

1 ENGROSSED HOUSE  
2 BILL NO. 3019

By: Fetgatter, Davis, Talley  
and McDugle of the House

3 and

4 Leewright of the Senate  
5

6  
7 An Act relating to medical marijuana; amending 63  
8 O.S. 2021, Sections 427.2 and 427.18, which relate to  
9 the Oklahoma Medical Marijuana and Patient Protection  
10 Act; modifying and adding definitions; requiring  
11 certain warnings on container labels; allowing for  
12 the use of clear containers; directing dispensaries  
13 to use exit package at point of sale and transfer;  
14 and providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 63 O.S. 2021, Section 427.2, is  
17 amended to read as follows:

18 Section 427.2 As used in the Oklahoma Medical Marijuana and  
19 Patient Protection Act:

20 1. "Advertising" means the act of providing consideration for  
21 the publication, dissemination, solicitation, or circulation, of  
22 visual, oral, or written communication to induce directly or  
23 indirectly any person to patronize a particular medical marijuana  
24 business, or to purchase particular medical marijuana or a medical  
marijuana product. Advertising includes marketing, but does not  
include packaging and labeling;

1 2. "Authority" means the Oklahoma Medical Marijuana Authority;

2 3. "Batch number" means a unique numeric or alphanumeric  
3 identifier assigned prior to testing to allow for inventory tracking  
4 and traceability;

5 4. "Cannabinoid" means any of the chemical compounds that are  
6 active principles of marijuana;

7 5. "Caregiver" means a family member or assistant who regularly  
8 looks after a medical marijuana patient license holder whom a  
9 physician attests needs assistance;

10 6. "Child-resistant" means special packaging that is:

11 a. designed or constructed to be significantly difficult  
12 for children under five (5) years of age to open and  
13 not difficult for normal adults to use properly as  
14 defined by 16 C.F.R. 1700.15 (1995) and 16 C.F.R.  
15 1700.20 (1995), and

16 ~~b. opaque so that the outermost packaging does not allow~~  
17 ~~the product to be seen without opening the packaging~~  
18 ~~material, and~~

19 ~~e.~~ resealable to maintain its child-resistant  
20 effectiveness for multiple openings for any product  
21 intended for more than a single use or containing  
22 multiple servings;

1       7. "Clone" means a nonflowering plant cut from a mother plant  
2 that is capable of developing into a new plant and has shown no  
3 signs of flowering;

4       8. "Commissioner" means the State Commissioner of Health;

5       9. "Complete application" means a document prepared in  
6 accordance with the provisions set forth in the Oklahoma Medical  
7 Marijuana and Patient Protection Act, rules promulgated pursuant  
8 thereto, and the forms and instructions provided by the Department,  
9 including any supporting documentation required and the applicable  
10 license application fee;

11       10. "Department" means the State Department of Health;

12       11. "Director" means the Executive Director of the Oklahoma  
13 Medical Marijuana Authority;

14       12. "Dispense" means the selling of medical marijuana or a  
15 medical marijuana product to a qualified patient or the designated  
16 caregiver of the patient that is packaged in a suitable container  
17 appropriately labeled for subsequent administration to or use by a  
18 qualifying patient;

19       13. "Dispensary" means a medical marijuana dispensary, an  
20 entity that has been licensed by the Department pursuant to the  
21 Oklahoma Medical Marijuana and Patient Protection Act to purchase  
22 medical marijuana or medical marijuana products from a licensed  
23 medical marijuana commercial grower or licensed medical marijuana  
24 processor, to prepare and package noninfused pre-rolled medical

1 marijuana, and to sell medical marijuana or medical marijuana  
2 products to licensed patients and caregivers as defined in this  
3 section, or sell or transfer products to another licensed  
4 dispensary;

5 14. "Edible medical marijuana product" means any medical-  
6 marijuana-infused product for which the intended use is oral  
7 consumption including, but not limited to, any type of food, drink  
8 or pill;

9 15. "Entity" means an individual, general partnership, limited  
10 partnership, limited liability company, trust, estate, association,  
11 corporation, cooperative or any other legal or commercial entity;

12 16. "Exit package" means an opaque bag that is provided at the  
13 point of sale in which pre-packaged medical marijuana is placed;

14 17. "Flower" means the reproductive organs of the marijuana or  
15 cannabis plant referred to as the bud or parts of the plant that are  
16 harvested and used for consumption in a variety of medical marijuana  
17 products;

18 ~~17.~~ 18. "Flowering" means the reproductive state of the  
19 marijuana or cannabis plant in which there are physical signs of  
20 flower or budding out of the nodes of the stem;

