

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB635 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Mike Dobrinski _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

PROPOSED
COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 635

By: Paxton of the Senate

and

Dobrinski of the House

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to Oklahoma Industrial Hemp Program; amending 2 O.S. 2021, Section 3-402, as amended by Section 1, Chapter 265, O.S.L. 2022 (2 O.S. Supp. 2022, Section 3-402), which relates to definitions; defining term; requiring registration of hemp-derived cannabinoid product with the State Board of Agriculture; establishing conditions for registration by applicant to the Board; providing for promulgation of rules by Board for registration; establishing requirements for labeling and packaging necessary to sell hemp-derived cannabinoid products in the state; allowing for hemp-derived cannabinoids to be added to products under certain conditions; prohibiting distribution of products if misbranded or adulterated; allowing the Board to issue and enforce stop sale, stop use, or removal of products under certain conditions; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 2021, Section 3-402, as amended by Section 1, Chapter 265, O.S.L. 2022 (2 O.S. Supp. 2022, Section 3-402), is amended to read as follows:

1 Section 3-402. As used in the Oklahoma Industrial Hemp Program:

2 1. "Department" means the Oklahoma Department of Agriculture,
3 Food, and Forestry;

4 2. "Fiber" means the stalk of the industrial hemp plant and
5 does not include the flower or seeds of the plant;

6 3. "Flower" means the part of the industrial hemp plant that
7 contains the majority of the industrial hemp plant's
8 tetrahydrocannabinol and other cannabinoids;

9 4. "Grain" means all of the parts of an industrial hemp plant
10 except the stalk or the flower of the industrial hemp plant;

11 5. "Handling" means possessing or storing industrial hemp for
12 any period of time on premises owned, operated or controlled by a
13 person licensed to cultivate or process industrial hemp and also
14 includes possessing or storing industrial hemp in a vehicle for any
15 period of time other than during its actual transport from the
16 premises of a licensed person to cultivate or process industrial
17 hemp to the premises of another licensed person;

18 6. "Hemp-derived cannabinoid product" means a product that
19 contains cannabinoids that are extracted from hemp or resin from
20 hemp by physical or chemical means and is intended for
21 administration to a consumer including, but not limited to,
22 concentrates, oils, tinctures, edibles, pills, topicals, gels,
23 creams, and other derivative forms. The term shall also mean
24 products available for animal or human consumption, which may be in

1 the form of inhalation into the respiratory system and ingestion in
2 the gastrointestinal system, or tissue absorption. The term shall
3 not include seeds or seed-derived ingredients that are generally
4 recognized as safe by the United States Food and Drug
5 Administration;

6 7. "Industrial hemp" means the plant Cannabis sativa L. and any
7 part of the plant, including the seeds thereof, and all derivatives,
8 extracts, cannabinoids, isomers, acids, salts and salts of isomers,
9 whether growing or not, with a delta-9 tetrahydrocannabinol
10 concentration of not more than three-tenths of one percent (0.3%) on
11 a dry-weight basis;

12 ~~7.~~ 8. "Licensee" means a person who holds a valid Industrial
13 Hemp License to grow industrial hemp under the Oklahoma Industrial
14 Hemp Program. A licensee shall have the ability to remediate
15 noncompliant industrial hemp with a delta-9 tetrahydrocannabinol
16 concentration of not more than one percent (1.0%) on a dry-weight
17 basis for retesting as set forth by the Department as long as the
18 noncompliant industrial hemp has a delta-9 tetrahydrocannabinol
19 concentration of not more than three-tenths of one percent (0.3%) on
20 a dry-weight basis after retesting, and the option to remediate the
21 industrial hemp through the reasonable destruction of the flower or
22 shredding of the entire lot into a homogeneous biomass results in
23 the remediation of any part of the industrial hemp plant that is
24 above three-tenths of one percent (0.3%) on a dry-weight basis. All

1 noncompliant hemp must be tracked and documented. The State Board
2 of Agriculture shall have jurisdiction over such remediation, which
3 includes, but is not limited to, destruction through composting,
4 burning, or other regulated disposal methods if the industrial hemp
5 is not remediated into a final product before processing below
6 three-tenths of one percent (0.3%) on a dry-weight basis;

7 ~~8.~~ 9. "License" means authorization by the Department for any
8 person to grow and cultivate industrial hemp on a registered land
9 area as part of the Oklahoma Industrial Hemp Program; and

10 ~~9.~~ 10. "Processing" means converting industrial hemp into a
11 marketable form, including the production of all derivatives,
12 extracts, cannabinoids, isomers, acids, salts and salts of isomers.

13 SECTION 2. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 3-412 of Title 2, unless there
15 is created a duplication in numbering, reads as follows:

16 A. Each hemp-derived cannabinoid product shall be registered
17 with the State Board of Agriculture prior to distribution in this
18 state by the manufacturer. The application for registration shall
19 be submitted to the State Department of Agriculture, Food and
20 Forestry on a registration form provided by the Board.

21 B. All registration shall expire on December 31 of the year for
22 which the hemp-derived cannabinoid product is registered.

23 C. The applicant shall submit with the application for
24 registration a copy of the label and, upon request of the

1 Department, a copy of all advertisements, brochures, posters, and
2 television and radio announcements to be used in promoting the sale
3 of the hemp-derived cannabinoid product.

