

**September 6, 2023 AU Public Hearings -
Major Substantive Proposed Rules: Ch. 10, 20, & 30
Routine Technical Proposed Rules: Ch. 40**

	Commenter	Affiliation	Public Hearing Comment	Notes	OCP Response/Follow Up
Opening Remarks	Director Hudak	OCP	<p>Director Hudak provided opening remarks to all in attendance, including without limitation the following:</p> <ul style="list-style-type: none"> • Inviting testimony • Recognizing the ability to submit written testimony • Reminding that the public comment deadline for this rulemaking is 11:59pm on Sunday, September 17, 2023 • Routine technical rules (chapter 40) become effective 5 days after OCP files the rules for adoption with the Secretary of State • Major substantive rules (chapters 10, 20 and 30) may be provisionally adopted and then submitted to the Legislature for their consideration. The Legislature will also accept public comment at a legislative hearing and determine whether to permit these rules to be adopted as is, with changes, or not at all. Provided that the Legislature permits the adoption of the major substantive rules, those rules will be adopted within 60 days of the effective date of any legislation permitting adoption. Major substantive rules become effective 30 days after final adoption by the agency. <p>Director Hudak's entire remarks are available.</p>		
1	Sean Bastin	Southside Tree Farm, C+C Processing, Oxford Provisions, Old Orchard Provisions	<p><i>Comments :</i></p> <ul style="list-style-type: none"> • Had 20-25 inspections by OCP total • Nova gives consistently bad results; they blame it on sampling and product. • Used testing labs Nova and Nelson; tested hot for pesticides last week - two labs gave two different results; results were off by 13%. • Has data to prove testing is wrong from testing labs. • Wants more oversight on testing labs and retesting options. Testing labs should have more frequent inspections. • Does not like private testing and would rather see state testing labs with state employees working there to avoid corruption and bribery. • Would like ability to retest THC. • Would like to get rid of redundant testing with terpenes. • Acid washes; hemp to Delta 8; there should be no D8 in AU. <p><i>Financial impact stated :</i></p> <ul style="list-style-type: none"> • Paid over \$100k for testing. • Inconsistent testing results affect prices for consumers/customers 	Testing	Ms. Pierce asked for written comments on testing results and synthetic cannabinoids
2	Rep. David Boyer		<p><i>Comments :</i></p> <ul style="list-style-type: none"> • Has not dug into the rules yet, but they are only to make things more difficult. • Been told opaque packaging is required; questions what will happen with wholesaled product from a year ago. • Issue with universal symbol on gummies; questions what it does, stating that the universal symbol is not going to stop a six-year-old who wants to get high. To do require this on the backs of operators is making life tough. • Wants better policy to protect health and safety. • Issues with Metrc and excise taxes. • Concerns for legal v. illegal growers. Stated that OCP says they have nothing to do with illegal operations. Illegal operators do not pay taxes or test product. • Issues with Border Patrol and OCP's lack of engagement. 	Packaging and labeling; universal symbol; tracking; taxes; illegal operations	
3	John Lorenz	Sweet Relief	<p><i>Comments :</i></p> <ul style="list-style-type: none"> • Questions security requirements at special event/off-premise sale locations. Will cameras be required? • Concerns about video file regulation, maintenance, storage and upload. • 200mg edibles. 	Off premise sales	Director Hudak addressed: Statute requires that off-premise sales only occur with a licensed adult use store. Mr. Lorzen followed up with concerns regarding uploading of [security] video files. Ms. Pierce clarified that off-premise sales would not be effective until these rules are adopted.