21 ~~18.~~ 19. "Food-based medical marijuana concentrate" means a  
22 medical marijuana concentrate that was produced by extracting  
23 cannabinoids from medical marijuana through the use of propylene  
24

1 glycol, glycerin, butter, olive oil, coconut oil or other typical  
2 food-safe cooking fats;

3 ~~19.~~ 20. "Harvest batch" means a specifically identified  
4 quantity of medical marijuana that is uniform in strain, cultivated  
5 utilizing the same cultivation practices, harvested at the same time  
6 from the same location and cured under uniform conditions;

7 ~~20.~~ 21. "Harvested marijuana" means postflowering medical  
8 marijuana not including trim, concentrate or waste;

9 ~~21.~~ 22. "Heat- or pressure-based medical marijuana concentrate"  
10 means a medical marijuana concentrate that was produced by  
11 extracting cannabinoids from medical marijuana through the use of  
12 heat or pressure;

13 ~~22.~~ 23. "Immature plant" means a nonflowering marijuana plant  
14 that has not demonstrated signs of flowering;

15 ~~23.~~ 24. "Inventory tracking system" means the required tracking  
16 system that accounts for the entire life span of medical marijuana  
17 and medical marijuana products, including any testing samples  
18 thereof and medical marijuana waste;

19 ~~24.~~ 25. "Licensed patient" or "patient" means a person who has  
20 been issued a medical marijuana patient license by the State  
21 Department of Health or Oklahoma Medical Marijuana Authority;

22 ~~25.~~ 26. "Licensed premises" means the premises specified in an  
23 application for a medical marijuana business license, medical  
24 marijuana research facility license or medical marijuana education

1 facility license pursuant to the Oklahoma Medical Marijuana and  
2 Patient Protection Act that are owned or in possession of the  
3 licensee and within which the licensee is authorized to cultivate,  
4 manufacture, distribute, sell, store, transport, test or research  
5 medical marijuana or medical marijuana products in accordance with  
6 the provisions of the Oklahoma Medical Marijuana and Patient  
7 Protection Act and rules promulgated pursuant thereto;

8 ~~26.~~ 27. "Manufacture" means the production, propagation,  
9 compounding or processing of a medical marijuana product, excluding  
10 marijuana plants, either directly or indirectly by extraction from  
11 substances of natural or synthetic origin, or independently by means  
12 of chemical synthesis, or by a combination of extraction and  
13 chemical synthesis;

14 ~~27.~~ 28. "Marijuana" shall have the same meaning as such term is  
15 defined in Section 2-101 of this title;

16 ~~28.~~ 29. "Material change" means any change that would affect  
17 the qualifications for licensure of an applicant or licensee;

18 ~~29.~~ 30. "Mature plant" means a harvestable female marijuana  
19 plant that is flowering;

20 ~~30.~~ 31. "Medical marijuana business (MMB)" means a licensed  
21 medical marijuana dispensary, medical marijuana processor, medical  
22 marijuana commercial grower, medical marijuana laboratory, medical  
23 marijuana business operator or a medical marijuana transporter;

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1       ~~31.~~ 32. "Medical marijuana concentrate" or "concentrate" means  
2 a specific subset of medical marijuana that was produced by  
3 extracting cannabinoids from medical marijuana. Categories of  
4 medical marijuana concentrate include water-based medical marijuana  
5 concentrate, food-based medical marijuana concentrate, solvent-based  
6 medical marijuana concentrate, and heat- or pressure-based medical  
7 marijuana concentrate;

8       ~~32.~~ 33. "Medical marijuana commercial grower" or "commercial  
9 grower" means an entity licensed to cultivate, prepare and package  
10 medical marijuana or package medical marijuana as pre-rolls, and  
11 transfer or contract for transfer medical marijuana and medical  
12 marijuana pre-rolls to a medical marijuana dispensary, medical  
13 marijuana processor, any other medical marijuana commercial grower,  
14 medical marijuana research facility or medical marijuana education  
15 facility. A commercial grower may sell seeds, flower or clones to  
16 commercial growers pursuant to the Oklahoma Medical Marijuana and  
17 Patient Protection Act;

18       ~~33.~~ 34. "Medical marijuana education facility" or "education  
19 facility" means a person or entity approved pursuant to the Oklahoma  
20 Medical Marijuana and Patient Protection Act to operate a facility  
21 providing training and education to individuals involving the  
22 cultivation, growing, harvesting, curing, preparing, packaging or  
23 testing of medical marijuana, or the production, manufacture,  
24 extraction, processing, packaging or creation of medical-marijuana-

1 infused products or medical marijuana products as described in the  
2 Oklahoma Medical Marijuana and Patient Protection Act;

