

MINUTES OF SPECIAL MEETING

PUBLIC BODY: MEDICAL MARIJUANA AUTHORITY FOOD SAFETY STANDARDS BOARD

DATE & TIME: June 16, 2021 1:00 p.m.

ADDRESS: OKLAHOMA STATE CAPITOL-2300 N. LINCOLN OKLAHOMA CITY, OK 73105 ROOM 4S 7, 8, 9

Agenda Item 1: Call to Order, Welcome

Kelly M. Williams, PhD, OMMA Director, called the meeting of the Medical Marijuana Food Safety Standards Board to order on June 16, 2021, at 1:03 p.m. Public notice of the special meeting was filed and posted with the Oklahoma Secretary of State on June 14, 2021 at 11:26 am. The final agenda was posted at the Oklahoma State Department of Health (“OSDH”) building entrance on June 15, 2021, at 10:04 a.m. and on the Oklahoma Medical Marijuana Authority (“OMMA”) website prior to the meeting. Relevant materials for the Board and other materials for the meeting are posted on the OMMA website.

Board members present: Adam Austin, Blake Cantrell, Brian Duzan, Kristie Edelen, Mike Ervin, Phillip Jurina, Michael Leake, Norma Sapp, and Mel Woodrow.

Board members absent: Caroline Nelson

Quorum established during roll call.

Staff Present: Kelly Williams, Director, OMMA; Scott Chisholm, Deputy Director of Operations, OMMA; Taylor Hartin, Deputy Director of Compliance, OMMA; Kristin Siegel, Assistant General Counsel, OMMA; Nina Slaney, Paralegal, OMMA; Kassy French, Executive Assistant, OMMA; Terri Watkins, Communications Manager, OMMA; John Clarke, Rulemaking Coordinator, OSDH.

Others Present: Paul Monies, Oklahoma Watch; Ryan Keisel.

Agenda Item 2: Procedural Instructions to the Board

Since this is a newly formed board, John Clarke, J.D., Rulemaking Coordinator, OSDH, provided an overview of the protocols and procedures of public meetings in accordance with the Open Meeting Act. The function of the Food Safety Standards Board as placed in statute § 63-427.23 is to recommend to the Commissioner of Health, rules relating to aspects of the cultivation and manufacture of medical marijuana products. Mr. Clarke explained that during the

meeting today, OMMA will go over all of the emergency rule changes, including changes not related to cultivation and manufacture of medical marijuana products, for transparency reasons.

Agenda Item 3:

Food Safety Standard Board Member Introductions

a. Board Member Introductions

Kelly Williams explained since this is a new board, introductions from each board member would be beneficial. She then asked for each member to provide a short introduction.

Board Member Mike Ervin, has served in the Oklahoma legislature, due to this fact, he has an extensive background with rulemaking and legislation. Mr. Ervin is currently the owner of a medical marijuana processing company which processes vaporizer cartridges and concentrates.

Board Member Kristie Edelin, Assistant Managing Director, Oklahoma Center for Poison and Drug Information, feels her role on the board is primarily pediatric safety.

Board Member Michael Leake, Director of the Oklahoma State Osteopathic Board, his role on the board is to offer assistance in the physician realm, as the Osteopathic board oversees physicians who make patient recommendations to the Oklahoma Medical Marijuana Authority.

Board Member Brian Duzan, Lab Director for Green Country Testing, a cannabis testing lab located in Tulsa, OK.

Board Member Blake Cantrell, CEO of The Peak Dispensary chains, also serves as President of the Board of Directors for the Oklahoma Cannabis Industry Association.

Board Member Adam Austin, Division Chief, Environmental and Public Health, with the Tulsa County Health Department, has a decade of experience in inspection and compliance work.

Board Member Norma Sapp, Citizen lobbyist for 30 years.

Board Member Phillip Jurina, Program Manager, Consumer Protection, a division of Consumer Health Services with the Oklahoma State Department of Health. His area processes food inspections and delivers enforcement to food and lodging establishments.

Board Member Mel Woodrow, Deputy Director, Oklahoma Bureau of Narcotics and Dangerous Drugs.

b. Discussion and Questions over Food Safety Standards Board Member Introductions

No discussion or questions over board member introductions.

Agenda Item 4:

OMMA Program Update

a. Director's Update on Various Matters Relating to OMMA – Kelly M. Williams, PhD

Kelly Williams, PhD, shared news that the State of Oklahoma just passed the three-year anniversary of the passing of SQ 788. Since the passing of the state question, the Oklahoma Medical Marijuana Authority has processed approximately 540,000 patient applications.

Currently, OMMA has nearly 370,000 licensed patients. On the commercial licensing side, OMMA has processed over 37,000 applications, which include business license renewals. Oklahoma has 11,600 active commercial licensees. Dr. Williams noted that 2021 has been a record-breaking year in relation to licensing applications, both commercial and patient. She also mentioned that the 7% excise tax on all dispensary sales has brought in over 100 million dollars to the state of Oklahoma since legalization.

While there were over 40 medical marijuana bills introduced, ultimately, there were three main medical marijuana bills that were passed during the 2021 legislative session. Those bills are:

HB 2272, which becomes effective July 1st, 2021, adds an attestation to the Oklahoma Bureau of Narcotics to foreign financial interests in a commercial entity. This bill requires that OMMA revoke any licenses if a business does not submit the attestation to OBN. This bill also requires OMMA to conduct on-site visits to determine if a business is operational or working toward operational within a particular timeframe.

SB 1033, which became effective upon signature, May 28th, 2021, makes changes to the school distance measurement process. This bill also allows Canadian and U.S. publicly traded companies to own up to 40% of the equity in a licensed grower, processor or transporter license.