4	Alex McMahan	MedCo	<p><i>Comments :</i></p> <ul style="list-style-type: none"> • Organizational changes are good. • There are typos and contradictions in the proposed rules. • Issues with rules on preventing packaging/products appealing to children; has concerns with the definition of “appealing to children,” which includes bright colors. Wants to use bright colors and additives, like sugar and chocolate. Definition is too vague. • Nothing about .6mg variance for low dose edibles. • Does not understand requirement for child resistant packaging and opaque packaging. Products now do not have to be opaque or child resistant if they are in exit packaging, but exit packaging has been scrubbed from the rules. Carts are not opaque; jars are not opaque. • Warning label issues: happy to see “thinking about becoming pregnant” language has been removed, but “harmful for those inexperienced with cannabis” requirement is problematic because it is not true. Would like clarity on risk of “harm.” • Child resistant issues: Child resistant covers to cans is not necessary. Says child resistant requirements were for those four years old and under. • Serving size requirements issues: “customarily consumed by an adult” is vague. • Packaging: Likes the voluntary approval of packaging and labeling but disagrees with the Department being able to deny; department should be required to say “yes” or “no.” Should be something to address when a pre-approval is approved – by whom and for how long. 	Definitions; packaging and labeling.	Deputy Director Malloch stated that the current rule requires FDA nutritional label. FDA sets standard serving sizes and explained that the rule is to provide clarity so that serving sizes cannot be manipulated to increase dosage. Mr. McMahan followed up stating that he did not realize they are regulated by the FDA. Director Hudak clarified.
5	Dawson Julia		<p><i>Comments :</i></p> <ul style="list-style-type: none"> • Statute says gummies have to be clear and distinguishable. Gummies are clear and distinguishable enough even with a sugar coating on them; disagrees with sugar coating regulation. • Justice and cannabis law intersectional concerns. Highly recommend working with the Justice Committee to make a bill to give the tools they need regarding illegal operations. • Agrees with Dave Boyer’s public comments. 	Universal symbol; illegal operations	
6	Matt Bayliss	Gele	<p><i>Comments :</i></p> <ul style="list-style-type: none"> • Delivery and drug free safe zone issues: A \$10,000 fine for delivering to a drug free zone. Drug zone is flawed. No unified GIS mapping to show drug safe zones; • Understands that opaque packaging helps product quality but opaque packaging is a problem. It is too important for small operators who have consumers that want to see product. • Ambiguous language for proposed rules on preventing products from appealing to people under 21. • Pre-collection sampling affects small businesses; calling lab before sampling is ridiculous. • Wants IIC reform: waiting two weeks for an IIC card is problematic. Cannot keep employees employed at business long enough until IIC card is processed; employees leave. High turnover of employees plus the cost per hiring each employee is a big cost on businesses. • There is too much overregulation and over taxation. • Progressive enforcement is open to interpretation. Used to be progressive enforcement but now the largest fine is \$100,000. • Remediation: Use of ozone/radiation techniques for remediation is unknown. Need a labeling requirement for remediated flower. No way to know what percent of the market has remediated product. • Notifying OCP every time there is a failed test and type remediation used is too burdensome. • No way to know what cultivators (tier 4, specifically) with their own testing labs remediate after self-testing. • Not enough protection for small businesses. <p><i>Financial impact stated :</i></p> <ul style="list-style-type: none"> • Costs: \$5k per new employee hiring process 	Compliance, packaging and labeling, licensing, testing	
7	Michael Dipersia	All Purpose Flower	<p><i>Comments :</i></p> <ul style="list-style-type: none"> • Opaque packaging issues: This will increase time at the point of sale; increase labor costs, time, etc., but will not increase safety. There is already exit packaging from stores; does not understand need for opaque packaging. • Should be more warning labels instead of opaque packaging. • Product that is remediated before testing does need a label. No one knows about the safety of remediated flower. 	Packaging and labeling, testing	
8	Derek Shirley	Peoples Not Parties Consulting	<p><i>Comments :</i></p> <ul style="list-style-type: none"> • Director is the founder of Freedman and Koski. First task was to contract w Metr. Corrupt; friends shaking friends’ hands. Also, trespassing. • Reiterated concerns with compliance/trespassing. 	Off topic/not related Chs. 10, 20, 30 or 40	Director Hudak clarified that he did not renew a contract with Metr. He did work to amend the current contract to implement statutorily required batch tracking.