

Medical Cannabis Policy Advisory Board Meeting Minutes

Thursday, March 7, 2024

4:00pm-5:30pm

This meeting was held virtually.

This meeting was recorded. An audio copy of this recording can be found on the Utah Public Notice Website (<https://www.utah.gov/pmnl/>).

Visit the board's website for more information on past meeting minutes and agendas (<https://medicalcannabis.utah.gov/>).

Attendees

Board members attending: JD Lauritzen, Matthew Page, Nanette Berezhnyy, Desiree Hennessy, Misty Smith, PhD, Jimmy Higgs, and Cami Clark, CMHC

Board members excused: Chris Morgan and Kent Andersen

DHHS/UDAF staff attending: Richard Oborn, Abigail Hodgson, Trevor Eckhoff, Jeremiah Sniffin, Dr. Brandon Forsyth, and Cody James, Arthur Tupuola, Aimee Isom, Alyssa Smailes, Amber Brown, Ashley Moretz, Clover Meaders, Danielle Conlon, Sara Lealos, Sarah Dash, Dr. Michelle Hofmann.

Agenda

1. Welcome

Mr. Lauritzen acknowledged that there was a quorum so the meeting could proceed at approximately 4:02pm.

2. UDAF administrative rule amendment to R68-29-7 Quality Assurance Testing on Cannabis, Potency Testing

Dr. Forsyth gave a [presentation](#) of proposed changes of [R68-29-7](#) to board members. The presentation slides included the following:

- R68-29-7 introduction

- Why do we care?
- Notable acetylation reactions
- What have we found in context to the other cannabinoids?
- Where have we found it?
- Testing sensitivity example
- Next steps and concerns

The board discussed the following about the presentation:

- Testing methods conducted by the Utah Department of Agriculture and Food (UDAF).
- Effects of a rule change on medical cannabis cultivators, producers, and pharmacies.
- Dr. Smith mentioned some noteworthy studies done on tetrahydrocannabinol acetate (THC-OAc).
- How THC-OAc appeared in cannabis products.
- Toxicological effects of THC-OAc on patients.
- What limits to recommend on THC-OAc in medical cannabis products.
- Cannabis producers' desire to remove THC-OAc from their products.
- The possibility of a progressive target to remove THC-OAc from any medical cannabis products.
- Setting separate limits for bulk products versus products that are intended to be heated up.

DHHS/UDAF staff clarified the following for the board:

- Dr. Forsyth stated that UDAF is confident that their testing is correct and that Utah's lab is at the forefront of testing in the United States.
- Dr. Hofmann stated that the Department of Health and Human Services (DHHS) had nothing to add to what UDAF had presented to board members.

The public gave the following comments about this agenda item:

- Alan Roth of Curaleaf commented that he appreciates the effort by regulators to address this issue, and that Curaleaf's lab submitted their thoughts to UDAF. He noted that he trusts Dr. Forsyth knows what he is doing but that Curaleaf would like to see an acceptable level allowed of THC-OAc at this time rather than an aggressive target. He further stated that people know that vaping is not healthy and still choose to do it, and because vaping products already have label warnings about potential lung injury, further warnings appear unnecessary. He concluded by stating that

since the clinical toxicity of THC-OAc is unknown, the existing label warning is sufficient to inform patients.

- Justin Ariolla of Jilu Premium and Life Elevated commented on the prevalence of patents detailing creation of THC-OAc.. He noted that he spoke with the same Colorado lab that Dr. Forsyth communicated with and was told that the creation of THC-OAc was most likely formed through temperature and time. Justin said that his products have not tested positive for THC-OAc because of a proprietary extraction process. He stated that it is not fair to Utah patients to set a higher quality assurance limit for THC-OAc because some processors are using less expensive equipment and non-proprietary extraction methods. Finally, drawing on his nuclear engineering background, he stated what he believes is causing the formation of THC-OAc.
- Alex Iorg of WholesomeCo commented that he agreed with what Alan Roth stated and that his comments were reasonable. A reasonable limit would allow operators to continue operating their business and allow patients to purchase the products they want. He stated that patients understand there is some inherent risk associated with vaping, but it still remains the most popular dosage form. He directed a question to UDAF, asking if there is any reason to believe that THC-OAc was not found in any gummies or tinctures.
 - Dr. Forsyth responded and said that there is no reason to believe that THC-OAc poses an equal danger in orally administered products because there is no heating associated with using them.
- JC Beck of Pure Plan directed a question to UDAF, asking if resins or rosins were what was showing up in testing for THC-OAc. He also asked if THC-OAc is being found in cannabis flower, and that some patients will put the flower to heat using a vaporizer. He concluded by thanking regulators for their efforts.
 - Dr. Forsyth responded that UDAF was not prepared to comment at this time and also stated that it is difficult to get specific data because there are many ways that patients can use cannabis products.
- Blake Smith of Zion Medicinal commented that when thinking about dosing and dosing parameters, he considers dosing as milligrams per kilogram. He stated that without a quantitative testing method, it is difficult to measure THC-OAc levels. Blake said we know acetates under heat cause health problems, and that processors are going to make some products with risk. He contrasted this with the allowance of certain unhealthy products allowed in breakfast cereal in the United States. He finished by stating he would trust whatever recommendations Dr. Forsyth proposed.

The board took the following action on this agenda item:

- Vote: Amend R68-29-7 Quality Assurance Testing on Cannabis, Potency Testing to allow a threshold for THC-OAc at 1% for any bulk concentrate and a secondary amount of 0.5% for any product that is intended for inhalation.
 - Motioned: Mr. Page
 - 2nd: Ms. Hennessy
 - Roll call vote:
 - Nannette Berezhnyy: Yea
 - Cami Clark: Yea
 - Desiree Hennessy: Yea
 - JD Lauritzen: Yea
 - Matthew Page: Yea
 - Misty Smith: Yea
 - Jimmy Higgs: Yea

3. Adjourn

Mr. Page motioned to adjourn the meeting and Dr. Smith seconded the motion. The board voted unanimously to end the meeting, and the meeting ended at approximately 5:28pm.