HB 2646, will go into effect Nov 1st, 2021. This bill is the OMMA legislative request bill, which broadens OMMA's oversight authority.

Dr. Williams also reported that OMMA is changing their licensing vendor. She says the new vendor, which should become available mid-July, 2021, will help reduce the number of rejections for both patients and businesses.

b. Discussion and Questions over OMMA Program Update

Board member Blake Cantrell asked about seed to sale vendor Metrc and implementation of inventory tracking. Dr. Williams responded that a lawsuit against OMMA is scheduled at the end of June. Due to pending litigation, she is not able to provide answers until after the hearing. Dr. Williams stated that she understands the importance of communicating a new timeline for seed to sale with business licensees if and when OMMA moves forward with Metrc.

OMMA is sharing proposed emergency rules during today's meeting which involve using a state implemented seed to sale vendor in order to prepare for inventory tracking.

Agenda Item 5:

Discussion on Possible Recommendations for Proposed Emergency Rules

Dr. Williams shared a document of the proposed OMMA emergency rules with the board. She explained that during legislative session, as legislation is passed, those passed statutes are then used by state agencies to write rules to further describe the process in the implementation of those laws. All of the proposed emergency rules are underlined in the document, a strikethrough reflects a change to a rule. She further explained to the board that if the proposed rule has been pulled

directly from statute, OMMA nor FSSB has the authority to make recommendations. Dr. Williams also explained that during the permanent rulemaking process, the public will have the ability to provide feedback during public comment period and during a public comment hearing.

a. Discussion and Questions

Dr. Williams went over the proposed rule changes with the FSSB board, action items have been recorded below.

310:681-1-4 Definitions: Inventory Tracking System – Board member Brian Duzan noted that labs were not reflected in the definition of “Inventory Tracking System”.

Action Item 1: Brian Duzan made a formal motion to include laboratories in the verbiage of the definition, “Inventory Tracking System” in 310:681-1-4 Definitions. Member Blake Cantrell seconded this motion.

Aye: All members present. No members opposed. Motion carried.

Absent: Caroline Nelson

310: 610-4-5 Inventory Tracking, Records, and Reports

(5) Written standard operating procedures outlining the manner in which the commercial licensee operates.

Board Member Mike Ervin observed there was a lack of an appropriate designation of what standard operation procedures in which an OMMA inspector would need to review. Mr. Ervin feels the language is too broad and ambiguous. He made a motion to add “as prescribed by the Authority” to the SOP language.

Action Item 2: Mike Ervin made a motion to add “as prescribed by the Authority” to the standard operating procedure language on page 38, 310:681-4-5 (5). Blake Cantrell seconded the motion.

Aye: All members present. No members opposed. Motion carried.

Absent: Caroline Nelson

310:681-5-6 Inventory Tracking, Records, Reports, and Audits

(e) A commercial licensee shall use a seed-to-sale tracking system or integrate its own seed-to-sale tracking system with the inventory tracking system established by the Department. If a commercial licensee uses a seed-to-sale tracking system that does not integrate with the State’s inventory tracking system, or does integrate but does not share all required information, the commercial licensee shall ensure all required information is reported directly into the State’s inventory tracking system.

Board member Blake Cantrell pointed out that he prefers the language used in 310:681-5-6 (e) rather than language used in 310:681-3-6. He made a motion to reword inventory manifest in 310:681-3-6 (a) to adopt the language in 310:681-5-6 (e).

Action Item 3: Blake Cantrell made a motion to reword inventory manifest from 310:681-3-6 (a) to reflect similar language in section (e) of 310:681-5-6. Board member Adam Austin seconded the motion.

Aye: All members present. No members opposed. Motion carried.

Absent: Caroline Nelson

310:681-5-6 (f) (2) All commercial licensees must reconcile all on-premises and in transit medical marijuana and medical marijuana product inventories each day in the inventory tracking system at the close of business.

Board member Blake Cantrell felt that the section was unclear that businesses are not to doubly report. He asks that OMMA clarify that the reporting in this section is for non-sale related changes.

Action Item 4: Blake Cantrell made a motion to outline circumstances to give rise to requirement in 310:681-5-6 (f) (2), and to distinguish from real time reporting and will reflect any non-sale changes in inventory. Brian Duzan made the second motion.

Aye: All members present. No members opposed. Motion carried.

Absent: Caroline Nelson

Action Item 5: Board member Michael Leake, J.D., made a motion that anywhere there is a reference to a commercial licensee to do something within a particular amount of time to use “business days” throughout the rule document instead of “days”, to distinguish that weekends are not included. Board member Phillip Jurina seconded the motion.

Aye: All members present. No members opposed. Motion carried.

Absent: Caroline Nelson

Action Item 6: Board member Mike Ervin made a motion to apply **action item 2**, adding “as prescribed by the Authority” to the SOP language, to subchapters 4 and 9. Michael Leake, J.D., seconded the motion.

Aye: All members present. No members opposed. Motion carried.

Absent: Caroline Nelson

Agenda Item 6:

Discussion of Appointment of Board Chair and/or Other Officers and Committees for the Food Safety Standards Board

a. Discussion and Questions

Board member Brian Duzan made a motion to table this item. 2nd motion provided by board member Michael Leake.

Aye: All members present. No members present opposed.

Absent: Caroline Nelson

Motion carried.

Item 7:
Adjournment

Michael Leake made a motion to adjourn. Brian Duzan seconded the motion.

Aye: All members present. No members present opposed.

Absent: Caroline Nelson

Motion carried.

The meeting adjourned at 4:37 p.m.



Authorized Representative of the Board