



**560 Jefferson Boulevard
Warwick, Rhode Island 02886**

Cannabis Control Commission

Open Meeting Minutes

DATE: Friday, January 12, 2024

TIME: 2:00 PM

PLACE: Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02886

MEMBERS PRESENT: Chair Kimberly R. Ahern, Esq.
Commissioner Robert B. Jacquard, Esq.
Commissioner Olayiwola Oduyingbo, Esq.

MEMBERS ABSENT: None

OTHERS PRESENT: Mariana Ormonde, Chief of Legal Services, Cannabis Control Commission
Kelsey McQueeney, Administrative Officer, Cannabis Control Commission
Carla Aveledo, Policy Liaison & Legal Support, Cannabis Control Commission
Erica Ferrelli, Chief, Office of Cannabis Regulation
Tara Rountree, Laboratory Licensing Officer, Rhode Island Department of Health

Chairperson Ahern called the meeting to order at 2:02 p.m.

The first item of business was:

Motion to approve the minutes of the Open Meeting Session held on November 16, 2023

Upon motion made by Commissioner Oduyingbo and duly seconded by Commissioner Jacquard, it was unanimously

VOTED: To approve the Open Session Minutes from November 16, 2023.

The next item of business was:

Introductory remarks from Chairperson Ahern, which included:

- A welcome to the meeting.
- Noted the Chair's return from FMLA leave.
- Announced points related to the Governor's upcoming State of the State address.

The next item of business was:

A presentation by Erica Ferrelli, Chief, Office of Cannabis Regulation. The presentation included:

- Overview of current trends in medical and adult use cannabis sales in the state.
- Identified that December 2023 was the highest month for retail sales since the beginning of adult use sales.
- Noted that medical marijuana patient registrations have been steadily falling since the inception of adult use, with the lowest month being December of 2023.
- Reviewed total product sales by dispensary for the year 2023.
- Provided an overview of the amount monthly sales by product type in 2023.
- Noted that pre-rolls and flower are highest selling products by count.
- Highlighted total sales by each dispensary for 2023.
- Highlighted top ten cultivators by total sales in 2023.

Discussion ensued at the completion of the presentation and the commissioners asked questions regarding the presentation. Ms. Ferrelli responded to questions with additional information on the following:

- Noted trend of rising retail sales, which could correlate in coming months to increased wholesale sales for cultivators.
- Identified that the data provided in the presentation can be found on the Office of Cannabis Regulation's website, and that anyone with questions could contact the Office of Cannabis Regulation.

The next item of business was:

A presentation by Tara Rountree, Laboratory Licensing Officer for Rhode Island Department of Health Laboratories. The presentation included:

- Identifying that each state has their own standards for cannabis testing since cannabis is not legal at the federal level and therefore not uniform.

- Rhode Island developed its regulations for licensing and testing cannabis by examining the existing licensing and analytical laboratory testing regulations.
- RIDOH promulgated its first set of regulations in 2015, which were then updated in 2023 to reflect industry changes.
- Rhode Island currently allows for only indoor growing of cannabis.
- Chairperson Ahern noted the lack of federal regulation resulted in the FDA being unable to provide a uniform standard for testing procedures.
- Chairperson Ahern asked if there were any states that Rhode Island looked to when creating the guidelines and regulations. Ms. Rountree noted that the regulations from Massachusetts, Nevada, Oregon and California were helpful.

Ms. Rountree continued the presentation which included explaining that:

- RI laboratories go directly to the cannabis grows to obtain samples for testing.
- Testers are gowned and use sterilized instruments when collecting samples.
- Testing requirements include potency, Delta 8, Delta 9, THC, THCA, CBD and CBDA, microbiology, water activity, pesticides and metals.
- Cannabis extracts, resins and concentrates are tested for potency, solvents, pesticides and metals.
- Hemp products are tested in the state labs, per USDA regulations.
- Rhode Island licensing program ensures that testing labs are proficient through measures such as annual blind performance evaluations, requiring a quality assurance manual, participation in the quality control program, having an approved operating procedure manual, participation in the METRC system, and requiring qualified personnel to have a testing agent card.
- Identified current challenges in testing, including that the current regulations have added additional pesticides to the list of tested items and the laboratories need to be approved to test for those items.

Discussion ensued at the completion of the presentation and the commissioners asked questions regarding the presentation. Ms. Rountree responded to questions with additional information on the following:

- When cultivators do not receive a favorable outcome in testing, RIDOH does not get involved, the Office of Cannabis Regulation may get involved if necessary.
- Cultivators may remediate a product and have it re-tested.
- RIDOH has counterparts in other states that help inform the regulations and action levels in Rhode Island.

The next item of business was:

Update on regulatory process and questions for the Cannabis Advisory Board.

- Chairperson Ahern welcomed new employee Carla Aveledo, who serves as Policy Liaison and Legal Support to the Cannabis Advisory Board.

- Mariana Ormonde, Chief of Legal Services to the Cannabis Control Commission, gave a presentation regarding the procedure for presenting questions to the Cannabis Advisory Board from the Commission. This presentation included the following information:
 - That commission staff will select topics or questions for the Advisory Board to address, many of which come directly from the Cannabis Act, and others that may derive from inquiries or public comment.
 - That matters may be presented to the full Advisory Board or to specific subcommittees with the subject matter expertise on the question or topic.
 - The subcommittees will receive pertinent documentation, background and data from the Commission in advance to assist with resolving the question.
 - That once the question and materials have been presented, the subcommittees will deliberate on the issue and decide on what advice, recommendations and proposals to be given to the Commission.
 - That the full Cannabis Advisory Board will vote on what advice, recommendations and proposals should be given to the Commission.
 - That either the Chair of the Advisory Board or a representative of the subcommittee will present the advice, recommendations or proposals to the Commission within 30 days of the Advisory Board vote.
 - That a question was being prepared to be presented to the Public Health and Cannabis Industry Subcommittees regarding whether the draft regulations related to packaging and labeling should be more or less restrictive, and if so, how.
 - That a question was being prepared to be presented to the Public Safety and Community Mitigation Subcommittee regarding whether Rhode Island should permit consumption lounges and standalone events such as industry trade shows where cannabis is sold or distributed outside the confines of a licensed dispensary.
 - That a question was being prepared for the Market Participation and Social Equity Subcommittees concerning whether it would be beneficial for Rhode Island's social equity assistance program to include an educational or training program for social equity applicants, and recommendations as to how this could be executed.

The next item of business was:

Public Comment (in person only):

Two people provided comment on the following topics:

- That URI was blocking graduates from entering cannabis industry by not permitting cannabis-relating jobs to be posed to Handshake, the student job search website.
- Request for the Commission or Advisory Board to assist with helping connect students at URI with the positions in the cannabis industry.
- That a letter was sent to the Commission from the ACLU regarding city ordinances restricting cannabis usage.
- Concern that municipalities could exceed what they are allowed to regulate under the Cannabis Act.
- That the Cannabis Act only permits municipalities to create ordinances regarding smoking or vaping in public but not other consumption methods.
- Concern over potential discriminatory impact that enforcement of municipal ordinances could create.
- Request that the Commission advise municipalities that municipal efforts to ban cannabis consumption beyond what the Cannabis Act permits is unlawful.

The next order of business was:

Next Meeting Date: January 26, 2024, at 1:00 p.m. at the Public Utilities Commission, 89 Jefferson Boulevard, Warwick, R.I. 02886.

Adjournment:

Upon motion made by Commissioner Oduyingbo and duly seconded by Commissioner Jacquard, it was unanimously

VOTED: To adjourn the meeting at 2:57pm.