



**ANNUAL REPORT BY
THE CANNABIS PUBLIC HEALTH
ADVISORY COUNCIL**

November 18, 2024

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OVERVIEW

Section 4.1-603 of the Code of Virginia established the Cannabis Public Health Advisory Council (CPHAC, or Advisory Council) as an advisory council to the Virginia Cannabis Control Authority (CCA). This report details the work of the Advisory Council in fulfilling its statutory purpose “to assess and monitor public health issues, trends, and impacts related to marijuana and marijuana legalization and make recommendations regarding health warnings, retail marijuana and retail marijuana products safety and product composition, and public health awareness, programming, and related resource needs.” Va. Code § 4.1-603. This report covers CPHAC activity from July 1, 2023, through July 15, 2024.

STATUTORY DUTIES OF THE ADVISORY COUNCIL

As noted above, the Cannabis Control Act established the CPHAC as an advisory council to the Cannabis Control Authority Board of Directors (the Board). Specifically, the Advisory Council shall have the following duties, as described in Virginia Code section 4.1-603:

1. Review multi-agency efforts to support collaboration and a unified approach on public health responses related to marijuana and marijuana legalization in the Commonwealth and to develop recommendations, as necessary.
2. Monitor changes in drug use data related to marijuana and marijuana legalization in Virginia and the science and medical information relevant to the potential health risks associated with such drug use and make appropriate recommendations to the Department of Health and the Board.
3. Submit an annual report to the Governor and General Assembly for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports.

MEMBERS OF THE ADVISORY COUNCIL

As stated in Virginia Code section 4.1-603, the Advisory Council shall consist of a total membership of 21 members: 14 non-legislative citizen members and seven ex officio members.¹

The Senate Committee on Rules shall appoint four non-legislative members of the Advisory Council:

- one shall represent the Virginia Foundation for Healthy Youth;
- one shall represent the Virginia Chapter of the American Academy of Pediatrics;
- one shall represent the Medical Society of Virginia; and
- one shall represent the Virginia Pharmacists Association.

The Speaker of the House of Delegates shall appoint six non-legislative members:

- one shall be a representative of a community services board;
- one shall be a person with expertise in substance use disorder treatment and recovery;
- one shall be a person with expertise in substance use disorder prevention;
- one shall be a person with experience in disability rights advocacy;
- one shall be a person with experience in veterans' health care; and
- one shall be a person with a social or health equity background.

The Governor shall appoint four non-legislative members, subject to confirmation by the General Assembly:

- one shall represent a local health district;
- one shall be an academic researcher knowledgeable about cannabis;
- one shall be a part of the cannabis industry; and
- one shall be a registered medical cannabis patient.

The ex officio members of the Advisory Council include:

- the Secretary of Health and Human Resources;
- the Commissioner of Health;
- the Commissioner of Behavioral Health and Developmental Services;
- the Commissioner of Agriculture and Consumer Services;
- the Director of the Department of Health Professions;

¹ After initial staggering of terms, non-legislative members shall be appointed for a four-year term.

- the Director of the Department of Forensic Science; and
- the Chief Executive Officer of the Virginia Cannabis Control Authority, or their designees.²

As of November 18, 2024, the CPHAC consists of the following members:³

- Secretary of Health and Human Resources, Janet V. Kelly, Chair
- Ngiste Abebe, Vice Chair
- Joseph Guthrie, Commissioner of the Virginia Department of Agriculture and Consumer Sciences
- Linda C. Jackson, Director of the Virginia Department of Forensic Science
- Arne Owens, Director of the Virginia Department of Health Professions
- Jeremy Preiss, Acting Head and Chief Officer of Regulatory, Policy, and External Affairs, Virginia Cannabis Control Authority
- Dr. Karen Shelton, State Health Commissioner, Virginia Department of Health
- Nelson Smith, Commissioner of the Virginia Department of Behavioral Health and Developmental Services
- Melissa Ackley
- Dr. Michael Gillette
- Dr. Cynthia Morrow
- Marcus Treiber
- Karin Addison
- Dr. Larry Keen
- Michael Krawitz
- Dr. John Whyte
- Rev. Dr. Jerome Barber
- Dr. Kyzwana Caves
- Teresa Elder
- LeNelle Mozell

² Ex officio members shall serve terms that coincide with their terms of office, and they can send designees to attend CPHAC meetings.

