix seconded the motion. Roll was taken. Motion carried.

This item was tabled for the July 11<sup>th</sup>, 2025 meeting.

**Agenda Item 3:**  
**OMMA Update: New Licensing and Inspection Software Buildout**

OMMA Executive Director and Council Chair Adria G. Berry provided an update on the ongoing development of a new licensing and inspection system. It was reported that the department entered the Request for Proposal (RFP) process with the Office of Management and Enterprise Services (OMES) in January 2023. After a two-year evaluation period, the department selected a vendor in January 2025 and has been actively building the new system since that time.

The new platform will consolidate all inspection and licensing data into a single system. The system is expected to be completed within the 2025 calendar year. It will provide streamlined processes and improved flexibility, particularly in accommodating legislative changes. The current software is heavily customized and presents challenges when updates are required; the new platform is designed to be more adaptable and user-friendly. She emphasized that daily work is underway to complete the software buildout.

**Agenda Item 4:**  
**Discussion of 2025 Legislative Session, Active Bills**

Ashley Crall, OMMA Director of Government Affairs, provided a legislative update covering bills currently active in the 2025 Oklahoma legislative session. A PowerPoint presentation was used to explain the legislative process and highlight relevant bills impacting the medical marijuana industry.

Key points included:

- OMMA does not advocate for or against proposed legislation but tracks bills for informational purposes.
- Council members were directed to OMMA's website ([omma.ok.gov/legislation](http://omma.ok.gov/legislation)) for bill tracking and to access committee hearing information.
- The next key legislative deadline is April 24, 2025 (opposite committee deadline).
- Several House and Senate bills were highlighted, including:
  - **HB 1163:** Misdemeanor possession clarification.
  - **HB 2118, HB 2807, HB 2837, HB 2897:** Amendments related to military department policy, warehouse storage, training, and warning signage.
  - **SB 39, SB 518, SB 522, SB 634, SB 640, SB 697, SB 774, SB 786, SB 1039, SB 1066:** Covering firearm use, packaging, labeling, physician training, impaired driving, dispensary zoning, and application resubmission policies.

**Discussion**

Council Member Taras Filenko raised concerns about SB 1039, which would deny applications resubmitted multiple times due to material deficiencies. He cited ongoing delays and inconsistencies in license processing, particularly involving surety bonds. Chair Berry acknowledged the concerns and explained the background of the bill, noting that

amendments are being considered and internal procedural improvements are underway at OMMA to address processing inconsistencies.

Council Member Randy Hendrix expressed strong concerns regarding pre-packaging requirements, citing:

- Potential for mold growth in sealed containers post-testing.
- Possible risk of product failure during “secret shopper” re-testing despite passing original tests.
- Burden on large growers to manage pre-packed inventory. He requested clarity on how OMMA would differentiate original test results from later contamination.

Chair Berry responded that the secret shopper legislation predates the pre-packaging law and is intended to verify original lab testing.

Council Member Kadi Nail echoed concerns about product degradation in prepackaging, calling it a safety hazard and urging further research before implementation.

Council Member Hendrix also objected to SB 640, which increases buffer zones between dispensaries and schools/places of worship from 1,000 to 3,000 feet.

Crall provided an update on OMMA’s permanent rulemaking process:

- Public comment period ran from Nov. 15 to Dec. 17, 2024.
- OMMA received 283 comments, with ~70% focused on pre-packaging and ~16% on updated testing requirements.
- All public comments were individually addressed and included in the agency’s formal rule report, which is available online at [omma.ok.gov/comment](https://omma.ok.gov/comment).

Crall also noted that emergency rules will be required to implement pre-packaging mandates in HB 3361, which takes effect June 1, 2025, unless amended.

