DH, MMRegulations

From: bobm@actlabllc.com
Sent: Monday, April 5, 2021 5:02 PM
To: DH, MMRegulations
Cc: 'Jeff Nemeth'; 'Susan Campbell'; bobm@actlabllc.com
Subject: [External] Supplemental Comments on New Legislation
Attachments: pa response suppll.4.5.21.docx

John

On behalf of ACT labs, enclosed please additional supplemental comments that we have related to *Medical Marijuana Regulation #10-219 (IRRC #3290).* We look forward to work with you and the state in this very important piece of legislation within Pennsylvania. If you have any questions, please don't hesitate to call.

Bob

April 5, 2021

VIA Email to:

RA-DHMMregulations@pa.gov

John J. Collins, Director, Office of Medical Marijuana
Department of Health
Health & Welfare Building, Room 628
625 Forster Street
Harrisburg, PA 17120

Re: ACT Laboratories Supplemental Submission to Medical Marijuana Regulation #10-219 (IRRC #3290); Proposed Permanent Medical Marijuana Regulations by the Pennsylvania Department of Health

Dear Director Collins:

ACT Laboratories has seven testing facilities throughout the continental United States including in the Commonwealth of Pennsylvania and we are providing a submission to supplement our comments filed with the IRRC earlier.

§ 1171a.29(c) and § 1171a.31(c)

While we appreciate the Department's policy objective to ensure the safety of Pennsylvania's medical marijuana patients, the proposed requirement for grower/processors to use two different approved testing laboratories (one laboratory to test harvest batch and a second laboratory to test each process lot) creates additional complexities. First, the two different approved testing laboratories may have different testing methods and therefore more variability in testing results. Second, how will grower/processors, approved laboratories and the Department resolve disagreements between testing results caused by the different testing methods employed by each of the approved testing laboratories?

Second, the requirement for two different approved laboratories creates logistical challenges for both grower/processors and approved laboratories. We have developed strong working relationships with our grower/processors and have created testing and pick-up schedules with each client. The sudden influx of an entire new customer base may dramatically decrease our efficiency and accuracy.

Third, § 1171a.31(c) (1)-(3) sets forth procedures for failed testing, requiring a *third* approved laboratory to sample the re-tested harvest batch or process lot to confirm the

passing test result. Bringing a third approved laboratory into the fold creates additional logistical challenges for all parties involved.

In the spirit of 71 P.S. § 745.5b(b)(1)(ii) and to avoid an adverse effect on the price of medicine to patients, we recommend creating standardized testing methods applicable to all approved laboratories to avoid pitfalls we see in other states.

Sincerely,

Robert Miller, Ph.D.
COO ACT Labs