³ Biographies of each CPHAC member can be found in Appendix A of this Report.

There is one vacancy on the Advisory Council: a representative of the Virginia Pharmacists Association (to be appointed by the Senate Committee on Rules).

ADVISORY COUNCIL MEETINGS

Virginia Code requires the CPHAC to meet at least two times each year. The Advisory Council also “shall meet at the call of the chairman or whenever the majority of the members so request.” Va. Code § 4.1-603(B). These meetings allow the CPHAC to conduct its business and allow for comments from members of the public who choose to attend. Advisory Council meetings often feature outside speakers with varied expertise in public health, cannabis, and data.

The CPHAC held an in-person meeting on November 27, 2023.⁴ The Council heard presentations from Dr. Robert Lockwood of the Alabama Department of Forensic Sciences and Dr. Michelle Peace of Virginia Commonwealth University. Dr. Lockwood gave an overview of Alabama state’s testing processes, focusing on the type of machines and samples used in testing. Dr. Peace discussed regulatory gaps in cannabis vaping, highlighting the dangers found in unregulated products.

The Advisory Council met in-person again on July 15, 2024.⁵ The meeting introduced two new members: Ms. Melissa Ackley and Ms. LeNelle Mozell. Members heard two presentations. The first presentation was from fellow Advisory Council member Dr. Larry Keen on the Cannabis Nexus Initiative. Dr. Keen presented preliminary findings of his research focused on the influence of chronic cannabis use on perseveration and cognitive flexibility as a function of heart rate variability. The second presentation came from Ms. Nikeya Thomas, Program Manager of the Office of Hemp Enforcement (OHE) — a new division at the Virginia Department of Agriculture and Consumer Services. She provided an overview of the division’s work to the CPHAC.

⁴ Approved minutes for the November 27, 2023 CPHAC meeting can be found in Appendix B of this Report.

⁵ Draft minutes for the July 15, 2024, CPHAC meeting can be found in Appendix C of this Report.

CONCLUSION

The Advisory Council plays an important role in monitoring key public health data, trends, and considerations related to cannabis. The CPHAC looks forward to continuing collaboration with the Governor, General Assembly, and the CCA, as well as other state agencies, public health experts, and the public to ensure public health remains a top priority in cannabis regulation.

Appendix A: BIOGRAPHIES OF ADVISORY COUNCIL MEMBERS

Secretary of Health and Human Resources, Janet V. Kelly, serves as Chair of the Council. She most recently served as Senior Advisor for Children and Families for Governor Glenn Youngkin. She spearheaded the Safe and Sound Task Force, successfully relocating hundreds of children in foster care. Secretary Kelly led the Prompt Placement Task Force, increasing access to state psychiatric hospitals, and was a leading force behind the recently signed kinship legislation and the Governor's transformational behavioral health plan, *Right Help, Right Now*. Secretary Kelly served as Secretary of the Commonwealth in the McDonnell Administration from 2010 to 2014. She initiated the "Virginia Adopts: Campaign for 1,000," which matched 1,041 children with adoptive families. Additionally, she co-founded "America's Kids Belong" and "Virginia's Kids Belong" to advocate for children and families in the child welfare system. Secretary Kelly has also served as Chief of Staff in the Office of the Attorney General, Press Secretary on Capitol Hill, and Legislative Assistant in the Virginia House of Delegates. She has also consulted on seven gubernatorial transitions and served on numerous child welfare-related boards and advisory committees.

