

1 ENGROSSED SENATE  
2 BILL NO. 635

By: Paxton of the Senate

and

Dobrinski of the House

3  
4  
5  
6 An Act relating to Oklahoma Industrial Hemp Program;  
7 amending 2 O.S. 2021, Section 3-402, as amended by  
8 Section 1, Chapter 265, O.S.L. 2022 (2 O.S. Supp.  
9 2022, Section 3-402), which relates to definitions;  
10 defining term; requiring registration of hemp-derived  
11 cannabinoid product with the State Board of  
12 Agriculture; establishing conditions for registration  
13 by applicant to the Board; providing for promulgation  
14 of rules by Board for registration; establishing  
15 requirements for labeling and packaging necessary to  
16 sell hemp-derived cannabinoid products in the state;  
17 allowing for hemp-derived cannabinoids to be added to  
18 products under certain conditions; prohibiting  
19 distribution of products if misbranded or  
20 adulterated; allowing the Board to issue and enforce  
21 stop sale, stop use, or removal of products under  
22 certain conditions; providing for codification; and  
23 providing an effective date.  
24

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:

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

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

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

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

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

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

15        6. "Hemp-derived cannabinoid product" means a product that  
16 contains cannabinoids that are extracted from hemp or resin from  
17 hemp by physical or chemical means and is intended for  
18 administration to a consumer including, but not limited to,  
19 concentrates, oils, tinctures, edibles, pills, topicals, gels,  
20 creams, and other derivative forms. The term shall also mean  
21 products available for animal or human consumption, which may be in  
22 the form of inhalation into the respiratory system and ingestion in  
23 the gastrointestinal system, or tissue absorption. The term shall  
24 not include seeds or seed-derived ingredients that are generally

1 recognized as safe by the United States Food and Drug  
2 Administration;

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

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

1 burning, or other regulated disposal methods if the industrial hemp  
2 is not remediated into a final product before processing below  
3 three-tenths of one percent (0.3%) on a dry-weight basis;

4 ~~8.~~ 9. "License" means authorization by the Department for any  
5 person to grow and cultivate industrial hemp on a registered land  
6 area as part of the Oklahoma Industrial Hemp Program; and

7 ~~9.~~ 10. "Processing" means converting industrial hemp into a  
8 marketable form, including the production of all derivatives,  
9 extracts, cannabinoids, isomers, acids, salts and salts of isomers.

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

13 A. Each hemp-derived cannabinoid product shall be registered  
14 with the State Board of Agriculture prior to distribution in this  
15 state by the manufacturer. The application shall be submitted to  
16 the State Department of Agriculture on a registration form provided  
17 by the Board.

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

20 C. The applicant shall submit with the application for  
21 registration a copy of the label and, upon request of the  
22 Department, a copy of all advertisements, brochures, posters, and  
23 television and radio announcements to be used in promoting the sale  
24 of the hemp-derived cannabinoid product.

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

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

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

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

- 16 1. The net weight of the contents;
- 17 2. The name of the product;
- 18 3. The total amount of milligrams of hemp-derived cannabinoid  
19 in the entire package;
- 20 4. Milligrams per serving of cannabidiol (CBD),  
21 tetrahydrocannabinol (THC), or any other marketed cannabinoid, if  
22 applicable;
- 23 5. A list of all ingredients;
- 24

- 1       6. A statement that the product is not approved for any medical  
2 use by the United States Food and Drug Administration;
- 3       7. The lot or batch number;
- 4       8. The expiration or best-by date;
- 5       9. Adequate directions for use;
- 6       10. A web address, QR code, or other scannable barcode  
7 accessing the laboratory testing reports;
- 8       11. The country or state of origin where hemp is sourced;
- 9       12. Servings per package;
- 10      13. Means for reporting adverse events;
- 11      14. The name, address, and telephone number of the registrant;
- 12 and
- 13      15. Warnings regarding children, pets, and pregnancy.
- 14      B. The applicant shall submit a current label with a working  
15 barcode for the certificate of analysis for the hemp-derived  
16 cannabinoid products with the application.
- 17      C. A hemp-derived cannabinoid product shall not imitate any  
18 packaging used for products typically marketed to children.
- 19      D. All packaging shall be child-resistant.
- 20      E. Packaging that contains more than one (1) serving shall be  
21 resealable.
- 22      F. If the Board approved the guaranteed analysis and listing of  
23 a hemp-derived cannabinoid product, the product shall be subject to  
24 inspection and analysis.

1 G. The Board may prescribe methods and procedures of inspection  
2 and analysis of hemp-derived cannabinoid products. The Board may  
3 stipulate, by rule, the quantities that are allowed in a hemp-  
4 derived cannabinoid product.

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

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

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

14 C. The food processor or food service establishment shall  
15 obtain a valid certificate of analysis from the licensed USDA hemp  
16 grower or processor and provide a copy upon request or inspection.

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

20 A. No person shall distribute misbranded hemp-derived  
21 cannabinoid product. A hemp-derived cannabinoid product shall be  
22 considered misbranded if:

23 1. The labeling is false or misleading;

24

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

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

5           B. No person shall distribute an adulterated hemp-derived  
6 cannabinoid product. A hemp-derived cannabinoid product shall be  
7 considered adulterated if:

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

12           2. Adequate warning statements or directions for use, which may  
13 be necessary to protect plant life, animals, humans, aquatic life,  
14 soil, or water, are not shown upon the label; or

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

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

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



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

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

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

6 3. Distribute a hemp-derived cannabinoid product that is  
7 misbranded;

8 4. Distribute a hemp-derived cannabinoid product that is  
9 adulterated;

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

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

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

13 Passed the Senate the 22nd day of March, 2023.

14  
15 \_\_\_\_\_  
16 Presiding Officer of the Senate

17 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
18 2023.

19  
20 \_\_\_\_\_  
21 Presiding Officer of the House  
22 of Representatives  
23  
24