



Cannabis Public Health Advisory Council
As Required by 2021 Acts of Assembly, Chapter 551
July 15, 2024

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East Reading Room – Patrick Henry Building
DRAFT MEETING MINUTES

MEMBERS PRESENT: Craig Markva (on behalf of Secretary Janet V. Kelly, Chair)
Ngiste Abebe, Vice Chair
Karin Addison
Michael Krawitz (virtual)
Dr. Michael Gillette (virtual)
Christopher Lindsay (on behalf of Dr. Karen Shelton)
Dr. Larry Keen
Linda Jackson
Shawn Casey (on behalf of Jeremy Preiss)
Melissa K. Ackley
LeNelle M. Mozell
Arne Owens
Nikeya Thomas (on behalf of Joseph Guthrie)
Dr. Cynthia Morrow (virtual)
Dr. John Whyte (virtual)

LEGAL COUNSEL: James Flaherty, Office of the Attorney General

PRESENTERS: Dr. Larry Keen, Virginia State University, Department of Psychology
Nikeya Thomas, Virginia Department of Agriculture & Consumer Services

1. Introductory Remarks & Roll Call

Mr. Craig Markva called the meeting to order at 2:03 PM.

2. Determination of Quorum

Mr. Markva determined that, with eleven members present, the Advisory Council had a quorum. An additional four members attended virtually.

3. Electronic Participation Approval

The following Advisory Council members joined the meeting remotely:

Dr. Cynthia Morrow - the members' principal residence location being more than 60

miles from the meeting location; participated from her office in Roanoke, VA
Dr. Michael Gillette - the members' principal residence location being more than 60 miles from the meeting location; participated from his office in Lynchburg, VA
Mr. Michael Krawitz - family member's medical condition; participated from his home in Southwest Virginia
Dr. John Whyte - clinic obligations; participated from his office in Great Falls, VA

Upon motion by Mr. Markva, and duly seconded by Mr. Arne Owens, Council members approved the members' electronic participation.

4. Approval of Previous Meeting's Minutes

Upon motion by Ms. Karin Addison, and duly seconded by Ms. Linda Jackson, Council members voted to approve the draft minutes from the Advisory Council meeting on November 27, 2023.

5. Vote to Approve the Electronic Meeting Policy

Upon motion by Ms. Shawn Casey, and duly seconded by Ms. Linda Jackson, Council members voted to readopt the Electronic Meeting Policy.

6. Introduction of New Members

Two new Advisory Council members introduced themselves:

- Ms. LeNelle M. Mozelle - a Licensed Clinical Social Worker who practices in Manassas, Virginia. She will serve as the representative for the Virginia Community Services Board until her term concludes June 2028.
- Ms. Melissa K. Ackley - a Prevention Services Manager at Chesterfield Mental Health Support Services. She will serve as an expert on substance use disorder treatment and recovery until the conclusion of her term in June 2025.

7. Presentation: Cannabis Nexus Initiative

Dr. Larry Keen, Associate Professor, Virginia State University, Department of Psychology, presented the preliminary findings of his research funded by a 2021 grant from the National Institute on Drug Abuse. Dr. Keen stated that the study integrates psychophysiology, neuropsychology, and substance use epidemiology tenets. His research focuses on cannabis use frequency, quantity, and differences in heart rate variability (HRV) between students with Cannabis Use Disorder (CUD) and students with no substance use disorders at Virginia State University.

Dr. Keen's initial findings suggested correlations between cannabis use and cardiac interaction are based on quantity of use not on the frequency. He stated that his lab does not have enough data and is seeking additional funding to continue this research. Ms. Ngiste Abebe suggested he explore opportunities with local medical cannabis program dispensaries to incorporate existing patient data in the study.

8. Presentation: Office of Hemp Enforcement

Ms. Nikeya Thomas, Program Manager of the Office of Hemp Enforcement (OHE)— a new division of the Virginia Department of Agriculture and Consumer Services (VDACS) —provided an overview of the OHE to the Council. She covered the laws governing the manufacturing and sale of products that contain industrial hemp extracts

intended for human consumption. She stated that the OHE's role is to enforce the law to ensure product safety and protect Virginia's consumers. Ms. Thomas explained that edible or orally ingestible products containing hemp-derived cannabinoids are considered edible hemp products and may not exceed 0.3 percent total tetrahydrocannabinol (THC). These edibles may not have more than two milligrams of total THC per package unless the product's cannabidiol (CBD) to THC ratio is at least 25 parts CBD for every one-part THC.

The OHE employs eight field inspectors positioned throughout the Commonwealth. Their role is to conduct onsite inspections of vape or tobacco stores located in Virginia, review edible hemp product labels, guide retailers on the products that they carry, review the overall condition of the facility to confirm sanitation and ensure all products sold have a certificate of analysis. Ms. Thomas stated that while education on the laws is not the primary focus, inspectors provide basic information and resources. Formal inspection reports go to OHE's compliance team for review. A Notice of Alleged Violation letter is sent when violations are recorded, and civil penalties may apply. Operators and business owners can pay the fine or meet with OHE to request an Informal Fact-Finding conference. A reduced civil penalty may then be issued.

Council Members asked if OHE had seen any trends in their inspections, Ms. Thomas responded that many businesses have stopped selling edible hemp products due to the hassle. Ms. Thomas shared that OHE works closely with the VDACS Food Safety Program. She informed the Council that all inspections are at random and inspection observations or suspected violations can be emailed to hempenforcement@vdacs.virginia.gov. Members asked what the civil penalties were. She stated that civil penalties range from \$1,000 to \$10,000.

Ms. Thomas noted that OHE is still a new program. The program's next step is to provide guidance and regulation on all vape and smokeable products. She agreed to update the Advisory Council at the next meeting. She noted that OHE metrics are submitted weekly to the Secretary of Agriculture.

9. Member Discussion

Ms. Addison stated that it would be useful for members to better understand the issue of vapes in schools and asked whether vapes confiscated at schools are turned over to law enforcement for testing. Ms. Ackley responded that there is currently no uniform process for confiscated vapes in schools. Advisory Council members suggested this as a topic for a future speaker.

Ms. Jackson commented on the Department of Forensic Science's updated THC screening protocols which began in January. She noted that results are available on the Department of Forensic Science website.

10. Next Steps

Mr. Marvka suggested that Ms. Jackson provide a report on the THC findings to be presented at a future meeting. Ms. Jackson stated she would speak with the Division's Toxicology program manager to inquire about data to share.

11. Public Comment

Keeta Marie James, an out-of-state resident, commented on the barriers for out-of-state patients to access medical cannabis.

Gregory Powers offered his support for educating students about the dangers of vapes.

Tom Choi commented about the impact of delayed cannabis legalization on family-owned businesses.

12. Adjournment

The Advisory Council adjourned at 3:39 PM.