

## MINUTES OF SPECIAL MEETING

PUBLIC BODY: MEDICAL MARIJUANA AUTHORITY FOOD SAFETY STANDARDS BOARD

DATE & TIME: JUNE 24, 2019 9:00AM

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

CONTACT PERSON: BUFFY HEATER

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### **Agenda Item 1:**

#### **Call to Order, Welcome & Introductions**

Buffy Heater, OSDH Chief Data, Public Policy and Promotion Officer, called the special meeting of the Medical Marijuana Authority Food Safety Standards Board to order on Monday, June 24, 2019 at 9:01 a.m. Public notice of the special meeting was filed and posted with the Oklahoma Secretary of State and on the OMMA website more than 48 hours prior to the meeting. The final agenda was posted on the OSDH building entrance and the OMMA website prior to 9 a.m. on Friday, June 21, 2019.

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

**Board member(s) absent:** Ravirajsinh Jadeja (Dr. Jadeja), Scott Yates, Bud Scott, Kara Berst

**Staff Present:** Buffy Heater, Chief Data, Public Policy & Promotion Officer; Nicole Nash, OMMA Managing Counsel; Brian Downs, Chief of Staff; Adrienne Rollins, OMMA Director; Samuel McClendon, OMMA Compliance Manager; Sara Coly, Lead Compliance Coordinator; Cameron Capps, Assistant General Counsel; Phillip Jurina, Administrative Programs Manager, Consumer Protection Division; Ogeoma Mbaraonye, OMMA Legal Intern; Rebecca Ledford, OMMA Legal Intern; Jessica Wiewel, OMMA Legal Intern; and Garrett Sill, OMMA Legal Intern.

**Others present:** Carol Paden, Sharla Clemenson, Mark Clemenson, Carl Wheeler,

### **Agenda Item 2:**

#### **Consideration of meeting minutes from August 24, 2018 FSSB Meeting <http://omma.ok.gov/>**

##### **a. Review & Board Action**

Fenton Rood made a motion to accept the August 24, 2018 minutes. Ray Jennings seconded the motion. Motion carried.

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

Absent: Jadeja, Yates, Scott, Berst

### **Agenda Item 3:**

**Purpose & Charge of Board per State Question 788** <http://omma.ok.gov/rules-regulations>

#### **a. Discussion & Questions**

Ms. Nicole Nash, OMMA Managing Counsel, set forth the Board's charge per State Question 788 to develop a recommended set of food safety standards for licensed processors in the preparation of food containing cannabis. In August 2018, the Board approved and recommended a set of food safety standards that were adopted by the State Board of Health as emergency rules and codified in the Oklahoma Administrative Code ("OAC") 310:681-5-8.1. OAC 310:681-5-8(b) directs the Board to, by July 1st, "review and submit if necessary recommendations regarding rule promulgation and standards related to the handling and processing of medical marijuana and medical marijuana products."

### **Agenda Item 4**

**Review of current rule language, which incorporates the August 24, 2018 food safety standard Board recommendations into OSDH regulation** <http://omma.ok.gov/food-safety-Board>

#### **a. Discussion and Questions:**

Ms. Buffy Heater, Chief Data, Public Policy and Promotion Officer, provided an overview of the recommendations submitted by the Board in August 2018 and adopted into emergency rules in OAC 310:681-5-8.1. Ms. Heater then opened the floor to the Board to consider new recommendations or potential modifications to these prior recommendations.

#### **b. Consideration, possible action, and vote regarding existing food safety standards Board recommendations**

The Board discussed concerns raised in the industry about the requirement that labels for edible medical marijuana products contain the address of the processor. The Board discussed whether a PO Box would be a sufficient address and whether the address would be necessary to track and trace the processor in the event of a public health event or recall. The Board discussed other approaches such as including only city and state; including a numbering system to identify the processor; including the OMMA license number on edible medical marijuana product labels; and modifying the current labeling requirement to optionally list the processor address. The Board decided to table the matter and resume discussing the issue in considerations of future recommendations pursuant to new legislation.

No action was taken.

