

Oregon Cannabis Commission

Date: January 27, 2021

Time: 1:00 pm – 4:00 pm

Location: Conference Call

Commission Members Present: Anthony Taylor, Rachel Knox, Amanda Borup, Cedar Grey, Thomas Jeanne, Andre Ourso, George Burke, Pat Luedtke

OHA staff: Margaret Flerchinger, Maureen Russell, Megan Lockwood, and Shirley Patton

Welcome and Call to order (Rachel Knox)

- Chair, Dr. Rachel Knox, started introductions. All Oregon Cannabis Commission (OCC) Members stated their names and affiliated organizations.

Approval of November 2, 2020 Meeting Minutes (Commissioners) Thomas Jeanne moves to approve the November 2, 2020 meeting minutes and Andre Ourso seconds.

Outcome: Rachel Knox asked for a vote from the commission to approve the November 2, 2020 meeting minutes.

Vote: The Commission voted and approved the November 2, 2020 minutes.

Approval of Bylaw Edits (Commissioners) (2:12 on audio)

Summary: Rachel Knox reviewed the changes to the Bylaws of the Oregon Cannabis Commission. On Page 3, Section 4, Duties and Responsibilities of a Member, the change is an addition of Section 4 (c). The other change starts at Article V, they had to renumber the article numbers because they were off by one.

Vote: Andre Ourso moves to approve those changes and Thomas Jeanne seconds them. The Commission approved the changes to the Bylaws. Rachel Knox stated the motion to approve the amended Bylaws of the Oregon Cannabis Commission has been made and seconded.

Opening Remarks (Rachel Knox) (3:53 on audio)

Summary: Rachel Knox this is the fourth year of the Oregon Cannabis Commission. They have had two annual reports and have established four subcommittees, Health Equity, Governance and Frame Working, Patient Equity, and Research and Leadership. This being the fourth year of the commission several members are nearing their term limit. There will be letters distributed to ask if any members want to renew their service to the commission. If anyone does not wish to renew their membership, they should recommend one or more individuals who are qualified to fill their seat.

Administrative Updates (Megan Lockwood and Margaret Flerchinger)

Summary: (6:15 on audio) Megan Lockwood, Section Manager of the Oregon Medical Marijuana Program reviewed the temporary rules that are currently in place in response to the pandemic, that were effective January 18, 2021 and go through

the end of the year. They were created to reduce the hardship and burdens to those applying during this time. It includes that the program will accept government issued id as valid if it expired in 2020. They will accept an attending physician or medical document from a physician within 120 days and the rule is usually 90 days. The timeframe for submitting missing or additional information, the timeframe is 14 days and has been extended to 21 days. They have waived any notarization requirements if required by rule. The second set of rules are temporary and went into effect October 22, 2020 and go through April 19, 2021. They are for registrants impacted by the Oregon wildfires. The rules state if patients, caregivers, or growers have lost their registry card or it was damaged due to the wildfires, a replacement card fee is waived. The patients who need to make changes to their registration due to the wildfires, the replacement card fee is waived. Anthony Taylor asked if there were two issues there or one on the lost card fee waived if it is a replacement card or lost card, are both of those the same fee that is being waived. Megan Lockwood responded that was correct.

Summary: (10:06 on audio) Margaret Flerchinger an update on the testing rules and the testing rule updates that have been made. In the summer of 2020, a RAC was convened to review updates to the testing rules. It started because of the Secretary of State audit regarding additional testing requirements around heavy metals and mycotoxins as required tests. She reviewed the updates for the testing rules from the RAC. A bulletin was sent regarding the testing updates and if they go to the OMMP home page, there is a link on the right side, they can see what those rule updates are. They can visit the OMMP rule page to also get the rule language. The workgroup testing for heavy metals and mycotoxins, members consisted of members of the RAC and additional members were added so they could have a larger group. She explained what the workgroup meetings were for. The next step is looking at existing rule language and review where changes can be made. Anthony Taylor asked her to talk

about the rule change to METRC™ management. Margaret Flerchinger it has to do with the rule around control studies and there were updates to the language to mirror information that is already captured in METRC™.

