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District of Columbia

Florida

Hawaii

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Supplemental Material

Comparison of State-Level Regulations for Cannabis Contaminants and Implications for Public Health

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Identified Regulatory Documents, Public Health Reports, Cannabis Testing Reports, and News Reports

<u>Summary</u>: This document describes our analyzed collection of state-level regulatory documents of cannabis contaminants in 51 U.S. jurisdictions (i.e. 50 states and Washington, D.C.). The collection was compiled between February 6, 2021 and May 18, 2022. We excluded the jurisdictions that (i.) legalized to only decriminalize cannabis or (ii.) only allowed the use of cannabidiol oil in our analysis, focusing only on those where at least one state cabinet-level agency was given a legalized mandate to regulate cannabis contaminants. This allowed us to compile a complete list of regulated contaminants in drug-type *Cannabis sativa* L. in all legalized jurisdictions in the U.S.

Based on the above criteria, we collected the regulatory documents of 36 states and Washington, D.C. In the following section, we listed a.) the legal status of cannabis, b.) the analyzed regulatory document(s), and c.) the state agency involved in each jurisdiction. Additionally, we documented d.) the public health report of legalized cannabis in each jurisdiction (if available) between the years 2016 and 2021; e.) the cannabis testing reports issued by state agencies; and f.) the news reports of cannabis recalls between February 6 and June 30, 2021 using the following search terms: "cannabis recall contamination", "cannabis contamination", "marijuana contamination", "marijuana pesticide", "marijuana metal", "marijuana solvent", and "marijuana recall" in Google News, Newsbank, and Access World News.

Alabama

a.) Legal status: Medical

b.) Documents analyzed:

Alabama Medical Cannabis Commission. (May 6, 2021) AL SB46 Medical Cannabis.

c.) State agency involved:

Alabama Department of Agriculture and Industries

Alabama Department of Public Health

d.) Public health report:

Not found

e.) Cannabis testing report:

Not found

f.) News reports on cannabis recalls:

Alaska

a.) Legal status: Medical and Recreational

b.) Documents analyzed:

Alaska Admin. Code 306.645. (2021). Alaska Laboratory Testing of Marijuana and Marijuana Products.

c.) State agency involved:

Alaska Department of Commerce: Alcohol and Marijuana Control Office

d.) Public health report:

Alaska Department of Health and Social Services. (January, 2020). *Marijuana Use and Public Health in Alaska – 2020*.

e.) Cannabis testing report:

Not found

f.) News reports on cannabis recalls:

Arizona

a.) Legal status: Medical and Recreational

b.) Document analyzed:

Arizona Secretary of State. (July 1, 2021). *Chapter 17. Department of Health Services- Medical Marijuana Program.* Arizona Administrative Code.

c.) State agency involved:

Arizona Department of Health Services

d.) Public health report:

Arizona Department of Public Health (ADHS). (February, 2021). Arizona Medical Marijuana Program February 2021 Monthly Report.

e.) Cannabis testing report:

Not found

<u>f.) News reports on cannabis recalls:</u>

Outbreak News Today. (June 24, 2021). Arizona: Marijuana products recalled due to possible contamination with salmonella or aspergillus fungus.

Arkansas

a.) Legal status: Medical

b.) Document analyzed:

Arkansas State Board of Health, Department of Health. (September 1, 2017). Rules and Regulations Governing Medical Marijuana Registration, Testing, and Labeling in Arkansas. Emergency Rule for Medical Marijuana.

c.) State agency involved:

Arkansas State Board of Health

Department of Health

d.) Public health report:

Arkansas Department of Health. (2020). Arkansas Medical Marijuana 2020 Fiscal Year Report.

e.) Cannabis testing report:

Not found

<u>f.</u>) News reports on cannabis recalls:

California

a.) Legal status: Medical and Recreational

b.) Document analyzed:

California Bureau of Cannabis Control. (2022). California Code of Regulations Title 4 Division 19. Bureau of Cannabis Control. Bureau of Cannabis Control Text of Regulations.

e.) Cannabis testing report:

California Department of Cannabis Control (CDCC). 2021. Cannabis batch testing. Certificates of analysis as of May 21, 2021.

c.) State agency involved:

California Bureau of Cannabis Control

d.) Public health report:

Not found

f.) News reports on cannabis recalls:

