

MEETING MINUTES

INDEPENDENT LABORATORY ADVISORY COMMITTEE

July 6, 2016

The Independent Laboratory Advisory Committee held a public meeting on July 06, 2016, beginning at 2:30 p.m. at the following locations:

VIDEO-CONFERENCE SITE:
Division of Public and Behavioral Health
4150 Technology Way, Room 303
Carson City, NV 89701

VIDEO-CONFERENCE SITE:
Desert Regional Center
1391 South Jones Avenue
Las Vegas, NV 89146

1. Call to order; determination of quorum

ILAC Chairperson Ed Alexander called the meeting to order at 2:36 p.m.

Present: Ed Alexander, Dr. Chao-Hsiung Tung, Matt Haskin, Glenn Miller, Jason Sturtsman

Teleconference: Dr. Sue Sisley, Savino Sguera

Absent: David Luttrull

2. Public Comment (No action may be taken on this item of the agenda.)

Public comment was taken.

3. Approval of minutes

April 6, 2016 ILAC meeting minutes.

Motion by Tung to approve meeting minutes. Second by Sguera. Unanimous.

Committee Comments:

N/A

4. Discussion and recommendation on independent laboratory testing of patients' home-cultivated marijuana.

Alexander introduced the topic for discussion.

Committee Comments:

Sguera believes laboratory testing of patients' home-grown product should be allowed with as few limitations as possible.

Miller agrees and adds it should be optional.

Sturtsman understands that according 453A, the patient could have their home-grown product laboratory tested only when selling it to an MME.

Haskin believes patients should have full access to testing.

Tung believes the patients should be able to test and it should be strictly between the patient and lab. He requested the Division provide guidance as to whether the labs would report this testing. Haskin suggested the lab report could indicate that the product tested is not for resale. Alexander elaborated on Tung's suggestion for having the patient and lab working together. Miller suggested getting an opinion from the state's legal counsel. Sturtsman commented on costs. Miller questioned requiring labs to report results to the state. Haskin stated he would prefer the committee write the language and put forth for recommendations by the state rather than the state write the language.

Miller, Sguera and Sisely agreed that such testing should be only open to approved medical marijuana patient card holders. Sue Sisley added it should include caregivers.

Alexander questioned how transportation of product samples for testing would work. Steve Gilbert referred to and stated NRS 453A.368, definition of a testing laboratory, which states testing is only allowed to a product that will be sold in

Nevada. Ed questioned if approved would this be allowable by policy due to the current regulations. Steve stated for the committee to submit a recommendation and he would present it to the Attorney General's office for review.

Public Comments: Public comment was taken.

Recommendation: Ed Alexander recommended patient and/or caregiver home grown marijuana may be dropped off and/or picked up after presentation of proper credentials to a licensed independent laboratory for analysis as requested by patient and/or caregiver. Data information collected should remain confidential. Then lab report would indicate that it is for patient consumption and not for resale.

Motion: Savino Sguera moved to approve. Second by Chao-Hsiung Tung. Unanimous.

5. Discussion and possible recommendation on the testability and tolerance levels of growth regulators and herbicides.

Alexander introduced the topic for discussion.

Committee Comments:

Chuck Moses, NV Department of Agriculture, stated he was responsible for the pesticide list, including plant growth regulators. Moses overviewed the three criteria used to qualify a pesticide for the list. First, the product is exempt from the tolerant requirement or allowed on Crop Group 19 as 40CFR180.41C26. Second, the pesticide has an affixed label that allows for use in a commercial greenhouse/interior environment. Third, the pesticide product has an affixed label allowing use on crops/plants intended for human consumption. These criteria do not entirely rule out all plant growth regulators due to labeling, but very few will qualify.

Alexander clarified that an indoor, artificially lite environment is considered a greenhouse.

Miller questioned whether anyone uses herbicide products in indoor environments? Miller asked Moses the names of the plant growth regulators (PGR) that would possibly qualify. The only product Moses is aware of is Ethephon-Coral but he is unsure if this would be a product that cultivators would want to use. Moses would like to see what active ingredients cultivators are currently trying to use to determine if any of them would qualify.

