

## MINUTES OF REGULAR MEETING

PUBLIC BODY: OMMA Executive Advisory Council

DATE & TIME: November 21, 2025 9:00 am

ADDRESS: Oklahoma State Capitol 2300 N. Lincoln Oklahoma City, OK 73105 Room 230

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### **Agenda Item 1:**

#### **Call to Order, Quorum Check, Approval of Prior Meeting Minutes**

Adria G. Berry, Executive Director of the Oklahoma Medical Marijuana Authority (OMMA) and Chair of the OMMA Executive Advisory Council, called the meeting to order on November 21, 2025, at 9:02 am. Public notice of the regular meeting was filed and posted with the Oklahoma Secretary of State on December 10, 2024, and amended on September 26, 2025. The final agenda was posted at the entrance of the Oklahoma Medical Marijuana Authority building and on the agency website on November 19, 2025, at 9:26 am; after roll call, quorum was established.

Council members present: Council Chair Adria G. Berry, Randy Hendrix, Co-chair Kadi Nail, Sheriff Tommie Johnson III, and Taras Filenko

Absent: David Gerken

Council member Sheriff Tommie Johnson III made a motion to approve the July 11, 2025, meeting minutes. Council member Randy Hendrix seconded the motion. After roll, the motion carried.

Aye: Adria G. Berry, Kadi Nail, Randy Hendrix, Taras Filenko, and Sheriff Tommie Johnson III.

Absent: David Gerken

### **Agenda Item 2:**

#### **Discuss Meeting Dates for 2026**

Chair Berry brought forth proposed 2026 meeting dates. She explained that the meeting dates for the following year must be submitted to the Secretary of State's office by December 15, 2025. Once the dates have been submitted, the Council can amend the dates via the Secretary of State as long as the dates are changed 10 days prior to the initially scheduled date. Council person Hendrix stated that he would not be able to attend the proposed January 23, 2026 date due to prior plans. Chairperson Berry said if we cannot establish a quorum, the meeting can be rescheduled. Co-chair Kadi Nail made a motion to approve the dates as presented. Sheriff Tommie Johnson III provided a second. Roll was taken and the motion passed.

Aye: Adria G. Berry, Kadi Nail, Randy Hendrix, Taras Filenko, and Sheriff Tommie Johnson III.

Absent: David Gerken

**Agenda Item 3:**  
**OMMA Updates**

Chair Berry provided an update on the new Med Portal. Work began in January, 2023, after ongoing system issues with Thentia. The new system went live on October 21, 2025. Although it passed testing, numerous complications remain. Berry emphasized that OMMA staff have worked diligently, including overtime, and should not be blamed for system shortcomings.

Chair Berry opened discussion on adding a public comment period to each meeting beginning in 2026. The process would mirror City Council or rulemaking comment hearings, requiring in-person sign-ins, a time limit per speaker, and professional decorum. Berry provided personal context regarding threats, lawsuits, and harassment she and OMMA staff have faced. Despite the challenges, she affirmed her belief in transparency and open government.

Council person Sheriff Tommie Johnson III supported the addition of public comment, noting both the risks and benefits. He emphasized the importance of maintaining decorum. Council person Taras Filenko expressed appreciation for OMMA staff and supported public comment, asking about limits on the number of speakers. Berry confirmed limits would be based on available meeting time. Council person Randy Hendrix supported the idea but noted challenges in managing volume and expectation. Co-Chair Kadi Nail agreed, emphasizing the value of professional and constructive comments.

Chair Berry provided updates on action items identified at the July 11, 2025 meeting.

- **Metrc Pre-Pack Tracking:**
  - Transitioning from weight-based to **unit-based** tracking.
  - Metrc bulletin released November 4, 2025; change effective December 1, 2025.
- **Patient Card Reprinting:**
  - The cost of reprinting all cards would exceed \$1 million.
  - Oklahoma is working toward a **statewide digital license system**.
  - New and renewed cards now include a barcode and 12-digit ID.
- **Inspection Summaries in Portal:**
  - Available within approximately 5 days.
  - “Potential violation” does not indicate a confirmed infraction.
- **OSBI/FBI Fingerprinting:**
  - Processes remain under development; no new updates.
- **Warehouse Permits:**
  - Applications are available in the Med Portal for licensed transporters.