Colorado

a.) Legal status: Medical and Recreational

b.) Document analyzed:

Marijuana Enforcement Division (January 1, 2021). *Colorado Marijuana Rules*. Code of Colorado Regulations. 1 CCR 212-3.

c.) State agency involved:

The Marijuana Enforcement Division Department Revenue

d.) Public health report:

Colorado Department of Public Health & Environment. (January, 2021). *Medical Marijuana Registry Program Statistics*.

e.) Cannabis testing report:

Colorado Department of Revenue, Marijuana Enforcement Division (MED) (September 17 2021), *MED 2020 Annual Update*.

f.) News reports on cannabis recalls:

Mitchell, T. (September 15, 2021). Durango dispensary issues recall over pesticide concerns. Westword.

Mitchell, T. (November 19, 2021). *Medical marijuana recalled in Colorado Springs*. Westword. Roznowski, B. (October 16, 2021). *Marijuana Enforcement Division Issues Health and Safety Advisory for some marijuana flower products*. KMGH.

Staff (December 18, 2021). Colorado authorities issue recall of contaminated cannabis. MJBizDaily.

Mitchell, T. (October 22, 2021). Heavy metals contaminant sparks latest marijuana recall. Westword.

Connecticut

- a.) Legal status: Medical and Recreational
- b.) Document analyzed:

Connecticut Department of Consumer Protection: Medical Marijuana Program. (March 24, 2021). CT Gen Stat § 21a-408 *Palliative Use of Marijuana*.

c.) State agency involved:

Connecticut Department of Consumer Protection: Medical Marijuana Program

Connecticut's Social Equity Council

d.) Public health report:

Not found

e.) Cannabis testing report:

Not found

f.) News reports on cannabis recalls:

Delaware

a.) Legal status: Medical

b.) Document analyzed:

Delaware Department of Health and Social Services (February 1, 2020) *State of Delaware Medical Marijuana Code.* 23 DE Reg. 667.

c.) State agency involved:

Delaware Department of Health and Social services

d.) Public health report:

Delaware Health and Social Services. (October, 2020). Delaware Medical Marijuana Program Annual Report.

e.) Cannabis testing report:

Not found

f.) News reports on cannabis recalls:

District of Columbia

a.) Legal status: Medical

b.) Document analyzed:

District of Columbia Register. (August 9, 2019). 6409: *Testing Requirements and Methodologies*. District of Columbia Municipal Regulations.

c.) State agency involved:

Department of Consumer and Regulatory Affairs

d.) Public health report:

District of Columbia Government: Alcoholic Beverage Regulation Administration. (2021, January 27). *Medical Cannabis Program Update: January 27, 2021*.

e.) Cannabis testing report:

Not found

f.) News reports on cannabis recalls:

Florida

a.) Legal status: Medical

Document analyzed:

Florida Department of Health, Office of Medical Marijuana Use (January 21, 2020). 64ER20-9 *CMTL Sample Testing*.

c.) State agency involved:

Florida Department of Health Office of Medical Marijuana Use

d.) Public health report:

Not found

e.) Cannabis testing report:

Not found

f.) News reports on cannabis recalls:

Hawaii

a.) Legal status: Medical

b.) Document analyzed:

State of Hawaii Department of Agriculture. (January 23, 2018). HB 2534 Medical Cannabis Laboratory Testing.

c.) State agency involved:

State of Hawaii Department of Agriculture

d.) Public health report:

State of Hawaii Department of Health. (January 31, 2020). Medical Cannabis Registry Program.

e.) Cannabis testing report:

Not found

f.) News reports on cannabis recalls:

Illinois

a.) Legal status: Medical and Recreational

b.) Document analyzed:

Illinois Joint Committee on Administrative Rules: Administrative Code. (2015). Part 1000 Compassionate Use of Medical Cannabis Pilot Program Section 1000.510 Laboratory Testing.

c.) State agency involved:

Illinois Department of Public Health (medical)

Illinois Department of Financial and Professional Regulation (recreational)

d.) Public health report:

Illinois Department of Public Health (IDPH). (June 30, 2020). Annual Progress Report 2020.

e.) Cannabis testing report:

Not found

f.) News reports on cannabis recalls:

Louisiana

a.) Legal status: Medical

b.) Document analyzed:

Louisiana Department of Agriculture and Forestry. (January 20, 2022). Title 7 Part XLIX. *Medical Marijuana*.