Ms. Ngiste Abebe* serves as Vice Chair of the Council. Ms. Abebe is an experienced cannabis policy expert. Previously she was VP of Public Policy at Columbia Care, a publicly traded national cannabis company, President of the New York Medical Cannabis Industry Association, and in the executive leadership for cannabis associations in DC, Illinois, and Delaware. Before entering cannabis policy, Ngiste was a founding partner in Undaunted Ventures, a political consulting firm which specializes in innovative narrative, training, and leadership coaching services. Ngiste holds a BA in Public Policy from the University of Chicago and a Masters in Public Policy and Management from Carnegie Mellon University.

Commissioner Joseph Guthrie serves as lead of the Virginia Department of Agriculture and Consumer Sciences. Commissioner Guthrie is a sixth generation Virginia farmer. He owns and operates a beef cattle and hay farm in Pulaski County on farmland that has been in his family since 1795. Since 2007, he served as a Senior Instructor at Virginia Tech and taught courses in business management, finance, communications, and leadership in the Agricultural Technology Program. Prior to his appointment, he served the residents of Pulaski County on the Board of Supervisors since 2015 and was elected Board Chair in 2020 and 2021. He was also elected to a four-year term on the Pulaski County School Board in 2011. Commissioner Guthrie has served as the president of Virginia Tech's College of Agriculture and Life Sciences Faculty Association, president of Pulaski County Farm Bureau, and president of the Virginia Cattlemen's Association. He was appointed by USDA Secretary Tom Vilsack to the National Cattlemen's Beef Promotion and Research Board and was appointed by former Governor Bob McDonnell to the Virginia Cattle Industry Board.

Director Linda C. Jackson was initially appointed as the Director of the Virginia Department of Forensic Science by Governor McDonnell on February 25, 2013, to fulfill an unexpired term. She was re-appointed by Governor McAuliffe effective December 26, 2017, for a six-year term. Ms. Jackson has a B.S. degree in Chemistry from Wake Forest University and an M.S. in Chemistry from the University of North Carolina at Charlotte. As Director, she has worked to increase laboratory transparency by making all Breath Alcohol instrument records and test results available online and offering scientific training to criminal attorneys and judges. She has worked with the Department of Criminal Justice Services to publish annual seized drug statistics for use by Virginia public safety and public health agencies.

Director Arne Owens was appointed to serve as Director of the Department of Health Professions in November 2022. Mr. Owens previously served as Deputy Assistant Secretary for Planning and Evaluation in the Office of the Secretary, U.S. Department of Health and Human Services (HHS) and, prior to that, as Deputy Assistant Secretary with the Substance Abuse and Mental Health Services Administration (SAMHSA) at HHS. He has also served on the staff of the U.S. Senate as Health Care Policy Advisor for former Senator Bob Corker, Global Health Policy Advisor for the Senate Committee on Foreign Relations, and Health Care Policy Advisor for the Senate Committee on Small Business and Entrepreneurship and its chairman, former Senator David Vitter. Mr. Owens is a graduate of the U.S. Military Academy at West Point and holds a Master of Science Degree from the University of Southern California.

Jeremy Preiss joined the Virginia Cannabis Control Authority (“CCA” or “Authority”) as its second employee in January 2022. He serves as the Authority’s Chief Officer for Regulatory, Policy, and External Affairs, leading the Authority’s work on policy, legislation, regulation, and public affairs. He also serves as the Acting Head of the CCA, a role he has played since the spring of 2022. Before joining the CCA, Mr. Preiss worked as an executive attorney on ethics, compliance, and international business matters for over 20 years for two aerospace and defense companies, United Technologies, and Raytheon Technologies (now RTX). Prior to that corporate experience, Mr. Preiss was international trade counsel for the U.S. Senate Finance Committee and an attorney with the firm Sidley Austin. Mr. Preiss has bachelor’s and master’s degrees, respectively, from Johns Hopkins University (JHU) and JHU's School of Advanced International Studies, and a law degree (Magna Cum Laude) from the University of Pennsylvania's School of Law.