Summary: (15.35 on audio) Megan Lockwood explained a survey coming out with the applications that asks RealD information. In 2013, HB 2134 was passed by the Oregon Legislature and it required OHA and DHS develop standards to collect REALD demographic data and RealD stands for race, ethnicity, language, and disability. They will be collecting this data in the form of a survey that will be included with applications, renewals, and will be part of the online process. The purpose of that is to enhance their ability to identify and address inequities. The data will be provided to the Office of Equity and Inclusion, who must submit a report to the legislature regarding the status. The data provided will be anonymous and is voluntary. The deadline for the program to have it implemented is the fall of 2021 and they anticipate having it done in the next two months. Rachel Knox this is great because of the recommendations and need for their own Health Equity group and the alignment that brings to the Cannabis Equity Act is interested in addressing through their agencies.

Megan Lockwood stated with the start of the legislative session, she wanted to refresh everyone on their role in relation to legislative advocacy. The members need to be careful not to represent themselves as the spoke person for the commission without the commission and the governor's prior consent and approval. Anthony Taylor if they want to call in someone that is an expert that is one of their members, for instant if they had Dr. Luedtke testify, can he still testify as a member of the commission. Megan stated if he is going to represent the commission, it would need to be discussed at the commission first and then the governor's office.

Review of 2021 Meeting Structure (Rachel Knox) (20.21 on audio)

Summary: Rachel Knox and Anthony Taylor put together a standing agenda structure for both the OCC Commission and Subcommittees. To establish some infrastructure for the commission, establish order, and consistency as they began to drive productivity in 2021. She reviewed each section of the new agenda format, what the purpose of each section is, what information will be shared, and what the steps are for presenting each item. Andre Ourso suggested under the Landscape section, instead of having city it should be changed to local. Then the committee could make sure they could talk about any other local policies or actions that may affect medical marijuana patients in other parts of the state. Rachel Knox agreed and asked who would bring that information to the floor. Andre Ourso if it was something they could discuss as a commission; they do not necessarily need to have a special speaker from that locality to speak to it. If there is an issue that they recognize as a commission, they can have that discussion and invite whomever that appropriate person is for future meeting. Rachel Knox likes the change to local and she can see that item added to the special item's agenda section. Anthony Taylor the issues could be raised within the commission as they arise rather than having a specific person assigned to it. Andre Ourso another suggestion is on the agency representative updates, he will attempt to address all of these topics in bulk, but it might not be possible to give updates at every meeting on all the suggested subtopics under #6, like the budget will not change quarter to quarter. He can speak to those topics as he has the information. Rachel Knox it was decided to keep these items there even understanding that.

Outcome: Rachel Knox the suggested changes will be made and the OHA staff will circulate an updated draft.

OHA and OLCC Representative Updates (Andre Ourso and Amanda Borup)

Summary: (33:25 on audio) Andre Ourso the governor's request budget for 2021 – 2023 biennium and how it affects OMMP. The good news is the governor's request budget removed the state support for public health coming out of OMMP fees. It was about 1.5 million, which is helpful for the sustainability of the program into the next biennium. The governor's budget does remove about \$65,000 - \$69,000 from the OCC biennial budget of \$250,000. The funds used to support staff that support the commission can be covered. The updates for OHA as an agency, they are still in the middle of the pandemic and are still responding to COVID as an agency. They are in session and it started this last week. There are several bills that affect cannabis and there is a list attached. Megan Lockwood the dollar amount is \$69,000 and she will provide a budget overview for the next Cannabis Commission meeting.

Summary: (39.38 on audio) Amanda Borup currently OLCC has about 2,400 licensees. Licensing has gone through rule and process changes throughout 2020. They have updated their renewal forms to make renewals more of an automatic action rather than investigating the entire application again. She explained the process for licensees because of COVID. They have started what is called the readiness checklist, the applicants are in the queue are sent a checklist to see if they are ready to be assigned to somebody in licensing to process their application. If they are not ready to be assigned, they can stay in the queue. They started compliance reform, a program called Verification of Compliance and is called VOC for short. It is a fix-it-ticket for a certain amount of their violations, and she explained how the process works. They are working on their rules reclassification project, they are looking at some of the Category 1 violations that were put in place in 2015 and are evaluating if they still need to be that high of a category violation or it can be reduced. They passed a package around vaping and she explained what was in the package. The OLCC continues to work with ODA, the governor's office, and legislative fiscal to figure out a mechanism where OLCC can provide funding for ODA for a reference lab. The hope is that OLCC will be able to transfer funds directly to