3 ~~34.~~ 35. "Medical-marijuana-infused product" means a product  
4 infused with medical marijuana including, but not limited to, edible  
5 products, ointments and tinctures;

6 ~~35.~~ 36. "Medical marijuana product" or "product" means a  
7 product that contains cannabinoids that have been extracted from  
8 plant material or the resin therefrom by physical or chemical means  
9 and is intended for administration to a qualified patient including,  
10 but not limited to, oils, tinctures, edibles, pills, topical forms,  
11 gels, creams, vapors, patches, liquids, and forms administered by a  
12 nebulizer, excluding live plant forms which are considered medical  
13 marijuana;

14 ~~36.~~ 37. "Medical marijuana processor" means a person or entity  
15 licensed pursuant to the Oklahoma Medical Marijuana and Patient  
16 Protection Act to operate a business including the production,  
17 manufacture, extraction, processing, packaging or creation of  
18 concentrate, medical-marijuana-infused products or medical marijuana  
19 products as described in the Oklahoma Medical Marijuana and Patient  
20 Protection Act;

21 ~~37.~~ 38. "Medical marijuana research facility" or "research  
22 facility" means a person or entity approved pursuant to the Oklahoma  
23 Medical Marijuana and Patient Protection Act to conduct medical  
24



1 marijuana research. A medical marijuana research facility is not a  
2 medical marijuana business;

3 ~~38.~~ 39. "Medical marijuana testing laboratory" or "laboratory"  
4 means a public or private laboratory licensed pursuant to the  
5 Oklahoma Medical Marijuana and Patient Protection Act to conduct  
6 testing and research on medical marijuana and medical marijuana  
7 products;

8 ~~39.~~ 40. "Medical marijuana transporter" or "transporter" means  
9 a person or entity that is licensed pursuant to the Oklahoma Medical  
10 Marijuana and Patient Protection Act. A medical marijuana  
11 transporter does not include a medical marijuana business that  
12 transports its own medical marijuana, medical marijuana concentrate  
13 or medical marijuana products to a property or facility adjacent to  
14 or connected to the licensed premises if the property is another  
15 licensed premises of the same medical marijuana business;

16 ~~40.~~ 41. "Medical marijuana waste" or "waste" means unused,  
17 surplus, returned or out-of-date marijuana, plant debris of the  
18 plant of the genus Cannabis including dead plants and all unused  
19 plant parts and roots, except the term shall not include roots,  
20 stems, stalks and fan leaves;

21 ~~41.~~ 42. "Medical use" means the acquisition, possession, use,  
22 delivery, transfer or transportation of medical marijuana, medical  
23 marijuana products, medical marijuana devices or paraphernalia  
24

1 relating to the administration of medical marijuana to treat a  
2 licensed patient;

3 ~~42.~~ 43. "Mother plant" means a marijuana plant that is grown or  
4 maintained for the purpose of generating clones, and that will not  
5 be used to produce plant material for sale to a medical marijuana  
6 processor or medical marijuana dispensary;

7 ~~43.~~ 44. "Oklahoma physician" or "physician" means a physician  
8 licensed by and in good standing with the State Board of Medical  
9 Licensure and Supervision, the State Board of Osteopathic Examiners  
10 or the Board of Podiatric Medical Examiners;

11 ~~44.~~ 45. "Oklahoma resident" means an individual who can provide  
12 proof of residency as required by the Oklahoma Medical Marijuana and  
13 Patient Protection Act;

14 ~~45.~~ 46. "Owner" means, except where the context otherwise  
15 requires, a direct beneficial owner including, but not limited to,  
16 all persons or entities as follows:

- 17 a. all shareholders owning an interest of a corporate  
18 entity and all officers of a corporate entity,
- 19 b. all partners of a general partnership,
- 20 c. all general partners and all limited partners that own  
21 an interest in a limited partnership,
- 22 d. all members that own an interest in a limited  
23 liability company,

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- 1 e. all beneficiaries that hold a beneficial interest in a  
2 trust and all trustees of a trust,  
3 f. all persons or entities that own interest in a joint  
4 venture,  
5 g. all persons or entities that own an interest in an  
6 association,  
7 h. the owners of any other type of legal entity, and  
8 i. any other person holding an interest or convertible  
9 note in any entity which owns, operates or manages a  
10 licensed facility;

11 ~~46.~~ 47. "Package" or "packaging" means any container or wrapper  
12 that may be used by a medical marijuana business to enclose or  
13 contain medical marijuana;