Chair Berry also announced key staffing additions:

- **New Director of Patient Services:**  
Dr. Marion McNabb, with significant public health experience and prior service on the

Massachusetts Cannabis Control Commission Advisory Council. She begins in December, 2025.

- **OMMA's First Epidemiologist:**  
Coming from an Oklahoma state agency with strong experience in government data governance.

Chair Berry provided additional agency updates:

- Ongoing work with the Department of Environmental Quality and the Insurance Department on land reclamation following license revocations or abandonment.
- Collaboration with legislators on clarifying statutory language related to bonding requirements.
- Development of environmental best-practice guidance:
  - Water usage guide completed and pending publication.
  - Vape disposal (lithium-ion batteries) guidance in progress.
- Data-sharing partnership with the Water Resources Board to track water usage.
- Chief Science Officer, Lee Rhodes, is retiring in January; candidate review is underway.

Ashley Crall, Director of Government Affairs, explained that the annual rulemaking process is beginning. The public comment period for proposed rules opens on December 1, 2025, and closes at 5:00 pm January 7, 2026. A public comment hearing is scheduled at the Oklahoma State Capitol on January 7, 2026, at 9:00 am in Room 535. Rules will focus on changes required by new legislation, streamlining language for lab testing, and updates to administrative hearing procedures. An email and social media notice will be issued to licensees with links to review the proposed rules.

Chair Berry provided a briefing on new federal legislation enacted on November 12, 2025. The law closes the 2018 Farm Bill loophole and bans intoxicating hemp-derived THC products nationwide within 365 days. Although Oklahoma previously had definitions implying these products were not permissible, the state lacked explicit statutory language. The new federal ban is explicit and preempts conflicting state laws.

#### **Agenda Item 4:** **2026 Legislative Session**

Chair Adria Berry shared that the 2026 legislative session is approaching, with bill filing requests due in early December. She invited council members to provide recommendations for any proposed legislative changes. Co-Chair Kadi Nail asked whether OMMA was considering allowing advanced practice providers and physician assistants with full practice authority to sign medical marijuana patient recommendations. Chair Berry stated OMMA had not considered this change yet and requested that Co-Chair Nail email specific provider types for review, noting that such an expansion would require legislative action.

Council person Randy Hendrix asked whether the council would receive a summary of bill filings, as in previous years. Chair Berry clarified that while bill request deadlines fall in December, actual

bill filings are released in mid-January, and OMMA will provide the full bill summary packet at the January meeting.

Co-Chair Nail raised an additional legislative item, recommending renewed efforts to include expanded pesticide testing requirements, noting past attempts were unsuccessful but worth revisiting. Chair Berry confirmed OMMA would research this and any other proposals ahead of January, emphasizing that while early planning is preferred, legislative ideas can sometimes still be added in January.

Council member Sheriff Tommie Johnson III expressed the need for ongoing review of potential policy updates due to the rapidly evolving cannabis industry. Chair Berry agreed and noted that while OMMA hopes to avoid large-scale statutory overhauls this year, the agency will keep the council updated once bills are filed.

### **Agenda Item 5: Council member Updates**

Moving into council member updates, Co-Chair Nail addressed medical staffing within OMMA, expressing support for the hiring of a new Patient Services Director but suggesting that OMMA consider additional medical expertise on both staff and the advisory council, given the importance of informed decision-making in public health and cannabis regulation. Chair Berry confirmed that expanding the council's composition would require legislative action. She asked Co-Chair Nail for specific recommendations on medical professional types, to which Nail emphasized the need for individuals with specialized knowledge of medical cannabis and the endocannabinoid system, noting that such content is not taught in medical school and requires dedicated training.

Chair Berry added that incoming OMMA Patient Services Director, Dr. Marion McNabb, brings connections to leading cannabis physicians, which will provide OMMA with new and valuable medical resources. She then transitioned to a status update on the OMMA laboratory, inviting Lee Rhoades to present, though no specific questions were raised by council members before the update.

