



Oregon Cannabis Commission

Kate Brown, Governor

Oregon
Health
Authority

PO BOX 14450

Portland, OR 97293

OHA.OCC@dhsosha.state.or.us

www.healthoregon.org/cannabiscommission

August 31, 2022

To: Rachel Banks, Public Health Director, Oregon Health Authority
Patrick Allen, Director, Oregon Health Authority
Steven Marks, Director, Oregon Liquor and Cannabis Commission
Alexis Taylor, Director, Oregon Department of Agriculture
John Fontana, Director, Oregon State Public Health Laboratory

From: Oregon Cannabis Commission

Re: Recommendation on Requirements for Establishing a State Cannabis Reference Lab

Preface:

Stemming from the Oregon Cannabis Commission (OCC) research leadership subcommittee, the OCC is putting forth the following recommendations. The intention is for the recommendations to be provided to the agency leaders of the Oregon Liquor Control Commission (OLCC), Oregon Health Authority (OHA), Oregon Department of Agriculture, and other agencies as necessary.

In addition to providing the specific recommendations, the OCC offers the expertise of the Research Leadership Subcommittee to be used as a resource to agencies in matters related to cannabis.

The Oregon Cannabis Commission was established in 2017 to provide advice to OHA with respect to administration of the Oregon Medical Marijuana Program (OMMP) and provide advice to OLCC with respect to registry identification cardholders and primary caregivers. The OCC was first tasked with reporting back to the Legislature on “the findings and determinations” in their work “to provide a possible framework for the future governance of the OMMP.”

In the [January 2019 Oregon Cannabis Commission Report](#), under the header of “Product Integrity,” Recommendation 3, was to, “establish an independent state reference lab housed in the Department of Agriculture to objectively audit and investigate private laboratories and randomly test cannabis products to ensure testing accuracy, consistency and cannabis product integrity on a regular basis.”

This recommendation was widely supported by the agencies, industry, and medical community, and efforts began moving forward with this concept which included being added as a legislative budget note.

In 2020, the OCC established four standing committees to assist the OCC in advancing the goals of the Commission. As this concept gained further support, the newly established Research Leadership Subcommittee revisited this recommendation to provide a clearer picture and guidance for agencies and stakeholders to consider in developing a state lab of record for cannabis and hemp testing and how it might best serve the needs of the medical cannabis community, the cannabis research sector, state policy makers and, of course, the cannabis industry overall. The subcommittee also recognized the need to include facilitating access to lab services such as testing and education for the patient population who produce their own products but are unable to meet the expense of testing as an important factor in this development and encourage this factor to always be evident.

We hope you find these recommendations helpful as you work to establish and maintain a state reference lab of record for cannabis and hemp testing that will benefit all aspects of cannabis use in Oregon.

Introduction

The field of cannabis analytical testing is young, still developing, and presents an opportunity for Oregon's cannabis testing industry to develop an expanding and yet unexplored field and to play a role in developing cannabis testing standards at the national level.

Establishing and maintaining a state reference lab will increase public confidence in cannabis and hemp products now available to the general public. It would increase public health and safety in ensuring these products meet the standards in testing, labeling and recall mechanisms expected by the public and that those laboratories serving the public are held to those standards.

A state reference lab should serve as the lab of record in the cannabis testing field and as the steward of an unbiased library of information on cannabis in Oregon and should serve as the public facing repository of cannabis data for research purposes and in developing public policy.

It should also serve to ensure test results across the industry fall within an acceptable range of accuracy when testing identical samples. The reference lab should ensure labeling information is accurate and information that has been tested for but not contained on a label is available to the public upon request. Access to this information should exclude any information proprietary in nature. An important function of any reference lab will be to help in expanding post-market auditing and ensuring recall protocols already in place for other products intended for consumption by the general public meet the needs of the cannabis industry.

A state reference lab shall facilitate the creation of a program for those Oregonians who may be producing their own flower and other cannabinoid products for personal use and may need access to this service but at significantly reduced costs. There are many who wish to determine potency, terpene profiles or unknown contaminants but simply do not have the resources to have product tested. Perhaps through a network of independent labs willing to participate in sharing the cost by adopting a sliding scale for services, or some other method to subsidize such a program.

A state reference lab should work to develop collaborations between private and public research centers to gather and compile information from other research initiatives. It should work to provide services to educate the public and, working through scientific methods to dispel stigma and controversy surrounding cannabis and the use of cannabinoid products.

Here are the recommendations regarding a state reference laboratory:

Recommendation 1: Establish a state reference lab.

1. The state shall allocate funding to establish a state reference laboratory including an annual operations budget. The tasks of the state reference lab shall include, but are not limited to:
 - a. Developing analytical testing standards: methods, Standard Operating Procedures for the commercial testing of cannabis and hemp.
 - b. Serve as a training institute for analytical labs, their staff, and university students.
 - c. Provide post-market auditing of cannabis products to verify Certificates of Analysis (CoA's) and ensure product labeling accuracy.
 - d. Ensure the state reference lab shall be authority for required analyte testing using evidence-based research. For example, the state reference lab shall determine required terpene, heavy metal, microbial, mycotoxins, adulterants and residual solvents, and other testing deemed necessary.
 - e. Develop annual, random audit requirements per lab in each cannabis product category such as vape oil, flower, edibles, concentrates, suppositories, and extracts.
 - f. Establish, in alignment with existing statute and rule, a product recall mechanism.
2. Develop and establish cannabis and hemp specific training for accreditation and chain of custody officers, as well as laboratory and research personnel.
3. Coordinate with Oregon's Environmental Laboratory Accreditation Program (ORELAP) to define fee structure, loss & restoration of laboratory accreditation/licensure.

Recommendation 2: Establish a reference library.

1. Legislature shall work collaboratively with relevant agencies (OLCC, OCC, ODA, OHA) to ensure establishment and maintenance of a digital, central library for Certificates of Analysis (CoA) and shall:
 - a. Develop specific language establishing CoA's as public records and are not the exclusive property of the cultivator, producer, or manufacturer.
 - b. Require records be available in real time and that all records be machine-readable.
 - c. Require lab results accompany a batch through the supply chain, either physically or digitally.
 - d. Ensure CoA's are available upon request at retail outlets.
 - e. Require all records be available digitally for a period of not less than 7 years.

General Notes on Testing:

Cannabis is well known for its ability to remove toxins such as heavy metals from the soil and reports over the years from labs that have tested samples for these toxins have shown this to be a concern and recommend additional testing requirements be added. This will add to the

cost of testing and adds a finer point on the need for access to testing be at a significantly reduced cost for patients needing this service subsidized.

The state's list of pesticides is reviewed on an ongoing basis by the Department of Agriculture and adding those products that are discovered to have a negative impact on public health to the list of prohibited products is also ongoing.

In the world of pesticides, the general rule is "the label is the law." Labels for pesticides for the public use have a list of plants that the product may be applied to and if necessary, how many days after application produce may be eaten. The process of adding any plant that the pesticide could be safely applied to is long and costly. Perhaps Oregon, through its reference lab could lead the way in accelerating this process and mitigating some of the costs by already having completed preliminary studies and work necessary to meet the requirements for adding a plant to a label.

Closing

In closing, we hope you find our recommendations helpful and please accept our offer to provide further guidance as this concept begins to take shape. A state lab of record for the cannabis and hemp testing will provide greater legitimacy and soundness to our state approach for ensuring public safety in cannabis products.

Respectfully,

Oregon Cannabis Commission