Sguera stated one product currently being requested for use is Paclobutrazol, which has no listed food crop use in the US. Sguera asked if this would qualify. Moses responded it would not qualify. Sguera stated if these products were to be used, the labs would need to perform a second extraction.

Tung stated he has seen Superthrive (snake oil) with IBA (indolebutyric acid), and asked if there a residual limit in the flower? Moses responded that Superthrive, a nutrient, is outside their regulations.

Alexander asked about differentiating the existing pesticide language and/or MRL levels at testing time and PGRs? Moses believes the current criteria would satisfy the qualification of any type of plant growth regulator. If we do not want something to be used, an option would be to establish detection levels for the product.

Miller asked Sguera if the chemical he mentioned was on the list of analytes. Sguera responded it is not on the list available for use on food products. It is very popular and found in similar products but does not meet the criteria. Miller replied if it is not on the analyte list and it is being used, then it would not be detected and no one would be punished for use it. Sguera does not believe there are consequences if an MME is found using a non-approved chemical.

Alexander stated California has harsh disciplinary actions to deter people from cheating the system. He suggested that Nevada needs to adopt disciplinary actions.

Haskin, regarding PGRs, stated that two major PGRs preferred by cultivators are Paclo and Daminozide, and suggested monitoring for these since there is highly chance they are being used. Alexander agreed and asked what it would take to identify the handful of PGRs with monitoring levels and lists.

Miller stated this all relates to the ongoing question of how to regulate an industry while surveying with randomizing. If he was at risk of losing a high profit, he would definitely think about what he's using.

Chad Westom stated that when establishments are found to be out of compliance with NRS or NAC, the Division takes action. It is not publicized as this industry keeps information confidential under NRS 453A. If unauthorized materials are found at a cultivator for use on medical marijuana, the Division takes action. The Division has not seen a lot of

abuse that results in laboratory failures. This topic is worthwhile and the Division appreciates ILAC suggestions for improvements.

Alexander believes that at present, consequences are a mystery. The regulations state that every product that has been applied needs to be listed, and the lists are to be available to patients who ask for them. Ed personally went into a dispensary and requested a list but got a “deer in the headlights look,” which indicates that it is not being done. Chad Westom stated the Division would look into this issue.

Westom stated that in other programs, you would find the information on the website about infractions, but not so with medical marijuana. Westom said that if there is something wrong of significance, the division issues a statement of deficiency, and the MME has to respond with a plan of correction. If the issue is significant enough there are alternatives such as suspension or revocation of their certificate. There are no monetary penalties and the information is not public.

Natalia Wood, State Inspector in the Medical Marijuana Program, stated there are inspection checklists on the website, and if there are problems at a dispensary, please provide the information so the Division can follow up.

Haskin stated that 90% of the PGR market is Paclo and Daminozide. If these two alone were added to monitoring list it go a long way to helping protect the patient. Miller and Moses agreed.

Public Comments: Public comment was taken.

Committee Comments:

Sguera stated that if a banned product is found, there is no system to alert the patients who possibly purchased the product. He suggested something similar to a public recall would be an option.

Miller agreed and asked, asked how detection would occur if you were not trying to detect. He asked if these chemicals currently are showing regular scans. Sguera replied that they do show on the scan he uses for pesticides, and since they already show, adding these two to the list would not result in a significant cost increase.

Alexander suggested that testing and tolerance levels for plant growth regulators should mirror what is in place for pesticides which, as Moses indicated, would require an MRL or tolerance level approved for use on a food crop. Paclobutrazol and Daminozide could be added to the monitoring list.

Motion:

After some discussion, Miller moved to add Paclobutrazol and Daminozide to the list with detection limits at 0.05ppm or an appropriate detection limit recommended by the labs. Second by Sisley. The motion passed, 6:1. Sturtsman opposed the recommendation, stating that until more information is gathered from the cultivars, ILAC should postpone making a recommendation. Alexander recognized Sturtsman’s opposition.

6. Public Comment (No action may be taken on this item of the agenda.)

7. Adjournment.

The meeting adjourned at 4:29 p.m.