Louisiana Department of Agriculture and Forestry. Office of the Commissioner. Louisiana Register Vol. 45, No. 08 pg. 1137, August 20, 2019. *Potpourri*.

c.) State agency involved:

Louisiana Department of Agriculture and Forestry

d.) Public health report:

Not found

e.) Cannabis testing report:

Not found

f.) News reports on cannabis recalls:

Maine

- a.) Legal status: Medical and Recreational
- b.) Document analyzed:

Maine Office of Marijuana Policy (September 18, 2020). Rules for the Certification of Marijuana Testing Facilities.

c.) State agency involved:

Department of Administrative and Financial Services

d.) Public health report:

Not found

e.) Cannabis testing report:

Not found

f.) News reports on cannabis recalls:

Maryland

a.) Legal status: Medical

b.) Document analyzed:

Maryland Medical Cannabis Commission (October 10, 2020). *The Maryland Medical Cannabis Commissions Technical Authority Medical Cannabis Testing*.

c.) State agency involved:

Department of Health

d.) Public health report:

Maryland Medical Cannabis Commission (MMCC). (December, 2019). Report on the Number of Medical Cannabis Providers, Amount of Medical Cannabis Sold, and Average Consumer Price.

e.) Cannabis testing report:

Not found

f.) News reports on cannabis recalls:

Massachusetts

a.) Legal status: Medical and Recreational

Document analyzed:

Massachusetts Cannabis Control Commission. (December 30, 2021). Protocol for the Sampling and Analysis of Finished Marijuana Products and Marijuana Products for Marijuana Establishments, Medical Marijuana Treatment Centers, and Colocated Marijuana Operations.

Massachusetts Cannabis Control Commission. (April 16, 2021). 935 CMR 501.000: Medical Use of Marijuana.

c.) State agency involved:

Cannabis Control Board and Advisory Board

Massachusetts Department of Public Health

d.) Public health report:

Doonan SM., McKenna, D., Johnson JK., (February, 2020). A Baseline Review and Assessment of the Massachusetts Adult-Use Cannabis Industry— A Report to the Massachusetts Legislature.

e.) Cannabis testing report:

Not found

f.) News reports on cannabis recalls:

Christensen, D. (September 24, 2021). *Holistic pot facility battles mold contamination in Monson*. Daily Hampshire Gazette.

Michigan

a.) Legal status: Medical and Recreational

b.) Document analyzed:

Michigan Marijuana Regulatory Agency. (April 13, 2022). Michigan Sampling and Testing Technical Guidance for Marijuana Products. Version 5.1

c.) State agency involved:

Department of Licensing and Regulatory Affairs

d.) Public health report:

Michigan Marijuana Regulatory Agency (MRA). (January 31, 2021). *Monthly Report January 1, 2021 - January 31, 2021*.

e.) Cannabis testing report:

Not found

<u>f.</u>) News reports on cannabis recalls:

Burns, G. (October 4, 2021). Michigan officials have 'no comment' on how contaminated marijuana made it to store shelves. mlive.

Neavling, S. (January 26, 2022). *Michigan recalls numerous varieties of marijuana flower sold at nine dispensaries statewide*. Detroit Metro Times.

Marijuana Regulatory Agency (August 6, 2020). Marijuana regulatory agency recalls contaminated pre-rolls, suspends processor licenses pending investigation. Marijuana regulatory agency recalls contaminated pre-rolls, suspends processor licenses pending investigation.

Witsil, F. (January 28, 2021). *Michigan marijuana may be contaminated with mold, testing labs warn.* Detroit Free Press.

Minnesota

a.) Legal status: Medical

b.) Document analyzed:

Minnesota Health Department. (February 20, 2015) 4770.0500 Medical Cannabis Manufacturer; Quality Control; Assurance Program.

Minnesota State Register. (February 28, 2022) 46 SR 1024.

c.) State agency involved:

Minnesota Department of Health

The Office of Medical Cannabis Acceptance Criteria

d.) Public health report:

Minnesota Department of Health. (January, 2021). Medical Cannabis Program Update.

e.) Cannabis testing report:

Not found

f.) News reports on cannabis recalls:

Mississippi

a.) Legal status: Medical

b.) Documents analyzed:

Mississippi Department of Health. (February 2, 2022) SB 2095 Mississippi Medical Cannabis Act.