Dr. Karen Shelton MD, MPH, was appointed as the State Health Commissioner of the Virginia Department of Health on May 1, 2023. Dr. Shelton graduated from Wake Forest University (Bachelor’s) and the University of Virginia (MD), and she trained in obstetrics and gynecology at Eastern Virginia Medical School. She first joined the Virginia Department of Health in 2016 to lead the Mount Rogers Health District. As health district director, Dr. Shelton led the health district during the opioid overdose crisis and through the COVID-19 pandemic. Dr. Shelton also served as acting director for the LENOWISCO and Cumberland Plateau health districts from January to August of 2021. Dr. Shelton accepted a position with Ballad Health in 2021 as vice president and chief medical officer for Bristol Regional Medical Center and Smyth County Community Hospital.

Commissioner Nelson Smith comes to the Youngkin administration with a wide variety of experience. He will bring to his role of Commissioner of the Department of Behavioral Health and Developmental Services leadership as a CEO at several hospitals, as a US Army Special Forces Combat Dive Team Leader, and most recently, his experience overseeing Tucker Pavilion at Chippenham Hospital. His responsibilities included coordinating and implementing initiatives that improve access, quality, and efficiency in both the inpatient and outpatient settings. Commissioner Smith has a passion for team building and a proven track record of employee engagement and empowerment.

Ms. Melissa Ackley, Prevention Services Manager at Chesterfield Mental Health Support Services, has expertise in substance use disorder treatment and recovery. Ms. Ackley is co-chair of the Chesterfield Suicide Awareness and Prevention Coalition and the Virginia Association of Community Services Board, Inc. of their Prevention Services Council.

Dr. Michael Gillette has expertise in substance use disorder prevention. Dr. Gillette is an ethics expert who has presented numerous keynotes and workshops nationally and internationally for over 25 years.

Additionally, he contracts with dozens of healthcare organizations and other agencies to provide ethics case consultations and policy work. Dr. Gillette established Bioethical Services of Virginia, Inc., which provides applied ethics programs and services, including educational programming, case consultation, and policy development and review. He has presented on topics such as ethics case studies in addiction services and ethics and dual diagnosis.

Dr. Cynthia Morrow,* MD, MPH is the Director of Virginia Department of Health's Roanoke City and Alleghany health districts. She graduated from Tufts University in 1992. She is an internal medicine physician in Roanoke, VA and has over 30 years of experience in the medical field. She is also an assistant professor at Virginia Tech Carilion School of Medicine.

Mr. Marcus Treiber* is the Chief Executive Officer of EMT Holdings LLC and a certified medical cannabis patient. Marcus is also a member of the U.S. Marine Corp. EMT Holdings is a service-disabled, veteran-owned small business and HUBZone business focused on providing customers with highly qualified and motivated support and solutions.

Ms. Karin Addison serves as a member of the Virginia Foundation for Healthy Youth Board. She is also the Director of State Affairs at Troutman Pepper Strategies. Ms. Addison has 19 years of experience lobbying the Virginia General Assembly and Executive Branch offices. She has an array of expertise at the state level in the areas of healthcare, human services, procurement, and appropriations. Ms. Addison currently assists clients with understanding and identifying health and human service-related procurement opportunities and understanding the impact of Medicaid program changes.

Dr. Larry Keen* is an associate professor at Virginia State University. Dr. Keen received his B.A. in Psychology from North Carolina Agricultural and Technical State University. He received both his M.S. and Ph.D. in Neuropsychology & Personality from Howard University. Dr. Keen's research interests include examining the psychoneuroimmunological influences of cannabis use and neurocognitive performance in community-based and young adult samples. Dr. Keen also has research interests in substance use patterns in young adults and their associations with psychological and autonomic nervous system markers.

Mr. Michael Krawitz is experienced in veterans' health care. He is a U.S. Air Force veteran, Executive Director of the non-profit Veterans for Medical Cannabis Access, researcher on the history of medical cannabis, and international advocate for Cannabis policy reform with FAAAT think & do tank (non-profit).

