

<DateSubmitted>

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB3929

By: Pfeiffer of the House and Rogers of the Senate

Title: Medical marijuana; process validation; acceptable testing practice; non-mandatory;
emergency.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

- 1. That the Senate recede from its amendment; and
- 2. By adopting the following conference committee amendment to restore the title to read as follows:

An Act relating to medical marijuana; amending 63 O.S. 2021, Section 427.17, which relates to Oklahoma Medical Marijuana and Patient Protection Act; allowing process validation as an acceptable testing practice; making process validation non-mandatory; providing list of required standards, policies, and procedures for process validation; providing for samples consistent with process validation rules; and declaring an emergency.

Respectfully submitted,

SENATE CONFEREES

Rogers _____
Paxton _____
Leewright _____
Taylor _____
Rosino _____
Dossett (J.J.) _____

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 3929

By: Pfeiffer and McDugle of the
House

and

Coleman and Leewright of
the Senate

[medical marijuana - allowing process validation as
an acceptable testing practice -
emergency]

AUTHOR: Remove as principal Senate author Coleman and substitute as
principal Senate author Rogers. Retain Coleman as Senate
coauthor

AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause
and entire bill and insert

"[medical marijuana - allowing process validation as
an acceptable testing practice -
emergency]

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 427.17, is
amended to read as follows:

Section 427.17. A. There is hereby created a medical marijuana
testing laboratory license as a category of the medical marijuana

1 business license. The Oklahoma Medical Marijuana Authority is
2 hereby enabled to monitor, inspect and audit a licensed testing
3 laboratory under the Oklahoma Medical Marijuana and Patient
4 Protection Act.

5 B. The Authority is hereby authorized to contract with a
6 private laboratory for the purpose of conducting compliance testing
7 of medical marijuana testing laboratories licensed in this state.
8 Any such laboratory under contract for compliance testing shall be
9 prohibited from conducting any other commercial medical marijuana
10 testing in this state. The laboratory the Authority contracts with
11 for compliance testing shall not employ, or be owned by, the
12 following:

13 1. Any individual that has a direct or indirect interest in a
14 licensed medical marijuana business; or

15 2. Any individual or his or her spouse, parent, child, spouse
16 of a child, sibling or spouse of a sibling that has an application
17 for a medical marijuana business license pending before the
18 Department or is a member of the board of directors of a medical
19 marijuana business, or is an individual financially interested in
20 any licensee or medical marijuana business located within this
21 state.

22 C. The Authority shall develop acceptable testing practices
23 including, but not limited to, testing, standards, quality control
24

1 analysis, equipment certification and calibration, process
2 validation, and chemical identification and substances used.

3 D. A person who is a direct beneficial owner of a medical
4 marijuana dispensary, medical marijuana commercial grower or medical
5 marijuana processor shall not be an owner of a laboratory.

6 E. A laboratory and a laboratory applicant shall comply with
7 all applicable local ordinances including, but not limited to,
8 zoning, occupancy, licensing and building codes.

9 F. A separate license shall be required for each specific
10 laboratory.

11 G. A medical marijuana testing laboratory license may be issued
12 to a person who performs testing on medical marijuana and medical
13 marijuana products for medical marijuana businesses, medical
14 marijuana research facilities, medical marijuana education
15 facilities, and testing on marijuana and marijuana products grown or
16 produced by a patient or caregiver on behalf of a patient, upon
17 verification of registration. A medical marijuana testing
18 laboratory may also conduct research related to the development and
19 improvement of its testing practices and procedures. No state-
20 approved medical marijuana testing facility shall operate unless a
21 medical laboratory director is on site during operational hours.

22 H. Laboratory applicants and licensees shall comply with the
23 application requirements of this section and shall submit such other
24 information as required for a medical marijuana business applicant,

1 in addition to any information the Authority may request for initial
2 approval and periodic evaluations during the approval period.