Mississippi Department of Health (May, 2022) Title 15, Part 22, Subpart 1: Cannabis Testing Facilities*

* Regulations could not be confirmed to be available before May 18, 2022 and thus were not included in the analysis.

c.) State agency involved:

Mississippi Department of Health

d.) Public health report:

Not found

e.) Cannabis testing report:

Not found

f.) News reports on cannabis recalls:

Missouri

a.) Legal status: Medical

b.) Document analyzed:

Missouri Code of State Regulations. (June 30, 2020). Chapter 95-Medical Marijuana.

c.) State agency involved:

Missouri Department of Health and Senior Services

d.) Public health report:

Missouri Department of Health & Senior Services. (December, 2019). Approved Qualified Patients by Age Program Year 2019.

e.) Cannabis testing report:

Not found

f.) News reports on cannabis recalls:

Montana

a.) Legal status: Medical and Recreational

b.) Document analyzed:

Montana Department of Public Health and Human Services, Marijuana Registry, Quality Assurance Compliance. (January 15, 2022). *Testing Laboratory Quality Assurance Testing Requirements, Rule:* 37.107.316.

c.) State agency involved:

Montana Department of Public Health and Human Services (as of June 30, 2021)

Montana Department of Revenue

d.) Public health report:

Montana Medical Marijuana Program (MMP). (2020). Montana Medical Marijuana Registry.

e.) Cannabis testing report:

Not found

<u>f.</u>) News reports on cannabis recalls:

Nevada

a.) Legal status: Medical and Recreational

b.) Document analyzed:

Nevada Department of Agriculture. (June 14, 2019). Cannabis Compliance Board Monitoring List for Pest Control Substances and Plant Growth Regulators.

Nevada Pesticides Act (2019) NRS 586.550 Requirements for use of certain pesticides by cannabis establishments; publication of list of approved pesticides for use on cannabis and cannabis products.

Nevada (February 27, 2018) NAC 453D.780 Required quality assurance tests; submission of wet marijuana for testing.

Nevada Committee on Judiciary (June 12, 2019) 2019 Statutes of Nevada, Page 3810 (Chapter 595, AB 533).

c.) State agency involved:

Nevada Cannabis Compliance Board

Nevada Department of Agriculture.

d.) Public health report:

Nevada Division of Public and Behavioral Health. (January, 2020). Nevada Medical Marijuana Registry Monthly Program Statistics- January 2020.

e.) Cannabis testing report:

Not found

f.) News reports on cannabis recalls:

Staff (December 18, 2021). Three Nevada marijuana retailers accused of selling contaminated flower. MJBizDaily.

New Hampshire

a.) Legal status: Medical and Recreational

b.) Document analyzed:

Commissioner, Department of Health and Human Services, Therapeutic Cannabis Program. (2020). NH Code Admin. R. He-C 402.

c.) State agency involved:

New Hampshire Department of Health and Human Services

d.) Public health report:

New Hampshire Department of Health and Human Services. (2019). New Hampshire Department of Health and Human Services Division of Public Health Services Therapeutic Cannabis Program 2019 Data Report.

e.) Cannabis testing report:

Not found

<u>f.) News reports on cannabis recalls:</u>

New Jersey

a.) Legal status: Medical and recreational

b.) Document analyzed:

New Jersey Administrative Code. (August 19, 2021). New Jersey Cannabis Regulatory Commission, Personal Use Cannabis Rules, Special Adopted New Rules N. J. A. C. 17:30.