## **Discussion**

- Council members were encouraged to continue directing questions and concerns to respective legislators.
- The Council reiterated industry-wide concern about the practical impacts and regulatory clarity surrounding new packaging and testing rules.
- Chair Berry committed to continued engagement, science-based responses, and communication updates via OMMA’s website and the communications team

## **Agenda Item 5:**

### **OMMA Science Department Update**

- OMMA QA Lab**
- Patient Services Department**

Chair Adria Berry opened the segment by introducing the science department update and turning the floor over to **Chief Science Officer Lee Rhoades**, who introduced his senior team members:

- **Bobby Gramling**, Deputy Chief Science Officer (M.S. Biochemistry, 20+ years in lab industry)
- **Cortney Cnossen**, Quality Assurance Lab Director (M.S. Forensic Science, experienced in instrumentation used in QA testing)

### **Quality Assurance (QA) Lab Update**

- Construction is complete; equipment deliveries have begun.
- **HPLC** (High-Performance Liquid Chromatography) is currently on-site and ready for cannabinoid concentration analysis.
- Additional instrumentation pending delivery includes:
  - LC-MS/MS (pesticides & mycotoxins)
  - GC-MS and GC-MS/MS (pesticides)
  - ICP-MS (heavy metals)
  - qPCR (microbiological testing)

### **Staffing:**

- 4 analysts with cannabis testing experience
- 1 QA Manager with an extensive compliance background
- ISO 17025 accreditation process has started with support from an external provider.

### **Lab Objectives:**

- Ensure public safety and product reliability
- Identify issues requiring product recalls
- Reduce inter-lab variability
- Establish best practices in testing
- Support law enforcement regarding hemp-derived cannabinoids

### **Testing Protocols:**

- **Parallel Testing:** OMMA will collect reserve samples for comparative analysis against primary lab results.
- **Round Robin Testing:** OMMA will issue master samples to labs to evaluate accuracy and detect outliers.

### **Discussion**

Council Member Taras Filenko asked about discrepancies between reserve and primary samples. Lee Rhoades confirmed discrepancies trigger root cause analyses to identify the source.

Council Member Randy Hendrix raised concern about businesses' reliance on lab results.

Chair Berry explained that the QA lab aims to ensure labs produce accurate and reliable data for both businesses and patients.

Council Member David Gerken inquired about pesticide specificity.

Lee Rhoades responded that there are about a dozen pesticides (mainly fungicides/insecticides) required for testing. OMMA plans to expand the testing menu.

Council Member Kadi Nail asked if testing includes non-dispensary products.

Chair Berry answered yes, particularly for hemp-derived products. The State Attorney General's office may utilize the lab for tests on gas station/vape shop items.

Council Member Taras Filenko Proposed a lab accuracy rating system.

Chair Berry responded that OMMA would explore this once QA lab data becomes available.

### **Update - Patient Services Unit**

Chief Science Officer Lee Rhoades shared that the newly formed Patient Services unit will focus on direct patient interactions and improve licensing processes and education and enhance customer service. It will serve as a resource for patients and medical professionals and apply a public health approach to evaluate cannabis impact. The new Patient Services Director is starting Monday. She is an RN and brings with her 20 years of clinical experience. She also holds a master's degree in Medical Marijuana Therapeutics from the University of Maryland.

### **Agenda Item 6:**

#### **Council member Updates**

- a) **Lab Shopping – Kadi Nail**
- b) **Any other Council member updates**

Council Member Kadi Nail introduced a discussion regarding the issue of lab shopping in cannabis testing. She described it as the practice of submitting cannabis samples to multiple labs to obtain a passing test result and raised concerns about patient safety and regulatory enforcement. She inquired whether regulations prevent licensees from using a single passing result when other labs have failed the product, and what consequences exist for such practices.

Chief Science Officer Lee Rhoades addressed the council, confirming the following key points:

- Under current protocol, products tested through Metrc should follow a defined retesting process.
- If an initial test fails, a retest is allowed. If that retest confirms the failure, the product must either be remediated or destroyed.
- If the retest contradicts the initial result (i.e., passes), a third test is required. If the third test passes, the product may be sold.
- Only under this specific retest protocol can a failed product eventually enter commerce.
- Lab shopping is a recognized issue nationally, and improper testing practices have led to embargoes and recalls.
- A dedicated Metrc team is being developed to enhance oversight and ensure proper waste disposal and compliance tracking.