3 I. A medical marijuana testing laboratory may accept samples of
4 medical marijuana, medical marijuana concentrate or medical
5 marijuana product from a medical marijuana business, medical
6 marijuana research facility or medical marijuana education facility
7 for testing purposes only, which purposes may include the provision
8 of testing services for samples submitted by a medical marijuana
9 business for product development. The Department may require a
10 medical marijuana business to submit a sample of medical marijuana,
11 medical marijuana concentrate or medical marijuana product to a
12 medical marijuana testing or quality assurance laboratory upon
13 demand.

14 J. A medical marijuana testing laboratory may accept samples of
15 medical marijuana, medical marijuana concentrate or medical
16 marijuana product from an individual person for testing only under
17 the following conditions:

18 1. The individual person is a patient or caregiver pursuant to
19 the Oklahoma Medical Marijuana and Patient Protection Act or is a
20 participant in an approved clinical or observational study conducted
21 by a research facility; and

22 2. The medical marijuana testing laboratory shall require the
23 patient or caregiver to produce a valid patient license and current
24 and valid photo identification.

1 K. A medical marijuana testing laboratory may transfer samples
2 to another medical marijuana testing laboratory for testing. All
3 laboratory reports provided to or by a medical marijuana business or
4 to a patient or caregiver shall identify the medical marijuana
5 testing laboratory that actually conducted the test.

6 L. A medical marijuana testing laboratory may utilize a
7 licensed medical marijuana transporter to transport samples of
8 medical marijuana, medical marijuana concentrate and medical
9 marijuana product for testing, in accordance with the Oklahoma
10 Medical Marijuana and Patient Protection Act and the rules adopted
11 pursuant thereto, between the originating medical marijuana business
12 requesting testing services and the destination laboratory
13 performing testing services.

14 M. The medical marijuana testing laboratory shall establish
15 policies to prevent the existence of or appearance of undue
16 commercial, financial or other influences that may diminish the
17 competency, impartiality and integrity of the testing processes or
18 results of the laboratory, or that may diminish public confidence in
19 the competency, impartiality and integrity of the testing processes
20 or results of the laboratory. At a minimum, employees, owners or
21 agents of a medical marijuana testing laboratory who participate in
22 any aspect of the analysis and results of a sample are prohibited
23 from improperly influencing the testing process, improperly
24 manipulating data or improperly benefiting from any ongoing

1 financial, employment, personal or business relationship with the
2 medical marijuana business that provided the sample. A medical
3 marijuana testing laboratory shall not test samples for any medical
4 marijuana business in which an owner, employee or agent of the
5 medical marijuana testing laboratory has any form of ownership or
6 financial interest in the medical marijuana business.

7 N. The Department, pursuant to rules promulgated by the State
8 Commissioner of Health, shall develop standards, policies and
9 procedures as necessary for:

10 1. The cleanliness and orderliness of a laboratory premises and
11 the location of the laboratory in a secure location, and inspection,
12 cleaning and maintenance of any equipment or utensils used for the
13 analysis of test samples;

14 2. Testing procedures, testing standards for cannabinoid and
15 terpenoid potency and safe levels of contaminants, process
16 validation, and remediation procedures. Process validation shall be
17 voluntary, and no licensee shall be required to validate their
18 process. The Department shall develop standards and requirements
19 for a licensee to achieve process validation by October 1, 2023, to
20 allow licensees to operate process validation; provided, that
21 nothing in this act shall prohibit the Authority from establishing
22 an earlier date to allow licensees to operate under process
23 validation. The standards, policies, and procedures for process
24 validation shall include, but not be limited to:

- 1 a. initial requirements to achieve process validation and
2 ongoing minimum testing requirements once a licensee
3 has achieved process validation,
- 4 b. requiring licensees to track their marijuana and
5 marijuana product inventory with the Department's
6 designated seed-to-sale system provided the Department
7 has selected a seed-to-sale system. This requirement
8 for compliance with the seed-to-sale system shall be
9 mandatory for licensees seeking to achieve process
10 validation whether or not compliance with a seed-to-
11 sale system is mandatory for all licensees,
- 12 c. requiring licensees to record and document retention
13 policies, which at a minimum shall require licensees
14 to retain all documents and records related to process
15 validation. Such records shall be maintained by the
16 licensee for as long as the licensee is continuing to
17 operate under that validated process. Licensees shall
18 retain all such documents and records for at least
19 four (4) years after the licensee has stopped using
20 the validated process or after the licensee has made a
21 significant process change to a validated process.
22 Any significant process change to the validated
23 processes of a licensee is subject to the same
24 document retention requirements and shall be retained