Dr. John Whyte represents the Medical Society of Virginia. Dr. John Whyte is an internal medicine physician in Washington D.C. and corporate executive with a unique combination of government and private sector work that provides him with an exceptional perspective on wellness, clinical trials, information technology, innovation, and health care services.

Rev. Dr. Jerome Barber has a background in social and health equity. Rev. Barber is the Senior Pastor of Sixth Mount Zion Baptist Temple a strong growing congregation in Hampton, Virginia and he is the Executive Director, President and Co-Founder of Six House, Inc., a faith-based community organization. He earned his Bachelor of Arts degree in Biology from Hampton Institute (Hampton VA) in 1981, graduating with high honors as a Distinguished Military Graduate and commissioned as 2nd Lieutenant in the US Army. He was conferred as a Doctor of Divinity by the Eastern Theological

Seminary during its 2001 commencement ceremony. Since July 2000, he has mobilized teams from the United States of pastors, medical professionals, educators, and youth to conduct revivals, crusades, bible seminars, youth and women's conferences, training workshops, and medical clinics throughout the Nairobi area of Kenya, West Africa, and Salvador, Brazil.

Dr. Kyzwana Caves represents the Virginia Chapter of the American Academy of Pediatrics. Dr. Caves moved to the Tidewater area after completing her fellowship in adolescent medicine at Children's National Medical Center in Washington, DC. Dr. Caves has specialized expertise in managing diverse issues unique to the adolescent population; this includes being credentialed as an HIV Specialist by the American Academy of HIV Medicine. She enjoys working as a multidisciplinary team member to offer optimal care for each of her patients and their families.

Ms. Teresa Elder has experience in disability rights advocacy. Ms. Elder is from Springfield, VA and has a son who suffers from epilepsy. She has spoken in front of the Senate Education and Health committee in support of bills that advocate for disability rights, such as SB1235, which allowed the possession of oils derived from marijuana to medicate epilepsy.

Ms. LeNelle Mozell, Behavioral Health Program Manager at Prince William County, has over 30 years of experience as a therapist for children and adults. She services on the Virginia Association of Community Services Board, Inc. as co-chair of their Substance Use Disorders Services Council. Ms. Mozell received her B.A. in Psychology at Duke University and her Master of Social Work from Simmons University.

*Denotes Governor Appointee

Appendix B: APPROVED MINUTES FROM JULY 15, 2024, CPHAC MEETING



**Cannabis Control Authority
Cannabis Public Health Advisory Council Meeting
As Required by 2021 Acts of Assembly, Chapter 551
November 27th, 2023**

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**East Reading Room – Patrick Henry Building
MEETING MINUTES**

MEMBERS PRESENT: James Williams (on behalf of Secretary John Littel, Chair)
Ngiste Abebe, Vice Chair
Karin Addison
Michael Krawitz
Michael Gillette (virtual)
Joseph Guthrie
Arne Owens
Larry Keen
Ellen Harrison (on behalf of Nelson Smith)
Mason Byrd (on behalf of Linda Jackson)
Jeremy Preiss
John Whyte
Jerome Barber (virtual)
Cynthia Morrow (virtual)
Kyzwana Caves (virtual)

LEGAL COUNSEL: James Flaherty, Office of the Attorney General

PRESENTERS: Dr. Robert Lockwood, Alabama Department of Forensic Sciences
Dr. Michelle Peace, Virginia Commonwealth University

1. Introductory Remarks & Roll Call

Mr. Williams called the meeting to order at 2:07 PM.

2. Determination of Quorum

Mr. Williams determined that, with eleven members present in person, the Advisory Council had a quorum. There were an additional four members who attended virtually due to living more than 60 miles from the meeting location. Dr. Gillette participated from his home in Southwest Virginia, Dr. Morrow participated from her office in Southwest Virginia, Rev. Dr.

Barber participated from his home in Eastern Virginia, and Dr. Caves participated from her home in Norfolk, Virginia.