### **Agenda Item 5**

**Review of 2019 legislation impacting the food safety Board**

HB2612 <https://www.sos.ok.gov/documents/legislations/57th/2019/1R/HB2612.pdf>

HB2601 <https://www.sos.ok.gov/documents/legislation/57th/2019/1R/HB/2601.pdf>

SB162 <https://www.sos.ok.gov/documents/legislation/57th/2019/1R/SB/162.pdf>

**a. Discussion & Questions:**

Ms. Nash provided an overview of HB 2612's charge to the Board and of applicable new legislation. Effective August 29, 2019, in addition to the powers and duties granted under 63 O.S. § 423A, the Board will have the authority to recommend rules in all aspects of the cultivation and manufacturing of medical marijuana products. A question was raised regarding the Board's authority related to edible products, and whether that authority would include licensed businesses security of their physical location. Buffy Heater answered that the Board's statutory purpose is to recommend food safety standards. Items that are not directly tied to product safety are outside of the Board's authority. HB 2612 will require growers and processors to test all harvest and product batches that are no greater than 10 pounds prior to sale or transfer. In addition to existing categories of testing, HB 2612 will require testing of terpenoid potency. Testing thresholds are within the rulemaking purview of the Oklahoma State Department of Health. New legislation also will expand packaging and labeling requirements.

A question was raised whether there were additional rules that address false advertising, and as false and misleading statements. Nicole Nash answered that there are state laws that address false advertising.

Ms. Heater stated that the Board's role under HB 2612 is to consider whether it would like to develop recommendations to present to the State Commissioner for adoption as rules and to determine what next steps and what information the Board will need in order to make such recommendations. A question was raised whether the revised recommendations should be for the emergency rules or follow the regular rule making process. Buffy Heater said the Board could include a specific recommendation if it so chose.

Buffy Heater stated that Health Department's approach to rule promulgation will continue to initiate as emergency rules, then followed by permanent rule promulgation which includes a public comment period. Buffy Heater added that this has been the process used for OMMA rule promulgation.

A clarification was made by the Board that the Board "may" provide recommendation by July 1st but the Board is not required to. Nicole Nash explained that the date is stated in current rule.

**b. Determination of Next Steps:**

The Board discussed meeting at future dates to discuss and take action upon this matter when it would have full participation of the Board and after further consideration of new legislation.

**Agenda Item 6****Discussion of appointment of chair and/or other officers and committees for the safety standards Board****a. Discussion & Questions**

Ms. Heater opened the floor for the Board to discuss how it would like its governance to work. The Board discussed the possibility of an executive committee and the appointment of a chair and co-chair. The Board also discussed the possibility of establishing committees to work on

rule drafting. Ms. Nash advised that any committee would need to be made up of less than a quorum of members to be in compliance with the Open Meetings Act.

**b. Determination of Next Steps**

The Board discussed tabling further discussion and action on this item until a future meeting when more Board members could be present.

**c. Consideration, possible action, and vote to appoint a chair and/or other officers and committees for the safety standards Board.**

Becky Johnson made a motion to continue Agenda Item 6 until the next meeting. Scott Shaeffer seconded the motion. Motion carried.

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

Absent: Jadeja, Yates, Scott, Berst

**Agenda Item 7**

**Establishment of future food safety standards Board meeting schedule**

**a. Discussion & Questions**

Ms. Heater opened the floor for the Board to discuss future meeting dates. The Board requested that OSDH staff circulate a doodle poll to all Board members for the weeks of July 8 and 15 and the weeks of August 5 or 12 in order to determine a date of best availability. The Board also discussed scheduling annual meeting dates.

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

Fenton Rood made a motion to table discussion and action on an annual meeting schedule for a future meeting. Becky Johnson seconded the motion. Motion carried.

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

Absent: Jadeja, Yates, Scott, Berst

**Agenda Item 8**

**New Business**

No new business.

**Agenda Item 9**

**Closing, Adjournment and Dismissal**

Becky Johnson made a motion to adjourn. Scott Schaeffer seconded the motion. Motion carried.

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

Absent: Jadeja, Yates, Scott, Berst

The meeting adjourned at 10:38 a.m.

Approved

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Authorized Representative of the Board