1 for as long as the significant process change is part
2 of an ongoing validated process, and for at least four
3 (4) years after the licensee has stopped using the
4 validated process or after the licensee has made a
5 subsequent significant process change to the validated
6 process,

7 d. testing requirements to maintain process validation
8 when a licensee has made a significant process change
9 to a validated process,

10 e. requiring licensees to keep all records and documents
11 related to their process validation ready and
12 accessible at the address listed on their marijuana
13 business license for inspection or audit by the
14 Authority without any notice from the Authority,

15 f. a process to revoke the authority of licensees to
16 operate under process validation,

17 g. punishment for willful violations of process
18 validation that, at a minimum, would prohibit a
19 licensee from operating under process validation for
20 five (5) years and the assessment of a fine up to
21 Seventy-five Thousand Dollars (\$75,000.00). Any such
22 fine levied against a licensee found to have willfully
23 violated the laws or rules of process validation shall
24 be remitted to the Department of Mental Health and

1 Substance Abuse Services. In addition to this fine,
2 in response to a finding of a willful violation of
3 process validation by the Authority, the Authority
4 shall also be authorized to collect, levy, or impose
5 any other fee, fine, penalty, or action as allowed by
6 law,

7 h. an annual registration fee not to exceed Two Thousand
8 Five Hundred Dollars (\$2,500.00) per licensee, in
9 addition to any other fees due by the licensee, to be
10 deposited in the Oklahoma Medical Marijuana Revolving
11 Fund for the enforcement of the laws and regulations
12 of the Authority,

13 i. establishing criteria for eligibility of testing labs
14 to conduct testing for licensees pursuing or operating
15 under process validation, and

16 j. a policy which clearly states that no law, rule, or
17 regulation shall prohibit medical marijuana testing
18 laboratories from offering services to licensees
19 seeking to achieve and manage process validation for
20 consideration;

21 3. Controlled access areas for storage of medical marijuana and
22 medical marijuana product test samples, waste and reference
23 standards;

- 1 4. Records to be retained and computer systems to be utilized
2 by the laboratory;
- 3 5. The possession, storage and use by the laboratory of
4 reagents, solutions and reference standards;
- 5 6. A certificate of analysis (COA) for each lot of reference
6 standard;
- 7 7. The transport and disposal of unused marijuana, marijuana
8 products and waste;
- 9 8. The mandatory use by a laboratory of an inventory tracking
10 system to ensure all harvest and production batches or samples
11 containing medical marijuana, medical marijuana concentrate or
12 medical marijuana products are identified and tracked from the point
13 they are transferred from a medical marijuana business, a patient or
14 a caregiver through the point of transfer, destruction or disposal.
15 The inventory tracking system reporting shall include the results of
16 any tests that are conducted on medical marijuana, medical marijuana
17 concentrate or medical marijuana product;
- 18 9. Standards of performance;
- 19 10. The employment of laboratory personnel;
- 20 11. A written standard operating procedure manual to be
21 maintained and updated by the laboratory;
- 22 12. The successful participation in a Department-approved
23 proficiency testing program for each testing category listed in this
24 section, in order to obtain and maintain certification;

1 13. The establishment of and adherence to a quality assurance
2 and quality control program to ensure sufficient monitoring of
3 laboratory processes and quality of results reported;

4 14. The immediate recall of medical marijuana or medical
5 marijuana products that test above allowable thresholds or are
6 otherwise determined to be unsafe;

7 15. The establishment by the laboratory of a system to document
8 the complete chain of custody for samples from receipt through
9 disposal;

10 16. The establishment by the laboratory of a system to retain
11 and maintain all required records, including business records, and
12 processes to ensure results are reported in a timely and accurate
13 manner; and

14 17. Any other aspect of laboratory testing of medical marijuana
15 or medical marijuana product deemed necessary by the Department.