14 ~~47.~~ 48. "Person" means a natural person, partnership,  
15 association, business trust, company, corporation, estate, limited  
16 liability company, trust or any other legal entity or organization,  
17 or a manager, agent, owner, director, servant, officer or employee  
18 thereof, except that "person" does not include any governmental  
19 organization;

20 ~~48.~~ 49. "Pesticide" means any substance or mixture of  
21 substances intended for preventing, destroying, repelling or  
22 mitigating any pest or any substance or mixture of substances  
23 intended for use as a plant regulator, defoliant or desiccant,  
24 except that the term "pesticide" shall not include any article that

1 is a "new animal drug" as designated by the United States Food and  
2 Drug Administration;

3 ~~49.~~ 50. "Production batch" means:

4 a. any amount of medical marijuana concentrate of the  
5 same category and produced using the same extraction  
6 methods, standard operating procedures and an  
7 identical group of harvest batch of medical marijuana,  
8 or

9 b. any amount of medical marijuana product of the same  
10 exact type, produced using the same ingredients,  
11 standard operating procedures and the same production  
12 batch of medical marijuana concentrate;

13 ~~50.~~ 51. "Public institution" means any entity established or  
14 controlled by the federal government, state government, or a local  
15 government or municipality including, but not limited to,  
16 institutions of higher education or related research institutions;

17 ~~51.~~ 52. "Public money" means any funds or money obtained by the  
18 holder from any governmental entity including, but not limited to,  
19 research grants;

20 ~~52.~~ 53. "Recommendation" means a document that is signed or  
21 electronically submitted by a physician on behalf of a patient for  
22 the use of medical marijuana pursuant to the Oklahoma Medical  
23 Marijuana and Patient Protection Act;

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1       ~~53.~~ 54. "Registered to conduct business" means a person that  
2 has provided proof that the business applicant or licensee is in  
3 good standing with the Oklahoma Secretary of State;

4       ~~54.~~ 55. "Remediation" means the process by which a harvest  
5 batch or production batch that fails testing undergoes a procedure  
6 to remedy the harvest batch or production batch and is retested in  
7 accordance with Oklahoma laws, rules and regulations;

8       ~~55.~~ 56. "Research project" means a discrete scientific endeavor  
9 to answer a research question or a set of research questions related  
10 to medical marijuana and is required for a medical marijuana  
11 research license. A research project shall include a description of  
12 a defined protocol, clearly articulated goals, defined methods and  
13 outputs, and a defined start and end date. The description shall  
14 demonstrate that the research project will comply with all  
15 requirements in the Oklahoma Medical Marijuana and Patient  
16 Protection Act and rules promulgated pursuant thereto. All research  
17 and development conducted by a medical marijuana research facility  
18 shall be conducted in furtherance of an approved research project;

19       ~~56.~~ 57. "Revocation" means the final decision by the Department  
20 that any license issued pursuant to the Oklahoma Medical Marijuana  
21 and Patient Protection Act is rescinded because the individual or  
22 entity does not comply with the applicable requirements set forth in  
23 the Oklahoma Medical Marijuana and Patient Protection Act or rules  
24 promulgated pursuant thereto;

1       ~~57.~~ 58. "School" means a public or private elementary, middle  
2 or high school used for school classes and instruction. A  
3 homeschool, daycare or ~~child-care~~ child care facility shall not be  
4 considered a "school" as used in the Oklahoma Medical Marijuana and  
5 Patient Protection Act;

6       ~~58.~~ 59. "Shipping container" means a hard-sided container with  
7 a lid or other enclosure that can be secured in place. A shipping  
8 container is used solely for the transport of medical marijuana,  
9 medical marijuana concentrate, or medical marijuana products between  
10 medical marijuana businesses, a medical marijuana research facility,  
11 or a medical marijuana education facility;

12       ~~59.~~ 60. "Solvent-based medical marijuana concentrate" means a  
13 medical marijuana concentrate that was produced by extracting  
14 cannabinoids from medical marijuana through the use of a solvent  
15 approved by the Department;

16       ~~60.~~ 61. "State Question" means Oklahoma State Question No. 788,  
17 Initiative Petition No. 412, approved by a majority vote of the  
18 citizens of Oklahoma on June 26, 2018;

19       ~~61.~~ 62. "Strain" means the name given to a particular variety  
20 of medical marijuana that is based on a combination of factors which  
21 may include, but is not limited to, botanical lineage, appearance,  
22 chemical profile and accompanying effects. An example of a "strain"  
23 would be "OG Kush" or "Pineapple Express";

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1       ~~62.~~ 63. "THC" means tetrahydrocannabinol, which is the primary  
2 psychotropic cannabinoid in marijuana formed by decarboxylation of  
3 naturally tetrahydrocannabinolic acid, which generally occurs by  
4 exposure to heat;