OMMA Chief Science Officer Lee Rhoades provided an update on the Quality Assurance (QA) laboratory, noting that since the council's July meeting the lab had successfully completed its three-day on-site inspection and received accreditation in October. Rhoades reported that OMMA initially sought accreditation for a limited scope of tests to allow the lab to begin operations more quickly, and validation work for pesticides, cannabinoids, and concentrates has now been completed. Validation is underway for terpenes, residual solvents, and microbiology, and the scope expansion to include these test categories is scheduled for review on December 17, 2025.

Chair Adria Berry celebrated the progress at the QA lab and then invited Co-Chair Kadi Nail to expand on her request for clarification regarding the prohibition on medical marijuana patient recommendation visits at dispensaries. Nail asked whether the restriction applies to parking lots or adjacent property, as many patient drives occur in dispensary parking areas. Chair Berry explained that the restriction stems from 2019 legislative language stating that physicians cannot be located at the same physical address as a dispensary, including for virtual appointments. She noted no

emergency rule has been issued on this topic and that OMMA would need to research legislative intent before seeking clarification from lawmakers.

Chair Berry then turned to Council person Taras Filenko regarding his inquiry about Senate Bill 1939, specifically what happens after a business fails to renew its license and whether oversight falls outside OMMA's authority once a license becomes inactive. Berry acknowledged the complexity of SB1939 and explained improvements in OMMA's commercial licensing processes, including same-day application turnaround and the enhanced Med Portal system. She stated that OMMA will not allow licenses to lapse due to agency delay; however, once a license expires, businesses must cease operating until renewal approval and may apply for renewal within 60 days while incurring weekly late fees. Berry agreed that the law contains ambiguous areas, such as whether expired businesses must destroy inventory or simply embargo product, and indicated that legislative clarification is needed.

Filenko explained that unclear rules risk harming businesses, particularly cultivators, and emphasized the need for explicit guidance. Chair Berry agreed that discussing these issues now helps OMMA prepare for potential cases, noting that OMMA is unaware of any businesses currently operating after expiration without intervention. Chair Berry urged council members to notify OMMA if they become aware of any businesses operating without a valid license, stating that OMMA now opens investigations within days of receiving complaints. She also gave an overview of OMMA's enforcement process after suspensions and revocations, emphasizing that OMMA notifies local law enforcement, returns for 30-day follow-ups, and coordinates with agencies including the Attorney General's task force and OBNDD.

Filenko raised concerns about inconsistent communication between OMMA, OBNDD, and law enforcement, sharing examples of facilities that appeared to resume operations shortly after shutdowns. He asked whether OMMA could provide public notices listing suspended licensees and the reasons for enforcement actions, arguing that industry members need transparency both to understand expectations and ensure fair competition. He also suggested dedicated coordination roles to ensure proper follow-up after enforcement actions.

Chair Berry responded that OMMA has built the strongest law-enforcement communication network in its history, supported by former local law-enforcement personnel on staff. She noted that OMMA cannot control actions taken by external agencies but is working to improve shared understanding by developing CLEET-accredited law-enforcement training on OMMA regulations.

Filenko reiterated the importance of public posting of enforcement actions so licensees can learn from others' violations and proactively improve compliance. Chair Berry noted that despite perceptions of improvement, OMMA continues to shut down operators for severe violations, including thousands of untagged plants and untracked products. Filenko acknowledged ongoing bad actors but emphasized the industry's desire for transparency and fair standards.

To address these concerns, OMMA Communications Director Porsha Riley announced that OMMA will develop a dedicated public webpage listing enforcement actions, along with weekly email updates and social media postings to ensure widespread access to this information.

Chair Adria Berry introduced the next agenda item: Intoxicating hemp enforcement and future regulatory alignment. Council Person Taras Filenko summarized escalating industry concerns, noting that despite anticipated federal action expected next year, intoxicating hemp products remain openly sold in Oklahoma at gas stations, convenience stores, and smoke shops without medical licenses or mandatory testing.