16 O. A medical marijuana testing laboratory shall promptly
17 provide the Department or designee of the Department access to a
18 report of a test and any underlying data that is conducted on a
19 sample at the request of a medical marijuana business or qualified
20 patient. A medical marijuana testing laboratory shall also provide
21 access to the Department or designee of the Department to laboratory
22 premises and to any material or information requested by the
23 Department to determine compliance with the requirements of this
24 section.

1 P. A medical marijuana testing laboratory shall retain all
2 results of laboratory tests conducted on marijuana or products for a
3 period of at least seven (7) years and shall make them available to
4 the Department upon request.

5 Q. A medical marijuana testing laboratory shall test samples
6 from each harvest batch ~~or~~, product batch, or samples consistent
7 with the rules promulgated for process validation, as appropriate,
8 of medical marijuana, medical marijuana concentrate and medical
9 marijuana product for each of the following categories of testing,
10 consistent with standards developed by the Commissioner:

- 11 1. Microbials;
- 12 2. Mycotoxins;
- 13 3. Residual solvents;
- 14 4. Pesticides;
- 15 5. Tetrahydrocannabinol (THC) and other cannabinoid potency;
- 16 6. Terpenoid type and concentration; and
- 17 7. Heavy metals.

18 R. A licensed medical marijuana testing laboratory shall test
19 each individual harvest batch. A grower shall separate each harvest
20 lot of usable marijuana into harvest batches containing no more than
21 fifteen (15) pounds, with the exception of any plant material to be
22 sold to a licensed processor for the purposes of turning the plant
23 material into concentrate which may be separated into harvest
24 batches of no more than fifty (50) pounds. A processor shall

1 separate each medical marijuana production lot into production
2 batches containing no more than four (4) liters of concentrate or
3 nine (9) pounds for nonliquid products, and for final products, the
4 Oklahoma Medical Marijuana Authority shall be authorized to
5 promulgate rules on final products as necessary. Provided, however,
6 the Authority shall not require testing of final products less often
7 than every one thousand (1,000) grams of THC. As used in this
8 subsection, "final products" shall include, but not be limited to,
9 cookies, brownies, candies, gummies, beverages and chocolates.

10 S. Medical marijuana testing laboratory licensure shall be
11 contingent upon successful on-site inspection, successful
12 participation in proficiency testing and ongoing compliance with the
13 applicable requirements in this section.

14 T. A medical marijuana testing laboratory shall be inspected
15 prior to initial licensure and up to two (2) times per year
16 thereafter by an inspector approved by the Authority. The Authority
17 may enter the licensed premises of a testing laboratory to conduct
18 investigations and additional inspections when the Authority
19 believes an investigation or additional inspection is necessary due
20 to a possible violation of applicable laws, rules or regulations.

21 U. Medical marijuana testing laboratories shall obtain
22 accreditation by an accrediting body approved by the Commissioner
23 within one (1) year of the date the initial license is issued.
24 Renewal of any medical marijuana testing laboratory license shall be

1 contingent upon accreditation in accordance with this subsection.
2 All medical marijuana testing laboratories shall obtain
3 accreditation prior to applying for and receiving a medical
4 marijuana testing laboratory license.

5 V. Unless authorized by the provisions of this section, a
6 commercial grower shall not transfer or sell medical marijuana and a
7 processor shall not transfer, sell or process into a concentrate or
8 product any medical marijuana, medical marijuana concentrate or
9 medical marijuana product unless samples from each harvest batch ~~or,~~
10 production batch, or samples consistent with the rules promulgated
11 for process validation from which that medical marijuana, medical
12 marijuana concentrate or medical marijuana product was derived has
13 been tested by a medical marijuana testing laboratory and passed all
14 contaminant tests required by the Oklahoma Medical Marijuana and
15 Patient Protection Act and applicable laws, rules and regulations.
16 A licensed commercial grower may transfer medical marijuana that has
17 failed testing to a licensed processor only for the purposes of
18 decontamination or remediation and only in accordance with the
19 provisions of the Oklahoma Medical Marijuana and Patient Protection
20 Act and the rules and regulations of the Department. Remediated and
21 decontaminated medical marijuana may be returned only to the
22 originating licensed commercial grower.