4 D. If the Board discovers any hemp-derived cannabinoid product
5 that is not registered, for which the registration was falsely
6 submitted, or for which the registration was late, the Board may
7 assess an administrative penalty. The penalty shall be assessed per
8 offending product.

9 E. The State Board of Agriculture may promulgate rules
10 containing the requirements for registration, registration fees,
11 label requirements, and any other rules necessary for the
12 implementation of this section.

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 3-413 of Title 2, unless there
15 is created a duplication in numbering, reads as follows:

16 A. Each container of hemp-derived cannabinoid product shall be
17 labeled on the face or display side in a readable and conspicuous
18 form to show, at a minimum, the following information:

- 19 1. The net weight of the contents;
- 20 2. The name of the product;
- 21 3. The total amount of milligrams of hemp-derived cannabinoid
22 or any other marketed cannabinoid in the entire package; however, in
23 no case shall the package contain more than one hundred (100)
24 milligrams of hemp-derived cannabinoid, other than cannabidiol;

1 4. Milligrams per serving of hemp-derived cannabinoid, or any
2 other marketed cannabinoid, if applicable, however in no case shall
3 the milligrams per serving be more than ten (10) milligrams, other
4 than cannabidiol;

5 5. A list of all ingredients;

6 6. A statement that the product is not approved for any medical
7 use by the United States Food and Drug Administration;

8 7. The lot or batch number;

9 8. The expiration or best-by date;

10 9. Adequate directions for use;

11 10. A web address, Quick Response (QR) code, or other scannable
12 barcode accessing the laboratory testing reports;

13 11. The country or state of origin where the hemp is sourced;

14 12. Servings per package;

15 13. Means for reporting adverse events;

16 14. The name, address, and telephone number of the registrant;

17 and

18 15. Warnings regarding children, pets, and pregnancy.

19 B. The applicant shall submit a current label with a working
20 barcode for the certificate of analysis for the hemp-derived
21 cannabinoid products with the application.

22 C. A hemp-derived cannabinoid product shall not imitate any
23 packaging used for products typically marketed to children.

24 D. All packaging shall be child-resistant.

1 E. A hemp-derived cannabinoid product shall not be sold to
2 consumers under twenty-one (21) years of age.

3 F. Packaging that contains more than one serving shall be
4 resealable.

5 G. If the Board approved the guaranteed analysis and listing of
6 a hemp-derived cannabinoid product, the product shall be subject to
7 inspection and analysis.

8 H. The Board may prescribe methods and procedures of inspection
9 and analysis of hemp-derived cannabinoid products. The Board may
10 stipulate, by rule, the quantities that are allowed in a hemp-
11 derived cannabinoid product.

12 SECTION 4. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 3-414 of Title 2, unless there
14 is created a duplication in numbering, reads as follows:

15 A. A hemp-derived cannabinoid may be added to an ingestible
16 product during the manufacturing process or prior to retail sale at
17 a food service establishment.

18 B. The hemp-derived cannabinoid shall be obtained from product
19 grown under the United States Department of Agriculture (USDA) hemp
20 licensing program.

21 C. The food processor or food service establishment shall
22 obtain a valid certificate of analysis from the USDA-licensed hemp
23 grower or processor and provide a copy upon request or inspection.

24

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3-415 of Title 2, unless there
3 is created a duplication in numbering, reads as follows:

4 A. No person shall distribute a misbranded hemp-derived
5 cannabinoid product. A hemp-derived cannabinoid product shall be
6 considered misbranded if:

7 1. The labeling is false or misleading;

8 2. The product is distributed under the name of another hemp-
9 derived cannabinoid product; or

10 3. The product is not labeled in compliance with the rules of
11 the State Board of Agriculture.

12 B. No person shall distribute an adulterated hemp-derived
13 cannabinoid product. A hemp-derived cannabinoid product shall be
14 considered adulterated if:

15 1. The product contains any deleterious or harmful substance in
16 sufficient amounts to render the product injurious to beneficial
17 plant life, animals, humans, aquatic life, soil, or water when
18 applied in accordance with directions for use on the label;

19 2. Adequate warning statements or directions for use, which may
20 be necessary to protect plant life, animals, humans, aquatic life,
21 soil, or water, are not shown on the label; or

22 3. The product's composition falls below or differs from that
23 which the product is purported to possess by labeling.

24

1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3-416 of Title 2, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The State Board of Agriculture may issue and enforce a stop
5 sale, stop use, or removal order to the owner or custodian of any
6 lot of hemp-derived cannabinoid product. The owner or custodian
7 shall hold the lot of hemp-derived cannabinoid product until the
8 time when the product or labeling complies with this act.

9 B. It shall be a violation of this act for any person to:

10 1. Distribute a hemp-derived cannabinoid product that is not
11 registered with the State Board of Agriculture;

12 2. Distribute a hemp-derived cannabinoid product that is not
13 labeled in accordance with the requirements of the Board;

14 3. Distribute a hemp-derived cannabinoid product that is
15 misbranded;

16 4. Distribute a hemp-derived cannabinoid product that is
17 adulterated;

18 5. Violate any provision of the requirements of the Board; or

19 6. Fail to comply with a stop sale, stop use, or removal order.

20 SECTION 7. This act shall become effective November 1, 2023.

21

22 59-1-8136 JL 04/10/23

23

24