MEETING MINUTES
INDEPENDENT LABORATORY ADVISORY COMMITTEE

December 2, 2015

The Independent Laboratory Advisory Committee held a public meeting on December 2, 2015, beginning at 2:07 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:
Rawson-Neal Psychiatric Hospital
1650 Community College Dr., Room B-193
Las Vegas, NV 89146

1. **Call to order; determination of quorum**
   ILAC Chairperson Ed Alexander called the meeting to order at 2:07 p.m.

   Present: Ed Alexander, Savino Sguera, Chao-Hsiung Tung, Glenn Miller
   Teleconference: Matt Haskin, Dr. Sue Sisely
   Absent: David Luttrull, Jason Sturtsman,

2. **Public Comment (No action may be taken on this item of the agenda.)**
   Public comment was taken (none)

   Ben Chew, on behalf of the Nevada Cannabis Laboratory Association, stated that informational handouts pertaining to agenda item 5 and 8, were provided to prior to the meeting and are available for interested parties. Per his request, these items are officially included in the record. See attachments.

3. **Approval of minutes**
   October 7, 2015 ILAC meeting.

Motion: Savino Sguera to approve October meeting minutes. Second by Chao-Hsiung Tung. Unanimous.

At 2:12 p.m., Dr. Sue Sisely called in and participated via teleconference.

Recommendation:
Glenn Miller requested revising the minutes reflect striking the first sentence "Glenn Miller clarified some mistakes in Colorado's residual solvent regulations" and replacing "restricting" with "increasing".

Revised Motion: Savino Sguera to approve the October minutes as amended with Glenn's change. Second by Chao-Hsiung Tung. Unanimous.

Committee Comments:
N/A

4. **Presentation of revised Residual Solvent Testing for Medical Marijuana Policy. (Informational only)**
   Nataliya Wood gave a brief overview of the changes that were implemented, based on suggestions from the previous ILAC meeting, to the Residual Solvent Testing for Medical Marijuana Policy.

Committee Comments:
N/A

Recommendation:
Savino Sguera stated there was a spelling error on the provided handout under section 4.1. The current spelling is "isobutene" and it should be corrected to read "isobutane".
Glenn Miller recommended replacing the verbiage "parts per million" with "acceptable limits". He also states when referring to heptane, the word should be referenced to as plural "heptanes."

5. Discussion and recommendation concerning tetrahydrocannabinol (THC) calculations and reporting by laboratories.
Ed Alexander led the discussion concerning THC calculations and reporting by laboratories.

Committee Comments:

Matt Haskin stated there are two issues: how to report total THC and potency deviation between labs for multiple samples from the same lot. He said that labs want to report what they have measured. He supports reporting the THC and THCA as separate compounds as they are measures separately and it should be reported this way for labeling.

Sue Sisley and Dr. Tung agree with Matt to report THC and THCA separately.

Savino Sguera agrees with reporting THC and THCA separately. He said there are two ways of reporting: percentage as "dry weight" and percent of the sample as received "wet weight" (sample plus moisture). He supports the wet weight method.

Glenn Miller disagrees with Savino and prefers to use dry weight, method dependent, said that is usually how plants are tested, and possibly use a total THC number.

Matt Haskin agrees with Savino by using wet weight. He asked if the state requires labs to report the total THC.

Ed Alexander asked for a motion to list on the labels which cannabinoid/terpenoids are looked for when testing in addition to total THC. He said that at the retail level, patients need to be educated on the differences in THC, THCA, and other psychoactive components.

Glenn stated that CBD and CBDA both have physiological impacts and this may be something to consider reporting.

Matt Haskin believes the reason for not addressing the CBD and CBDA in the reporting is because unlike THC, which is psychoactive, the patient would still have the same medical benefit from CBD and CBDA excluding the high.

Ed Alexander said the committee addressed this at the October meeting and does not recall CBDA being added to the list. He requested the approved cannabinoid/terpenoid list from the state and believes what is on this list is what should be analyzed and labeled by the lab and retail.

Savino Sguera stated the only reason for not including CBN on the list was because there is no company that has proficiency rounds available. The four cannabinoids included on the list are the only to have proficiency rounds available since everyone is required to do proficiency testing. Ed requested the four terpenes listed. Savino stated THC, THCA, CBD, and CBN.

Chad Westom stated the moisture content that is in the regulations, in the *Cannabis Inflorescence* which was adopted for reference.

Motion: Ed Alexander moved that laboratories should to utilize wet weight in the analysis of their product and all the cannabinoid and terpenoid as identified in policy MME021, are identified and labeled. Additionally to have listed on retail labels.

Recommendation: Matt Haskin stated there will be a number for CBDA and recommended revising the motion to include, revising the policy to include CBDA and requiring it to be listed on labels.

Revised Motion: Ed Alexander revised his motion to state that all laboratories utilize wet weight in the analysis of their product and incorporate all of the cannabinoid and terpenoid as identified in policy MME021 with the addition of CBDA and regulation allowing that product will be labeled with all of the previously mentioned cannabinoid and terpenoid listed per policy MME021 on the laboratory certificate and the dispensary or retail label. Second by Sue Sisley. Unanimous.

Recommendation: Savino Segura recommended to revise the motion to replace "wet weight" with "as received".

Re-revised Motion: Ed Alexander re-revised his motion to state that all laboratories utilize the term "as received" in their analyses and list all cannabinoids and terpenoids as identified in policy MME021, with the addition of CBDA. Retail and Laboratory label/ packaging should list Total THC and should indicate Total Active THC, mathematically decarboxilated. Second by Sue Sisley. Unanimous.

Public Comments:
Public comment was taken.