23 W. Kief shall not be transferred or sold except as authorized
24 in the rules and regulations of the Department.

1 SECTION 2. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.”

5
6 Passed the Senate the 27th day of April, 2022.

7
8 _____
9 Presiding Officer of the Senate

10 Passed the House of Representatives the ____ day of _____,
11 2022.

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13 _____
14 Presiding Officer of the House
15 of Representatives

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1 ENGROSSED HOUSE
2 BILL NO. 3929

By: Pfeiffer and McDugle of the
House

3 and

4 Coleman and Leewright of
5 the Senate

6
7
8 [medical marijuana - allowing process validation as
9 an acceptable testing practice -
10 emergency]

11
12

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

14 SECTION 3. AMENDATORY 63 O.S. 2021, Section 427.17, is
15 amended to read as follows:

16 Section 427.17 A. There is hereby created a medical marijuana
17 testing laboratory license as a category of the medical marijuana
18 business license. The Oklahoma Medical Marijuana Authority is
19 hereby enabled to monitor, inspect and audit a licensed testing
20 laboratory under the Oklahoma Medical Marijuana and Patient
21 Protection Act.

22 B. The Authority is hereby authorized to contract with a
23 private laboratory for the purpose of conducting compliance testing
24 of medical marijuana testing laboratories licensed in this state.

1 Any such laboratory under contract for compliance testing shall be
2 prohibited from conducting any other commercial medical marijuana
3 testing in this state. The laboratory the Authority contracts with
4 for compliance testing shall not employ, or be owned by, the
5 following:

6 1. Any individual that has a direct or indirect interest in a
7 licensed medical marijuana business; or

8 2. Any individual or his or her spouse, parent, child, spouse
9 of a child, sibling or spouse of a sibling that has an application
10 for a medical marijuana business license pending before the
11 Department or is a member of the board of directors of a medical
12 marijuana business, or is an individual financially interested in
13 any licensee or medical marijuana business located within this
14 state.

15 C. The Authority shall develop acceptable testing practices
16 including, but not limited to, testing, standards, quality control
17 analysis, equipment certification and calibration, process
18 validation, and chemical identification and substances used.

19 D. A person who is a direct beneficial owner of a medical
20 marijuana dispensary, medical marijuana commercial grower or medical
21 marijuana processor shall not be an owner of a laboratory.

22 E. A laboratory and a laboratory applicant shall comply with
23 all applicable local ordinances including, but not limited to,
24 zoning, occupancy, licensing and building codes.

1 F. A separate license shall be required for each specific
2 laboratory.

3 G. A medical marijuana testing laboratory license may be issued
4 to a person who performs testing on medical marijuana and medical
5 marijuana products for medical marijuana businesses, medical
6 marijuana research facilities, medical marijuana education
7 facilities, and testing on marijuana and marijuana products grown or
8 produced by a patient or caregiver on behalf of a patient, upon
9 verification of registration. A medical marijuana testing
10 laboratory may also conduct research related to the development and
11 improvement of its testing practices and procedures. No state-
12 approved medical marijuana testing facility shall operate unless a
13 medical laboratory director is on site during operational hours.

14 H. Laboratory applicants and licensees shall comply with the
15 application requirements of this section and shall submit such other
16 information as required for a medical marijuana business applicant,
17 in addition to any information the Authority may request for initial
18 approval and periodic evaluations during the approval period.