3. Approval of Previous Meeting's Minutes

Upon motion by Ms. Addison, and duly seconded by Dr. Whyte, Council members unanimously voted to approve the draft minutes from the Advisory Council meeting on June 26, 2023.

4. Vote to Approve the CPHAC 2023 Annual Report

Upon motion by Ms. Addison, and duly seconded by Dr. Whyte, Council members unanimously voted to approve the 2023 annual report.

5. Presentation: Testing Systems in Other States

Dr. Robert Lockwood, from the Alabama Department of Forensic Sciences, presented an overview of Alabama state testing processes focusing on types of testing machines used and what is tested (e.g., blood, urine, and oral fluids). After providing the Council with an overview of cannabinoids, Dr. Lockwood provided an overview of cannabinoids and discussed how cannabinoid acetates are very similar, which can make it difficult to distinguish between them. He also discussed the importance of collect the best samples and using machines such as liquid chromatography and mass spectrometry. Oral fluids are becoming more common for evidence testing, as they are easier for non-medical professionals to gather. However, state laws must permit the use of oral fluids to be admissible in court, and some substances decrease saliva secretion. Alabama has updated its implied consent laws to include oral fluids to address the legal barriers.

Council members asked about the source of claims regarding the low potency levels of cannabinoids like THC-O and THC-P. Dr. Lockwood noted most of these claims are from the internet and there are limited peer-reviewed publications on these cannabinoids.

In response to Council members asking for more details on Alabama's oral fluid testing, Dr. Lockwood stated that Alabama is following oral fluid testing standards in the forensic science community and that these tests look for the presence of THC rather than any specific strain.

Mr. Williams called for a 15-minute break before the next presentation.

6. Presentation: VCU Department of Forensic Science Research

Dr. Michelle Peace, Professor from the Department of Forensic Science at Virginia Commonwealth University, presented on regulatory gaps related to cannabis vaping. Dr. Peace highlighted the dangers found in unregulated products that Virginians, especially young adults, sometimes use to vape cannabis. Her lab tested numerous samples across the Commonwealth and found that many inhaled cannabinoid products had contamination from bacteria, hair, fungus, and chemicals not meant to be inhaled. Dr. Peace's lab also found that many of these products contained either more or less CBD and THC than advertised. She stressed that mislabeling products and unregulated markets are dangerous for public health

and safety. Dr. Peace suggested more explicit thresholds and standards in the Commonwealth's cannabis market to improve public health and safety.

When council members asked Dr. Peace about the relationship between mental health and cannabis, Dr. Peace stated that her lab did not specialize in mental health research and encouraged members to research existing peer-reviewed publications. The Advisory Council discussed the impact potency and concentration changes in cannabis products have on cannabis consumers in Virginia.

7. Next Steps

Dr. Whyte stated that the Council needs to consider its focus for future meetings. He suggested the Council look at the impact of substances on the public, public perception of the industry, consumer trend data, potential risks of cannabis use, and Virginia's underlying public health needs. Dr. Whyte noted the Council needs to narrow its focus on state data rather than national. Mr. Priess stated his support for Dr. Whyte's suggestions. He informed the Council that the Cannabis Control Authority focuses on public perception and risks, as directed by the General Assembly, but agreed that the Council would benefit from focusing on what is useful, credible, and helpful for curious and current consumers. Mr. Krawitz responded that patients and medical providers are having difficulty identifying which product best fits the medical condition of the patient. He suggested this should be an area for the Council to address.

Mr. Williams told the Advisory Council that a meeting would be scheduled in the spring.

8. Public Comment

There were two public comments at this meeting. The first comment was from Ms. Lennice Werth from Virginians Against Drug Violence. Ms. Werth informed the Council that she has heard firsthand accounts about the benefits of medical cannabis for patients, but there are barriers that hinder patient access. She stated that these restrictions are pushing citizens to use unregulated products, exposing them to dangerous products like the ones in Dr. Peace's presentation. Ms. Werth urged the Council to move faster to help protect the public from these dangerous products.

