

# TESTING POLICY

*The Journal for America's Ideas*

## OVERVIEW

### FOR THE OKLAHOMA LEGISLATIVE MEDICAL MARIJUANA WORKING GROUP

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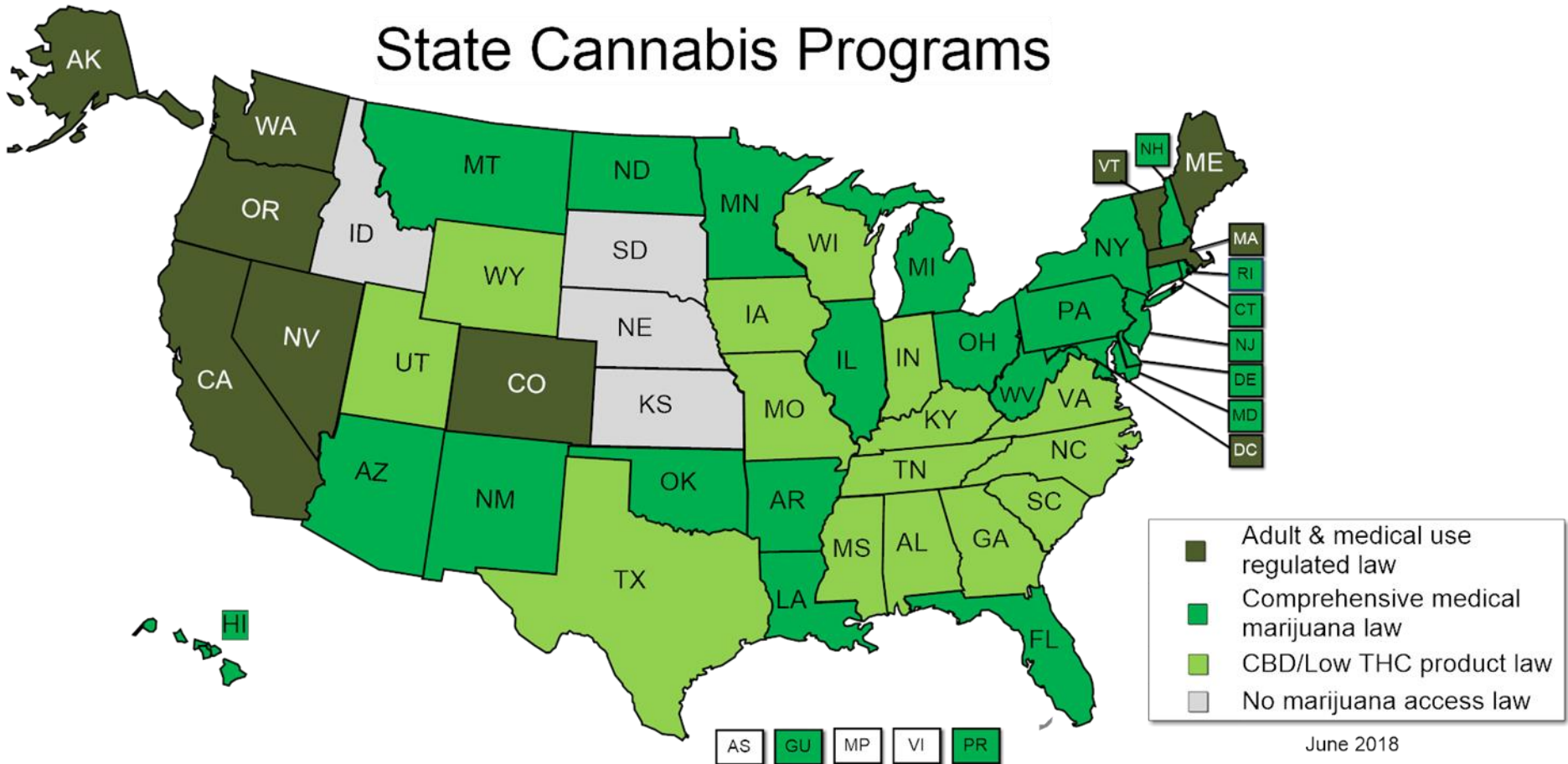
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NATIONAL CONFERENCE *of* STATE LEGISLATURES

# State Cannabis Programs



Vermont adult use law signed Jan. 22, 2018. Effective July 1, 2018  
 Limited adult possession and growing allowed, no regulated production or sales: DC, VT