5       ~~63.~~ 64. "Transporter agent" means a person who transports  
6 medical marijuana or medical marijuana products as an employee of a  
7 licensed medical marijuana business and holds a transporter agent  
8 license specific to that business pursuant to the Oklahoma Medical  
9 Marijuana and Patient Protection Act;

10       ~~64.~~ 65. "Universal symbol" means the image established by the  
11 State Department of Health or Oklahoma Medical Marijuana Authority  
12 and made available to licensees through its website indicating that  
13 the medical marijuana or the medical marijuana product contains THC;

14       ~~65.~~ 66. "Usable marijuana" means the dried leaves, flowers,  
15 oils, vapors, waxes and other portions of the marijuana plant and  
16 any mixture or preparation thereof, excluding seeds, roots, stems,  
17 stalks and fan leaves; and

18       ~~66.~~ 67. "Water-based medical marijuana concentrate" means a  
19 concentrate that was produced by extracting cannabinoids from  
20 medical marijuana through the use of only water, ice or dry ice.

21       SECTION 2.       AMENDATORY       63 O.S. 2021, Section 427.18, is  
22 amended to read as follows:

23       Section 427.18 A. An Oklahoma medical marijuana business shall  
24 not sell, transfer or otherwise distribute medical marijuana or

1 medical marijuana product that has not been packaged and labeled in  
2 accordance with this section and rules promulgated by the State  
3 Commissioner of Health.

4 B. A medical marijuana dispensary shall return medical  
5 marijuana and medical marijuana product that does not meet packaging  
6 or labeling requirements in this section or rules promulgated  
7 pursuant thereto to the entity who transferred it to the dispensary.  
8 The medical marijuana dispensary shall document to whom the item was  
9 returned, what was returned and the date of the return or dispose of  
10 any usable marijuana that does not meet these requirements in  
11 accordance with the Oklahoma Medical Marijuana and Patient  
12 Protection Act.

13 C. 1. Medical marijuana packaging shall be packaged to  
14 minimize its appeal to children and shall not depict images other  
15 than the business name logo of the medical marijuana producer and  
16 image of the product.

17 2. A medical marijuana business shall not place any content on  
18 a container in a manner that reasonably appears to target  
19 individuals under the age of twenty-one (21) including, but not  
20 limited to, cartoon characters or similar images.

21 3. Labels on a container shall not include any false or  
22 misleading statements.

23 4. No container shall be intentionally or knowingly labeled so  
24 as to cause a reasonable patient confusion as to whether the medical



1 marijuana, medical marijuana concentrate or medical marijuana  
2 product is a trademarked product or labeled in a manner that  
3 violates any federal trademark law or regulation. The label on the  
4 container shall include a warning that states the following:

5 a. "For use by licensed medical marijuana patients only",

6 and

7 b. "Keep out of reach of children".

8 5. The label on the container shall not make any claims  
9 regarding health or physical benefits to the patient.

10 6. ~~All~~ The container itself may be clear in order to allow  
11 licensed medical marijuana patients and licensed medical marijuana  
12 caregivers the ability to view the product inside the container but  
13 shall be child-resistant, as defined in Section 427.2 of this title.

14 7. At the point of sale and transfer of any medical marijuana,  
15 medical marijuana concentrate ~~and,~~ or medical marijuana products to  
16 a licensed medical marijuana patient or licensed medical marijuana  
17 caregiver, the dispensary shall be in a child-resistant container at  
18 the point of transfer to the patient or caregiver place the medical  
19 marijuana, medical marijuana concentrate, or medical marijuana  
20 products in an exit package, as such term is defined in Section  
21 427.2 of this title.

22 D. The State Department of Health shall develop minimum  
23 standards for packaging and labeling of medical marijuana, medical  
24 marijuana concentrate, and medical marijuana products. Such

1 standards shall include, but not be limited to, the required  
2 contents of labels to be affixed to all medical marijuana, medical  
3 marijuana concentrate, and medical marijuana products prior to  
4 transfer to a licensed patient or caregiver, which shall include, at  
5 a minimum:

- 6 1. THC and other cannabinoid potency, and terpenoid potency;
- 7 2. A statement indicating that the product has been tested for  
8 contaminants;
- 9 3. One or more product warnings to be determined by the  
10 Department; and
- 11 4. Any other information the Department deems necessary.

12 SECTION 3. This act shall become effective November 1, 2022.

13 Passed the House of Representatives the 23rd day of March, 2022.

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\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

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18 Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2022.

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Presiding Officer of the Senate

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