## **Discussion**

Council Member Taras Filenko inquired whether the Metrc system is actively verifying that failed batches are appropriately disposed of. He proposed implementing an automated system or algorithm to confirm whether a failed batch, especially one that cannot be remediated, has indeed been marked as waste.

Chief Science Officer Rhoades acknowledged that it requires ongoing monitoring and that compliance gaps may exist. He noted that public safety advocates sometimes help identify violations. He reaffirmed efforts to strengthen monitoring through the new Metrc team.

Chair Adria Berry added that the agency currently uses a system called NCS Analytics, which integrates with Metrc data to flag irregularities, including testing discrepancies. She confirmed that daily monitoring is conducted but acknowledged that the volume of data previously exceeded the team's capacity, necessitating the adoption of enhanced analytics.

Council Member Filenko emphasized the need for stronger enforcement to prevent unsafe products from reaching patients. He stressed that public health concerns could lead to broader industry repercussions, including legislative action.

Chair Adria Berry concluded the discussion by clarifying that while the agency is not responsible for criminal enforcement, it does conduct administrative enforcement. She shared that the upcoming QA lab would improve turnaround times and support more robust enforcement efforts.

## **Discussion – Metrc**

Council Member Randy Hendrix raised concerns about the high cost of METRC in Oklahoma, noting that growers in other states pay significantly less for tags and related services. He questioned whether there were any plans to move away from METRC or renegotiate the contract. Chair Adria Berry responded that the agency is aware of the cost burden and maintains communication with regulators in other states. There are plans to reopen the Request for Proposals (RFP) once the current licensing and inspection software build is complete. While alternatives like BioTrack and MJ Freeway exist, no competitor has successfully replaced METRC in other states thus far. Competition is hoped for when the RFP is reopened. Hendrix further asked if renegotiation of METRC's pricing would be considered even if the company is retained. Chair Berry acknowledged the comment and noted it for future consideration.

Council Member Hendrix inquired about tagging requirements for prepackaged products (e.g., cannabis eighths). Chair Adria Berry and Chief Science Officer Lee Rhoades clarified:

- One METRC tag will be used per bulk flower package, even when it is divided into smaller prepackaged units (e.g., eighths).
- The total quantity and number of units will be entered into METRC under a single package ID.
- Dispensaries can split and receive varying amounts from the same tagged batch.

Chair Berry noted that a Metrc bulletin explaining this process is forthcoming and the FAQ section will be updated accordingly.

## **THCA and Hemp-Derived Products – Regulatory and Legal Concerns**

Council Member Taras Filenko raised concerns about hemp-derived products, especially those high in THCA, being sold in gas stations and dispensaries without testing or regulation. He asked about the legality of these products and whether they fall under the agency's jurisdiction.

Chair Adria Berry responded:

- Hemp-derived THCA products are illegal in Oklahoma under the Controlled Dangerous Substances Act.
- The agency does not have jurisdiction over these products due to legislative limits restricting oversight to Delta-9 THC.
- Enforcement falls under the responsibility of law enforcement agencies and the legislature.
- The agency has advocated for regulatory authority but needs legislative support to expand its jurisdiction.

Council Member Filenko expressed concern over patient safety and the competitive disadvantage caused by the lack of oversight. He urged that legislative leaders act quickly to regulate or ban such products.

### **Agenda Item 7:**

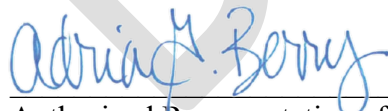
**Any matter not known about or which could not have been reasonably foreseen twenty-four (24) hours prior to the meeting.**

No matters brought forth.

### **Agenda Item 8:**

**Closing, Adjournment and Dismissal**

Chair Adria Berry asked for a motion to close the meeting. Randy Hendrix made a motion, David Gerken made the second motion. The meeting ended at 10:06 am.



Authorized Representative of the Council