The second comment was by Ms. MaryLynn Mathre from Patients Out of Time. She told council members about how the cannabis plant has been safely used for hundreds of years to treat all sorts of medical ailments. Ms. Mathre noted when other substances are added to cannabis, the product becomes unsafe to use. She also stated that the overly restricted Virginian market pushes people to use dangerous products and hurts legitimate businesses.

9. Adjournment

The Advisory Council adjourned at 4:45 pm.

Appendix C: DRAFT MINUTES FROM JULY 15, 2024, CPHAC MEETING



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

Upon motion by Mr. Markva, and duly seconded by Mr. Arne Owens, Council members unanimously approved electronic participation for the following members:

- Dr. Cynthia Morrow attended virtually due to the meeting location being more than 60 miles from her residence. Dr. Morrow participated from her office in Roanoke, VA.
- Dr. Gillette participated from his office in Lynchburg, VA also due to the meeting location being more than 60 miles from his residence.
- Mr. Michael Krawitz attended virtually due to a family member's medical condition. He participated from his home in Southwest Virginia.
- Dr. John Whyte cited prior clinic obligations and participated from his office in Great Falls, VA.

4. Approval of Previous Meeting's Minutes

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

6. Introduction of New Members

Mr. Markva requested new Advisory Council members introduce themselves. Ms. LeNelle M. Mozelle introduced herself as 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 introduced herself as 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. Mr. Markva noted that the Advisory Council website should be updated to reflect the new members.

7. Presentation: Cannabis Nexus Initiative

Dr. Larry Keen, Associate Professor, Virginia State University (VSU), Department of Psychology, presented the preliminary findings of his research focused on the influence of chronic cannabis use on perseveration and cognitive flexibility as a function of heart rate variability. The research grant was funded in 2021 by 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 VSU.

Dr. Keen's initial findings suggested cannabis use and cardiac interaction are based 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) — presented an overview of the OHE to the council. She covered the regulations 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 uphold 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 while education on the laws is not the primary focus, inspectors do provide basic information, resources, and contact information. 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. Members asked for some more details on the inspections. She informed the council that all inspections are at random, and that inspection observations or suspected violations inquires can be emailed to hempenforcement@vdacs.virginia.gov. When asked the cost of civil penalties, she stated that penalties range from \$1,000 to \$10,000.

Ms. Thomas noted that OHE is in the infant stage of the 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. She questioned 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 stated that beginning in January 2023, the Department of Forensic Science began to scan all high Blood Alcohol Levels (BAL) for THC. Currently, only Delta 9 is being reviewed, not Delta 8, however with the influx of products containing Delta 8, a redevelopment of methods is in the works. 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 BAL/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, expressed some concern over THC-A policies, supported the creation of a recreational market, and suggested that there needed to be changes for out of state medical patients. She stated that she would like to see more states offer cannabis for sale without having to have a legal medical card, citing how some states made it easier for out-of-state patients to access medical cannabis.

Gregory Powers commented that his son will be attending James River High School. Mr. Powers stated that he learned of the vape pen issue in schools from a conversation he had with a teacher. He noted that he is in favor of educating students about the dangers of vapes and urged the Council to expedite their outreach. He also stated that there is value in turning the cannabis plant into medicine.

Tom Choi, a Virginia resident and retailer, commented that his family owned a bodega. He stated that the family business expanded by doing the right thing and focused on the quality of the business. Mr. Choi urged Virginia to 'do the right thing' as well with cannabis regulations. He suggested that Virginia could do this by encouraging small business owners and law-abiding businesses. Mr. Choi expressed concern with the lack of conversations between neighboring states, stating that the Commonwealth could benefit from mirroring its neighbors' policies. This cooperation or exchanging of ideas could help regarding cannabis legalization in Virginia.

12. Adjournment

The Advisory Council adjourned at 3:39 PM.