New Jersey Cannabis Regulatory Commission (January 27, 2022). Resolution 2022-7 Amendment to Interim Testing Standards Designated Pursuant to N.J.S.A. 24:6I-19.

c.) State agency involved:

New Jersey Department of Health, New Jersey Cannabis Regulatory Commission

d.) Public health report:

New Jersey Department of Health. (April, 2018). Department of Health Medical Marijuana Program 2017 Annual Report.

e.) Cannabis testing report:

Not found

f.) News reports on cannabis recalls:

New Mexico

a.) Legal status: Medical and recreational

b.) Document analyzed:

New Mexico Department of Health, Medical Cannabis Program. (June 23, 2020). Title 7, Chapter 34, Part 4 New Mexico Licensing Requirements for Producers, Couriers, Manufacturers and Laboratories.*

New Mexico Regulation and Licensing Department, Cannabis Control Division. (March 9, 2022). Title 16, Chapter 8, Part 2. *Emergency amendment to 16.8.2 NMAC amending Section 26, effective 3/09/2022.**

* Regulations were published by May 18, 2022 but not in effect until July 1, 2022. However, action limits are consistent between the two versions.

c.) State agency involved:

New Mexico Department of Health

d.) Public health report:

New Mexico Department of Health. (February, 2021). Medical Cannabis Program Patient Statistics February 2021.

e.) Cannabis testing report:

Not found

f.) News reports on cannabis recalls:

New York

a.) Legal status: Medical

b.) Document analyzed:

New York State Department of Health Division of Environmental Health Sciences. (May 27, 2021). Determination of Natural Pyrethrins in Medical Marijuana Products using Gas Chromatography-Tandem Mass Spectrometry.

New York State Department of Health Division of Environmental Health Sciences. (May 27, 2021). Determination of the Pesticide Myclobutanil and the Synergist Piperonyl Butoxide in Medical Marijuana using LC-MS/MS with positive ion detection.

New York Codes, Rules, and Regulation. (August 21, 2019) New York Codes, Section 1004.12-*Laboratory testing requirement for medical marihuana*.

c.) State agency involved:

New York State Department of Health Division of Environmental Health Sciences.

d.) Public health report:

New York State Department of Health. (2018). Medical Use of Marijuana Under the Compassionate Care Act Two-Year Report.

e.) Cannabis testing report:

Not found

f.) News reports on cannabis recalls:

North Dakota

a.) Legal status: Medical, small quantities decriminalized

b.) Document analyzed:

North Dakota Department of Health Division of Medical Marijuana. (2019). Article 33-44-01 *Medical Marijuana*.

c.) State agency involved:

North Dakota Division of Medical Marijuana

Department of Health.

d.) Public health report:

North Dakota Department of Health. (2020). *Medical Marijuana Program Annual Report Fiscal Year 2020*.

e.) Cannabis testing report:

Not found

f.) News reports on cannabis recalls:

Ohio

a.) Legal status: Medical

b.) Document analyzed:

Ohio Laws & Administrative Rules, Legislative Service Commission. (May 2, 2022) Ohio Admin. Code 3796:4-2-04 *Ohio Testing Laboratory Analysis Requirements*.

c.) State agency involved:

State of Ohio Board of Pharmacy

State Medical Board of Ohio

Ohio Department of Commerce

d.) Public health report:

Not found

e.) Cannabis testing report:

Not found

f.) News reports on cannabis recalls:

Borchardt, J. (October 2, 2020). *Ohio recalls medical marijuana chocolates sold at 8 dispensaries*. The Enquirer.

Oklahoma

- a.) Legal status: Medical
- b.) Document analyzed:

Oklahoma State Department of Health. (2021). Title 310. Oklahoma State Department of Health, Chapter 681. Medical Marijuana Regulations.

c.) State agency involved:

Oklahoma Medical Marijuana Authority

d.) Public health report:

Not found

e.) Cannabis testing report:

Not found

f.) News reports on cannabis recalls:

Oregon

a.) Legal status: Medical and Recreational

b.) Document analyzed:

Oregon Health Authority, Public health division. (March 31, 2022). Chapter 333, Division 7 Marijuana and Hemp Testing, 333-007-0390. Standards for Microbiological Contaminants Compliance Testing

Oregon Health Authority, Public health division. (March 31, 2022). Chapter 333, Division 7 Marijuana and Hemp Testing, 333-007-0400. Table 3. Standards for Pesticides Compliance Testing.

Oregon Health Authority, Public health division. (March 31, 2022). *Chapter 333, Division 7 Marijuana and Hemp Testing, 333-007-0410. Table 4. Standards for Solvents Compliance Testing.*

Oregon Health Authority, Public health division. (March 31, 2022). Chapter 333, Division 7 Marijuana and Hemp Testing, 333-007-0415. Table 8. Standards for Heavy Metal Compliance Testing.