19 I. A medical marijuana testing laboratory may accept samples of
20 medical marijuana, medical marijuana concentrate or medical
21 marijuana product from a medical marijuana business, medical
22 marijuana research facility or medical marijuana education facility
23 for testing purposes only, which purposes may include the provision
24 of testing services for samples submitted by a medical marijuana

1 business for product development. The Department may require a
2 medical marijuana business to submit a sample of medical marijuana,
3 medical marijuana concentrate or medical marijuana product to a
4 medical marijuana testing or quality assurance laboratory upon
5 demand.

6 J. A medical marijuana testing laboratory may accept samples of
7 medical marijuana, medical marijuana concentrate or medical
8 marijuana product from an individual person for testing only under
9 the following conditions:

10 1. The individual person is a patient or caregiver pursuant to
11 the Oklahoma Medical Marijuana and Patient Protection Act or is a
12 participant in an approved clinical or observational study conducted
13 by a research facility; and

14 2. The medical marijuana testing laboratory shall require the
15 patient or caregiver to produce a valid patient license and current
16 and valid photo identification.

17 K. A medical marijuana testing laboratory may transfer samples
18 to another medical marijuana testing laboratory for testing. All
19 laboratory reports provided to or by a medical marijuana business or
20 to a patient or caregiver shall identify the medical marijuana
21 testing laboratory that actually conducted the test.

22 L. A medical marijuana testing laboratory may utilize a
23 licensed medical marijuana transporter to transport samples of
24 medical marijuana, medical marijuana concentrate and medical

1 marijuana product for testing, in accordance with the Oklahoma
2 Medical Marijuana and Patient Protection Act and the rules adopted
3 pursuant thereto, between the originating medical marijuana business
4 requesting testing services and the destination laboratory
5 performing testing services.

6 M. The medical marijuana testing laboratory shall establish
7 policies to prevent the existence of or appearance of undue
8 commercial, financial or other influences that may diminish the
9 competency, impartiality and integrity of the testing processes or
10 results of the laboratory, or that may diminish public confidence in
11 the competency, impartiality and integrity of the testing processes
12 or results of the laboratory. At a minimum, employees, owners or
13 agents of a medical marijuana testing laboratory who participate in
14 any aspect of the analysis and results of a sample are prohibited
15 from improperly influencing the testing process, improperly
16 manipulating data or improperly benefiting from any ongoing
17 financial, employment, personal or business relationship with the
18 medical marijuana business that provided the sample. A medical
19 marijuana testing laboratory shall not test samples for any medical
20 marijuana business in which an owner, employee or agent of the
21 medical marijuana testing laboratory has any form of ownership or
22 financial interest in the medical marijuana business.

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1 N. The Department, pursuant to rules promulgated by the State
2 Commissioner of Health, shall develop standards, policies and
3 procedures as necessary for:

4 1. The cleanliness and orderliness of a laboratory premises and
5 the location of the laboratory in a secure location, and inspection,
6 cleaning and maintenance of any equipment or utensils used for the
7 analysis of test samples;

8 2. Testing procedures, testing standards for cannabinoid and
9 terpenoid potency and safe levels of contaminants, process
10 validation, and remediation procedures. Process validation shall be
11 voluntary, and no licensee shall be required to validate their
12 process. The Department shall develop standards and requirements
13 for a licensee to achieve process validation. The standards,
14 policies, and procedures for process validation shall include, but
15 not be limited to:

16 a. initial requirements to achieve process validation and
17 ongoing minimum testing requirements once a licensee
18 has achieved process validation,

19 b. requiring licensees to track their marijuana and
20 marijuana product inventory with the Department's
21 designated seed-to-sale system provided the Department
22 has selected a seed-to-sale system. This requirement
23 for compliance with the seed-to-sale system shall be
24 mandatory for licensees seeking to achieve process

1 validation whether or not compliance with a seed-to-
2 sale system is mandatory for all licensees,