6. **Research and Development (R&D) testing of marijuana for cultivation and production facilities by laboratories. (Discussion Only)**
   Savino Sguera stated cultivators will be growing crops specifically for R&D only and as part of the research will need to have tests performed which most will not want to purchase their own instruments and will have a laboratory perform the testing. Cultivators want specific information which only require only specific tests, but regulations require the full round of testing. Additionally this will be done throughout the harvesting period which means more than likely will result fails and regulations state fails must be destroyed. The goal is to try and put a system in place or have some guidance that will allow for crops to fail during R&D testing only but not require the cultivator to have to destroy product.

Committee Comments:

Ed Alexander agreed but understood, as a cultivator, the inherent slippery slope. He suggested a R&D solution of some sort.

Matt Haskin supports R&D testing and states it is essential. He suggests that the R&D crop could stay quarantined throughout the testing process until it passes. Ed replied that once the crop is complete it would have to either be submitted again for entire required testing process or destroyed. Matt said that would be a choice left up to the cultivator. Dr. Tung requested a statement from the state if there are any current regulations related to the discussed.

Chad Westom stated the requested testing is allowable under the current regulations as it requires analysis for each batch/lot generated. Another option would be for the cultivator to grow a smaller batch which would be a lesser risk for losing out.

Recommendation: Ed Alexander, acknowledging that R&D is never free, recommended to move this agenda item and put it on the January's agenda for possible action.

7. **Discussion and recommendation concerning moisture content percentages in flower cannabis plant materials.**

   Ed Alexander stated currently there are extraction techniques that flash freeze live plants and extract in a way that the 16% moisture content should not be applicable. Could there be an exemption from the moisture content regulations for certain specified lots or batches? Currently if something fails any aspect of the testing, it must be destroyed which may not be the best solution. If a product fails and there is an easy remedy, then why destroy it.

Recommendation: Matt Haskin recommended to incorporate the topic of "pre-extraction moisture" with item #8 and keep moisture of flower intended for sale. Ed Alexander requested from the state. Chad approved. Ed Alexander reiterated that item #7 discussion will now be based on "moisture content of flowers destined for retail sale and the ability to not destroy batches that fail due to moisture content."

Committee Comments:

Matt Haskin stated that a batch should not be destroyed if there's a simple remedy such as moisture content, dry it out.
He asked about other remedies for microbial testing. Ed Alexander apologized for bringing up the subject of microbials as it is not on the agenda. He will have it added on the next meeting agenda.

Chad Westom offered that destroying product is not the only option as the regulations allow for re-testing. Ed replied that the regulations limit is 2 retests, and if a product is tested for the third time and produces moisture content at 16%, it must be destroyed. Chad agreed that was the understanding based on regulations.

Savino questioned if the product is left to dry would the lab test from that same sample or new sample would obtained? Chad replied the regulations do not state but the laboratory would need permission from the facility and state for inventory control. Glenn supports collecting a new sample.

Motion: Matt Haskin moved that for fails due to moisture content, the producer will be allowed to dry the lot, then have it resampled and retested at a later date. Second by Sue Sisley. Unanimous.

Ed Alexander gave a reminder to add "pre-extraction moisture" per the approval of Chad Westom during agenda item #7 discussion.

8. **Discussion and recommendation concerning testing requirements for cannabis plant material destined for a facility for the production of edible marijuana products or marijuana-infused products.**

Committee Comments:

Matt Haskin believes producers should have the option of designating lots of cannabis, both flower and trim, as destined for concentrate/extraction and no testing requirements until post extraction. The tests required for flower would then apply to each batch of concentrate. The batch size of concentrate should corresponded to that of the trim it came from. Testing limits will need to actively correlate.

Glenn Miller agreed the producer has a risk of losing the plants especially if they mix and it would be a better result as a homogenous extract.

Dr. Tung questioned whether being vertically integrated could be a consideration because everything is done in house. Ed Alexander replied it should be left to the MME to decide but considers the regulation for prior to sale to include resale. The goal is to not have the flower tested at harvest and then retest the exact same flower after it was converted into a concentrate. All product that has been concentrated should be subject to the same testing protocol that flowers are subject to which should make the tracking process for the state easier. Matt agrees.

Matt questioned whether consumers will be allowed to request testing. Ed replied that is probably a useful tool to have in place but not sure how viable it is at this point. If they wanted it to be tested then it would be subject to the entire testing required.

Savino Sguera asked about the current interpretation for a batch or lot size? Steve Gilbert replied 5 lbs. of flower and 15 lbs. for trim. Savino clarified he was questioning the size after extraction. Ed replied it would be whatever amount is produced from that extraction. Steve Gilbert confirmed it is not defined. Ed reiterated: it would be the end result of the extraction. Glenn asked about pesticide and extracts. Chad Westom replied currently there is no limit.

Motion: Ed Alexander moved that flower or trim destined for extraction shall not be subject to pre-extraction lab testing. Post extraction products will not be subject to moisture content evaluation, but will be subjected to all of the testing requirements for dried flower. Extraction batch size will be designated as having originated from 5 lbs. of flower or 15 lbs. of trim or a single extraction run, whichever is greater. Second Matt Haskin. Unanimous.

Recommendation: Matt Haskin recommended revising the motion to include that the batch size will correspond to what it was derived from a 5 lb. lot of flower and 15 lb. lot of trim. Ed Alexander stated it would be a safer route to stay with the original motion.

Ed Alexander stated the committee would provide a written motion to ensure clarity.

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

10. Adjournment.

The meeting adjourned at 4:20 p.m.

Ed Alexander introduced the new Deputy Administrator of Regulatory and Planning Services, Division of Public and Behavioral Health, Mr. Joe Pollock. Joe thanked Ed and made a few comments.