Oregon Health Authority, Public health division. (March 31, 2022). Chapter 333, Division 7 Marijuana and Hemp Testing, 333-007-0425. Table 9. Standards for Mycotoxin Contaminants Compliance Testing.

c.) State agency involved:

Oregon Liquor and Cannabis Commission

d.) Public health report:

Oregon Public Health Division. (January, 2021). The Oregon Medical Marijuana Program Statistical Snapshot January, 2021

e.) Cannabis testing report:

Oregon Secretary of State, Oregon Audits Division (January 2019), Oregon's Framework for Regulating Marijuana Should Be Strengthened to Better Mitigate Diversion Risk and Improve Laboratory Testing.

f.) News reports on cannabis recalls:

Staff (January 6, 2021). *OLCC recalls marijuana products contaminated by pesticide*. KOIN.com.

Pennsylvania

a.) Legal status: Medical

b.) Document analyzed:

Pennsylvania Department of Health, Office of Medical Marijuana. (2018, August 10). Pennsylvania Guidance for Quality Testing and Sampling by Approved Laboratories.

Pennsylvania Department of Health. (January 15, 2022) Chapter 1171. *Laboratories- Temporary Regulations*.

c.) State agency involved:

Pennsylvania Department of Health

d.) Public health report:

Not found

e.) Cannabis testing report:

Not found

<u>f.)</u> News reports on cannabis recalls:

Rhode Island

a.) Legal status: Medical

b.) Document analyzed:

Rhode Island Department of Health. (January 4, 2022). 216-RICR-60-05-6. *Rhode Island Sample Analysis*.

c.) State agency involved:

State of Rhode Island Department of Health

d.) Public health report:

Rhode Island Department of Health. (September, 2020). 2020 Medical Marijuana Program Annual Report to the Rhode Island General Assembly.

e.) Cannabis testing report:

Not found

<u>f.</u>) News reports on cannabis recalls:

Utah

a.) Legal status: Medical

b.) Document analyzed:

Utah Office of Administrative Rules. (February 23, 2022). R68-29 *Quality Assurance Testing on Cannabis*

c.) State agency involved:

Utah Department of Health

Utah Department of Agriculture and Food

d.) Public health report:

Utah Department of Health Center for Medical Cannabis. (February 9, 2021). *Utah Medical Cannabis Program Report*

e.) Cannabis testing report:

Not found

f.) News reports on cannabis recalls:

Vermont

- a.) Legal status: Medical and Recreational
- b.) Document analyzed:

Vermont Cannabis Quality Control Program. (October 19, 2020). Vermont Cannabis Quality Control Program, Lab Certification Process and Testing.

c.) State agency involved:

Department of Public Safety (Medical)

Cannabis Control Board (Recreational)

d.) Public health report:

Not found

e.) Cannabis testing report:

Not found

f.) News reports on cannabis recalls:

Virginia

a.) Legal status: Medical

b.) Documents analyzed:

Virginia Department of Health. (March 18, 2021) Title 54.1, Subtitle III, Chapter 34, Article 4.2. *Permitting of Pharmaceutical Processors to Produce and Dispense Cannabis Products*.

c.) State agency involved:

Virginia Department of Health

d.) Public health report:

Not found

e.) Cannabis testing report:

Not found

f.) News reports on cannabis recalls:

Washington

a.) Legal status: Medical and Recreational

b.) Document analyzed:

Washington State Legislature. (October 25, 2019). WAC 314-55-108 Pesticide Action Levels.

Washington State Legislature. (March 12, 2022). WAC 314-55-102 *Quality assurance and quality control*.

c.) State agency involved:

Washington State Department of Health

d.) Public health report:

Not found

e.) Cannabis testing report:

Not found

f.) News reports on cannabis recalls:

West Virginia

a.) Legal status: Medical

b.) Document analyzed:

West Virginia Bureau for Public Health. (April 21, 2020). 64-111 Medical Cannabis Program - Laboratories.

c.) State agency involved:

West Virginia Department of Health and Human Resources Bureau for Public Health: Office of Medical Cannabis

d.) Public health report:

West Virginia Department of Health and Human Resources Bureau for Public Health. (2017). West Virginia Medical Cannabis: Patient and Physician Interest Survey and Other Available Data

e.) Cannabis testing report:

Not found

<u>f.) News reports on cannabis recalls:</u>