ODA for staffing or machinery costs related to the reference lab. It wasn't part of the governor's recommended budget. They believe they can work with LFO and figure out a mechanism to get the money. What was called the Regulator's Roundtable which was a national get together of states for both medical and adult use, they formally started their association, Cannabis Regulator's Association. currently there are twenty states involved with that. The two bills that were from the governor's office for the OLCC are Senate Bill 96, which would allow OLCC to work with OHA on the testing and labeling of hemp based vaping products and she explained the reason for this. The House Bill 211 is the OLCC name change bill, it would keep their acronym as OLCC, instead of being the Oregon Liquor Control Commission it would be the Oregon Liquor Cannabis Commission. Rachel Knox on the same day the Cannabis Regulators of Color Coalition launched and is a coalition of color who have government positions or are appointed, in advisory position who are on the coalition as private citizens but who represent that group of people. She asked if the Cannabis Regulatory Association plans to have a committee on equity or to ensure they are identifying and inviting regulators of color. Amanda stated yes, in prior meetings equity is always a topic discussed. Anthony Taylor asked in the Cannabis Regulatory Association does OHA have a seat in that for the Oregon contingent. Amada Borup historically the OHA, Oregon Medical Marijuana program and OLCC share the same DOJ attorney, so historically the DOJ attorney has come to most of the meetings. They have regulators that have phone discussions that OHA is involved with OLCC and ODA when talking about hemp. Anthony Taylor asked Amanda Borup if her association with this could lead to regular reports what they are doing back to this commission. Amanda Borup stated she would let them know what is going on and some of the states involved are medical only and it is not just adult use states involved.

OCC 2021 (Commissioners) (57.33 on audio)

Summary: Rachel Knox presented the Oregon Cannabis Commission Cannabis Governance Chart 2021, formerly their working guide adopted by the commission on January 6, 2020 and was last revised on October 21, 2019. The committee will see a proposed name, Oregon Office of Cannabis Regulation, Oregon Cannabis Governance Modernizing Oregon Cannabis as reflected in the subcommittee guide which they will review. She presented the document and discussed it with the commission. Anthony Taylor presented the overview of state agencies policies regarding cannabis. Rachel Knox on the next page is Oregon Cannabis Testing & Research, this has always been important to the commission and she explained the different sections. She read the Medical Program Snapshot on Page 7. Anthony Taylor the next three pages are timelines, when they put this together it read differently, and he presented the timeline. They were thinking specifically of House Bill 2097 that was in the 2020 session that creates a workgroup to look at cannabis regulatory structure. The chair and the committee's chair can come to some type of agreement so this workgroup can keep working, They would ask the commission to recommend would be to add the cannabis commission to the proposed workgroup, not in an advisory role which they already have in statute. The goal is by the end of the year to have the legislative concepts for what they were required to do originally by statute providing a governance framework and as a model bill. Rachel Knox on Slide 3, why it is important to unify this hemp and marijuana space is that cannabinoid products regardless of what cultivar they come from are medicinal. Cedar Gray it is very comprehensive and at the same time it is broken down in a digestible form. Rachel Knox asked him from his prospective as a producer and processor, as someone operating in the industry, how does he feel it would impact his work. Cedar Gray overall it is sensible, there is an inefficient mismatch of regulations in the cannabinoid spaces currently. He likes putting production and processing under the ODA, the ODA is going to have to gear up to handle that. Amanda Borup asked in the commission's view of this, would each

