Hearing Summary Report

Note: Upload completed document to the Electronic Rule Filing System.

Hearing Date: 1/18/2022 Today's Date: 2/17/2022

Agency: Department of Commerce, Medical Marijuana Control Program (MMCP)

Rule Number(s): OAC 3796:1-1-01, 3796:2-2-02, 3796:2-2-06, 3796:3-2-02, 3796:3-2-04, 3796:3-2-06, 3796:4-2-04, and 3796:4-2-05

If no comments at the hearing, please check the box. ☐

List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule number(s) in question.

1. Samuel H. Porter, III (on behalf of Innovate Healing Solutions, LLC) - OAC 3796:1-1-01
2. Benjamin Ryan - OAC 3796:1-1-01
3. Frank B. Asencio - OAC 3796:1-1-01
4. Kadi Pauley (Ancient Roots) - OAC 3796:1-1-01
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Consolidated Summary of Comments Received

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

All of the comments provided relative to the rules focused on the definitions established for THC and THC content in OAC 3796:1-1-01.

Innovative Healing Solutions, LLC recommended that the MMCP set a 10% maximum allowable content cap on Delta-8 THC for medical marijuana concentrates and minimize the usage of Delta-8 THC in medical marijuana products.

Mr. Ryan and Mr. Asencio opposed the Department establishing a definition for THC and opposed including Delta-8 THC in the definition and the content calculation. Other comments provided did not pertain to the rules subject to the hearing.

Ms. Pauley advocated for more flexibility in THC content limits, including raising the statutory maximum for extracts from 70% to 90% and supporting a rule change proposed by the Board of Pharmacy regarding total targeted THC.

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Incorporated Comments into Rule(s)

Indicate how comments received during the hearing process were incorporated into the rule(s). If no comments were incorporated, explain why not.

The comments provided did not lead to any changes in the proposed rules. The Department feels it is in the best interest and safety of medical marijuana patients to include Delta-8 THC in the definition of THC and THC content. The proposed rules will ensure that Delta-8 and other THC isomers are included in the calculation of THC content and provide transparency to patients and the public by including that content information on medical marijuana package labeling.