3 c. requiring licensees to record and document retention
4 policies, which at a minimum shall require licensees
5 to retain all documents and records related to process
6 validation. Such records shall be maintained by the
7 licensee for as long as the licensee is continuing to
8 operate under that validated process. Licensees shall
9 retain all such documents and records for at least
10 four (4) years after the licensee has stopped using
11 the validated process or after the licensee has made a
12 significant process change to a validated process.
13 Any significant process change to the validated
14 processes of a licensee is subject to the same
15 document retention requirements and shall be retained
16 for as long as the significant process change is part
17 of an ongoing validated process, and for at least four
18 (4) years after the licensee has stopped using the
19 validated process or after the licensee has made a
20 subsequent significant process change to the validated
21 process,

22 d. testing requirements to maintain process validation
23 when a licensee has made a significant process change
24 to a validated process,

- 1 e. requiring licensees to keep all records and documents
2 related to their process validation ready and
3 accessible at the address listed on their marijuana
4 business license for inspection or audit by the
5 Authority without any notice from the Authority,
- 6 f. a process to revoke the authority of licensees to
7 operate under process validation,
- 8 g. punishment for willful violations of process
9 validation that, at a minimum, would prohibit a
10 licensee from operating under process validation for
11 five (5) years and the assessment of fines and fees by
12 the Authority as allowed by law,
- 13 h. an annual registration fee not to exceed Two Thousand
14 Five Hundred Dollars (\$2,500.00) per licensee to be
15 deposited in the Oklahoma Medical Marijuana Revolving
16 Fund for the enforcement of the laws and regulations
17 of the Authority, and
- 18 i. a policy which clearly states that no law, rule, or
19 regulation shall prohibit medical marijuana testing
20 laboratories from offering services to licensees
21 seeking to achieve and manage process validation for
22 consideration;
- 23
24

- 1 3. Controlled access areas for storage of medical marijuana and
2 medical marijuana product test samples, waste and reference
3 standards;
- 4 4. Records to be retained and computer systems to be utilized
5 by the laboratory;
- 6 5. The possession, storage and use by the laboratory of
7 reagents, solutions and reference standards;
- 8 6. A certificate of analysis (COA) for each lot of reference
9 standard;
- 10 7. The transport and disposal of unused marijuana, marijuana
11 products and waste;
- 12 8. The mandatory use by a laboratory of an inventory tracking
13 system to ensure all harvest and production batches or samples
14 containing medical marijuana, medical marijuana concentrate or
15 medical marijuana products are identified and tracked from the point
16 they are transferred from a medical marijuana business, a patient or
17 a caregiver through the point of transfer, destruction or disposal.
18 The inventory tracking system reporting shall include the results of
19 any tests that are conducted on medical marijuana, medical marijuana
20 concentrate or medical marijuana product;
- 21 9. Standards of performance;
- 22 10. The employment of laboratory personnel;
- 23 11. A written standard operating procedure manual to be
24 maintained and updated by the laboratory;

1 12. The successful participation in a Department-approved
2 proficiency testing program for each testing category listed in this
3 section, in order to obtain and maintain certification;

4 13. The establishment of and adherence to a quality assurance
5 and quality control program to ensure sufficient monitoring of
6 laboratory processes and quality of results reported;

7 14. The immediate recall of medical marijuana or medical
8 marijuana products that test above allowable thresholds or are
9 otherwise determined to be unsafe;

10 15. The establishment by the laboratory of a system to document
11 the complete chain of custody for samples from receipt through
12 disposal;

13 16. The establishment by the laboratory of a system to retain
14 and maintain all required records, including business records, and
15 processes to ensure results are reported in a timely and accurate
16 manner; and

17 17. Any other aspect of laboratory testing of medical marijuana
18 or medical marijuana product deemed necessary by the Department.

19 O. A medical marijuana testing laboratory shall promptly
20 provide the Department or designee of the Department access to a
21 report of a test and any underlying data that is conducted on a
22 sample at the request of a medical marijuana business or qualified
23 patient. A medical marijuana testing laboratory shall also provide
24 access to the Department or designee of the Department to laboratory

1 premises and to any material or information requested by the
2 Department to determine compliance with the requirements of this
3 section.

4 P. A medical marijuana testing laboratory shall retain all
5 results of laboratory tests conducted on marijuana or products for a
6 period of at least seven (7) years and shall make them available to
7 the Department upon request.