June 2018

# HISTORY OF MEDICAL CANNABIS LAWS

- CA: First state to pass with Prop. 215 in 1996
- Since then, 30 states, DC, Guam and PR have followed: AK, AR, AZ, CO, CT, DE, FL, HI, IL, LA, ME, MD, MA, MI, MN, MT, NV, NH, NJ, NM, NY, ND, OH, OK, OR, PA, RI, VT, WA, WV **(31 states + 3 territories total)**
- 17 became legal through voter/ballot initiative process
- 15 legal through legislation (CT, DE, HI, IL, MD, MN, NH, NJ, NM, NY, OH, PA, RI, VT, WV) (and 1 through Dept. of Health regulation)

# MMJ PROGRAMS VARY\*

Some require or allow for:

- Patient Registries: 29+
- Grower/Caregiver Registries and Limits: varies
- Dispensaries: 20~
- Specific Conditions: 28+ and all CBD programs
- Recognize Patients from Other States: 7

**Product Testing: varies**



# MEDICAL & FEDERAL OPINIONS

- Institute of Medicine: May help some people
- Treatment Research Institute: Not advised
- Other conditions/groups vary on the issue
- Recent comprehensive review by National Academies of Sciences on MJ use- 100 conclusions, needs more research
- Marijuana still Schedule I federally: No accepted medical use
- As of this week USDOJ is not prosecuting those adhering to state laws for medical distribution, but reserves the right to
  - New administration is interviewing and considering options



# SIGNIFICANT LEGISLATION\*

- States/territories with proposals to legalize and regulate adult use: “similar to alcohol” in 2018 session: 24~

AZ\*, CT, DE, GA\*, HI, IL, KS, KY, LA, MD\*, MN, MS, MO, NH, NJ, NM, NY\*, NC (pos.), PA, RI, VT, WV, WI, N. Mariana Isl.

- States with bills to create comprehensive medical marijuana programs in 2018: 14~

GA, IN, IA, KS\*, KY, MS, MO\*, NE\*, NC, OK, SC, TN, VA, WI

- 2018 Ballot Initiatives: Adult-use- AZ, GA, MD (if approved by leg.), MI.

Medical- GA, NE (if approved by leg.), MO\*, OK-

APPROVED 6/18 UT

# LEGISLATIVE ROLES IN REGULATION

- Drafting legislation or enabling language
- Creating laws, rules/regulations or assigning responsibility
- Establishing fees, tax mechanisms, funding, testing requirements
- Oversight or assigning program implementation and evaluation
- Many states allow localities to further regulate industry and control licensure, taxes, testing, locations, etc...



# REGULATIONS AND OVERSIGHT

- Laws: Legislative body created (state, county, city) and mandated
- Regulations: Government agency created and enforced and implemented
- Standards: “best practices” created by smaller groups in order to pass/follow regulations and laws
- No single set of agreed upon standards or practices. (Federal prohibition)
  - Fertilizers, insecticides, pesticides are federally regulated
- Many states, cities, nations, international and industry groups are working on suggested standards
- States and local agencies may provide standards, rules and regulations- oversight varies!

Many products to test: pills, capsules, tincture, sprays, oils, extracts, plant material, creams, patches, eye drops, suppositories, filter inserts, injectables, etc. ?





# TESTING & OVERSIGHT

## VARIES

- Colorado: State Health Dept. lab provides oversight and guidance to commercial testing labs. Creating a reference library of testing methods. Outside lab makes samples to test for:
  - Cannabinoid content (THC, THC-A, CBD, CBD-A, CBN), molds/fungus/yeast, bacterial contamination, residual solvents, pesticides (for flower/trim matrices), metals, foreign materials
- California licenses accredited commercial testing laboratories: TCHC; THC-A; CBD; CBD-A, CBG, CBN, residual solvents and pesticides, mycotoxins, microbial impurities, water/moisture content, foreign materials, heavy metals, terpenes
- Connecticut licenses registered commercial testing laboratories: cannabinoids, microbiological contaminants, mycotoxins, heavy metals, pesticide residue
- New York licenses labs licensed by the DEA and approved by the state health department
- Washington state Department of Agriculture has an approved list of pesticides



# RESOURCES

- Association of Public Health Laboratories
  - Links to state testing information
    - [https://www.aphl.org/programs/environmental\\_health/Pages/Cannabis-Testing.aspx](https://www.aphl.org/programs/environmental_health/Pages/Cannabis-Testing.aspx)
    - <https://www.aphl.org/aboutAPHL/publications/lab-matters/Pages/into-the-weeds.aspx>
  - Guidance for State Medical Cannabis Testing Programs (May 2016)
    - <https://www.aphl.org/aboutAPHL/publications/Documents/EH-Guide-State-Med-Cannabis-052016.pdf>
- Foundation of Cannabis Unified Standards
  - Types of standards: <https://www.focusstandards.org/types-of-standards/>
- Handouts and slides from National Cannabis Summit 2017



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