agency still have regulatory like rule making authority over the things they oversee or would somebody else above the agencies have that authority. Rachel Knox yes, in Slide 2, the idea here is an awareness, anything the OLCC does impact ODA and anything OHA does impacts CRC. Everyone's rule changes impact each other, decisions should be made as a coalition and not in a vacuum. Amanda Borup asked if the document being sent to the commission members and posted on the website. Rachel Knox it is public record and would be posted. Anthony Taylor that was key in putting this together is the agencies retain their own rule making authority and this acted more as a review board. Andre Ourso for policy implementation outside of this commission and the meetings they want to have with individual directors, are they thinking this would be discussed and expanded through HB 2997 if that passes. Anthony Taylor stated they do expect that, as this model bill comes out of the commission and transitions into the Workgroup 2997, that and the extension of the deadline for them to complete their work would continue through the 2022, so in 2023 it comes in as an omnibus bill that has had a chance for review by the people that it affects. That is also part of the interim work that will go on to set the stage, so it doesn't happen all at once. This will help streamline the agencies and let them focus on what they are good at and create a better program on how they address cannabis. Cedar Grey it would be deeply beneficial to patients speaking of the inconsistency of regulatory schemes between different agencies. Amanda Borup asked how that would happen, would they get a directive in statute to do that. Rachel Knox it must be legislated. Anthony Taylor what we are trying to do here is set the stage for the Cannabis Commission to sideboard these guidelines. These are the three top things you need to address in your cannabis policy and give them boiler plate language to work from. Rachel Knox they will review the 2021 Subcommittee Guide. They don't have any special agenda items to review. The Subcommittee Guide is outlining the role of the subcommittees for this year and she reviewed the document.

Subcommittee Reports (Commissioners)

Summary: (1:51 on audio) Anthony Taylor all the subcommittees are now working toward the goal of presenting a model bill for the governance of cannabis related to OMA as they were directed to by statute. They are also focusing on the decolonization of language as they move forward in all their work and to ensure indigenous and science in all these efforts. All of these are overlapping in some areas and direction from the chair will facilitate to minimize redundancy where the work overlaps. The subcommittee members have been given worksheets to help determine the problem, why it is a problem, how to resolve the problem, and what statutes agencies rules may affect.

- Patient Equity (1:53 on audio) (Anthony Taylor) He explained what this committee is working on. This committee is recommending that OHA review their policies on how they handle cards and identification of the patients.
- Research and Leadership (1:56 on audio) (Anthony Taylor) He explained what this committee is working on. They have been working on their recommendations for the state reference lab. They will have recommendations for the commission's review at the next meeting.
- Governance Frame Working (1:59 on audio) (Anthony Taylor) This subcommittee will carry the largest share of the work the commission is doing this year. He explained what this committee is working on.
- (2:03 on audio) Anthony Taylor asked the Committee Chair to allow a motion to allow the Patient Equity and the Governance and Frame Working subcommittees to work as a joint subcommittee for the remainder of the year while they develop their model bill.
- Health Equity (2:04 on audio) (Cedar Grey) This subcommittee continues to review and discuss the Cannabis Equity Act and they don't have the final language yet. When they do have the final language, it will sharpen their review and discussion with an eye toward how the Cannabis Equity Act is going to impact patients.

Vote: Anthony Taylor motions for the commission's permission for the Patient Equity and Governance and Frame Working committees to work in joint efforts for the remainder of the year. Cedar Grey seconds this, motion passes.

Landscape Reports (Commissioners) (2:08 on audio)

Summary: Anthony Taylor reviewed the state legislative report and explained the bills relating to cannabis or marijuana. Rachel Knox reviewed the federal landscape, beginning with marijuana and addressing hemp, the More Act, and other bills submitted. Anthony Taylor there is a bill that would expand the list of providers that can sign an APS form in legislation. Rachel Knox discussed Alliance for Sensible Market, spearheaded by Oregonian Adam Smith. He is lobbying for an interstate compact that would circumvent federal legalization if two or more states sign into one. Cedar Gray on interstate commerce this circles back to the market opportunity that federal legalization that would provide Oregon, southern Oregon in particular when interstate commerce is allowed. The USDA has released final rules for industrial hemp rules and is up for review by the new administration. Desheeda Dawson, City of Portland Cannabis Program, presented a document about the City of Portland Cannabis Program. She explained their overarching vision, the framework of the program, the budget, the equity component, and their objectives. She will share the link to the report.

Public Comment: Mike Rocklin and Matthew Mendoza

Next Oregon Cannabis Commission: April 21, 2021 1pm – 4pm Zoom Meeting