Council person Sheriff Tommie Johnson III explained that many law-enforcement agencies lack clarity on what constitutes an illegal intoxicating hemp product, often assuming items sold in gas stations are lawful. He proposed exploring interagency partnerships, potentially through MOUs that would allow OMMA's enforcement personnel—who understand the nuances of cannabis products—to work alongside or be deputized by sheriff's offices to help investigate intoxicating hemp violations that fall outside OMMA's direct jurisdiction.

Chair Berry agreed to consult OMMA's general counsel about potential legal pathways for such partnerships. She added that OMMA has long advocated for action on intoxicating hemp and has provided testimony at both state and federal levels highlighting the public health risks. Berry noted that OMMA has offered its state-run QA lab to OSBI and OBNDD as a resource to verify whether products marketed as hemp are legally compliant or, in fact, intoxicating cannabinoids derived through chemical conversion. She emphasized that OMMA “is doing everything within our statutory authority” to address the problem and will continue collaborating with Sheriff Johnson and other agencies to improve enforcement.

Filenko reiterated that a basic label review could identify many illegal products because commercially marketed THCA products commonly exceed the legal 0.3% THC threshold after applying OMMA's decarboxylation guidance. He argued that this alone could assist officers in identifying likely violations. Chair Berry acknowledged the value of label-based screening but stressed that the issue is more complex due to chemically converted cannabinoids, including Delta-8 and numerous derivatives, requiring laboratory confirmation to establish legality.

Council person Randy Hendrix added that most intoxicating hemp products are shipped into Oklahoma from other states, exploiting gaps in federal oversight. He suggested that increased public visibility could deter retailers from carrying illegal items. Hendrix also noted that proposed federal policy changes may soon allow states to regulate intoxicating hemp individually, potentially creating inconsistent rules across state lines.

Chair Berry agreed, urging industry members to help amplify concerns and advocate publicly for regulatory reform. She noted that while OMMA continues to push for solutions, industry voices remain crucial for demonstrating the urgency of the issue.

Co-Chair Kadi Nail asked for clarification on the proper method for transporting medical marijuana, noting concerns about compliance during Oklahoma's hot summer months. Chair Berry deferred the question to law enforcement, as OMMA does not enforce DUI laws. Sheriff Johnson explained that the new law, which went into effect November 1, requires marijuana to be transported in a locked or secured container but does not specify requirements beyond that. He acknowledged the practical challenge of transporting heat-sensitive products such as edibles and stated that further legislative clarity may be needed. He emphasized that law enforcement simply

enforces statutes as written, underscoring the importance of industry engagement during the legislative process.

Filenko added that the DUI statute raises concerns because THC can remain detectable in an individual's system long after intoxication subsides. He questioned how officers would distinguish between residual metabolites and actual impairment. Sheriff Johnson explained that Drug Recognition Experts (DREs) conduct roadside batteries capable of identifying impairment from multiple drug categories, not just alcohol, though not necessarily through chemical testing alone.

Filenko also shared concerns that cultivation workers may smell strongly of cannabis after work, potentially raising suspicion despite not being impaired. Chair Berry noted that OMMA employees face similar circumstances because OMMA licensed facilities often smell of cannabis.

Council members then returned briefly to previous topics. Hendrix thanked OMMA for implementing the unit-versus-batch tracking change first proposed by the council, stating that its adoption into METRC processes demonstrated that the council's work produces real improvements. Chair Berry expressed appreciation and reinforced that OMMA actively acts on council recommendations that are within OMMA's purview.

**Agenda Item 6:**

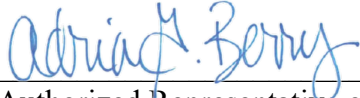
**Any matter not known about or which could not have been reasonably foreseen twenty-four (24) hours prior to the meeting.**

Chair Berry then opened the floor for any final items not known or reasonably foreseeable prior to the meeting. Sheriff Johnson invited members to route future law-enforcement-related questions through him so he could gather accurate information in advance of meetings.

**Agenda Item 7:**

**Closing, Adjournment and Dismissal**

Chair Adria Berry asked for a motion to close the meeting. Council person Sheriff Tommie Johnson III made a motion to close; Council person Randy Hendrix made the second motion. The meeting ended at 10:12 am.

  
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Authorized Representative of the Council