8 Q. A medical marijuana testing laboratory shall test samples
9 from each harvest batch ~~or~~, product batch, or samples consistent
10 with the rules promulgated for process validation, as appropriate,
11 of medical marijuana, medical marijuana concentrate and medical
12 marijuana product for each of the following categories of testing,
13 consistent with standards developed by the Commissioner:

- 14 1. Microbials;
- 15 2. Mycotoxins;
- 16 3. Residual solvents;
- 17 4. Pesticides;
- 18 5. Tetrahydrocannabinol (THC) and other cannabinoid potency;
- 19 6. Terpenoid type and concentration; and
- 20 7. Heavy metals.

21 R. A licensed medical marijuana testing laboratory shall test
22 each individual harvest batch. A grower shall separate each harvest
23 lot of usable marijuana into harvest batches containing no more than
24 fifteen (15) pounds, with the exception of any plant material to be

1 sold to a licensed processor for the purposes of turning the plant
2 material into concentrate which may be separated into harvest
3 batches of no more than fifty (50) pounds. A processor shall
4 separate each medical marijuana production lot into production
5 batches containing no more than four (4) liters of concentrate or
6 nine (9) pounds for nonliquid products, and for final products, the
7 Oklahoma Medical Marijuana Authority shall be authorized to
8 promulgate rules on final products as necessary. Provided, however,
9 the Authority shall not require testing of final products less often
10 than every one thousand (1,000) grams of THC. As used in this
11 subsection, "final products" shall include, but not be limited to,
12 cookies, brownies, candies, gummies, beverages and chocolates.

13 S. Medical marijuana testing laboratory licensure shall be
14 contingent upon successful on-site inspection, successful
15 participation in proficiency testing and ongoing compliance with the
16 applicable requirements in this section.

17 T. A medical marijuana testing laboratory shall be inspected
18 prior to initial licensure and up to two (2) times per year
19 thereafter by an inspector approved by the Authority. The Authority
20 may enter the licensed premises of a testing laboratory to conduct
21 investigations and additional inspections when the Authority
22 believes an investigation or additional inspection is necessary due
23 to a possible violation of applicable laws, rules or regulations.

24

1 U. Medical marijuana testing laboratories shall obtain
2 accreditation by an accrediting body approved by the Commissioner
3 within one (1) year of the date the initial license is issued.
4 Renewal of any medical marijuana testing laboratory license shall be
5 contingent upon accreditation in accordance with this subsection.
6 All medical marijuana testing laboratories shall obtain
7 accreditation prior to applying for and receiving a medical
8 marijuana testing laboratory license.

9 V. Unless authorized by the provisions of this section, a
10 commercial grower shall not transfer or sell medical marijuana and a
11 processor shall not transfer, sell or process into a concentrate or
12 product any medical marijuana, medical marijuana concentrate or
13 medical marijuana product unless samples from each harvest batch ~~or,~~
14 production batch, or samples consistent with the rules promulgated
15 for process validation from which that medical marijuana, medical
16 marijuana concentrate or medical marijuana product was derived has
17 been tested by a medical marijuana testing laboratory and passed all
18 contaminant tests required by the Oklahoma Medical Marijuana and
19 Patient Protection Act and applicable laws, rules and regulations.
20 A licensed commercial grower may transfer medical marijuana that has
21 failed testing to a licensed processor only for the purposes of
22 decontamination or remediation and only in accordance with the
23 provisions of the Oklahoma Medical Marijuana and Patient Protection
24 Act and the rules and regulations of the Department. Remediated and

1 decontaminated medical marijuana may be returned only to the
2 originating licensed commercial grower.

3 W. Kief shall not be transferred or sold except as authorized
4 in the rules and regulations of the Department.

5 SECTION 4. It being immediately necessary for the preservation
6 of the public peace, health or safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

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

10
11 _____
12 Presiding Officer of the House
of Representatives

13 Passed the Senate the ____ day of _____, 2022.

14
15
16 _____
17 Presiding Officer of the Senate