

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 4288

By: Marti

COMMITTEE SUBSTITUTE

An Act relating to medical marijuana; amending 63 O.S. 2021, Section 427.18, which relates to the Oklahoma Medical Marijuana and Patient Protection Act; requiring the inclusion of expiration or use by dates; directing the Oklahoma Medical Marijuana Authority to promulgate rules; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 427.18, is amended to read as follows:

Section 427.18 A. An Oklahoma medical marijuana business shall not sell, transfer or otherwise distribute medical marijuana or medical marijuana product that has not been packaged and labeled in accordance with this section and rules promulgated by the State Commissioner of Health.

B. A medical marijuana dispensary shall return medical marijuana and medical marijuana product that does not meet packaging or labeling requirements in this section or rules promulgated pursuant thereto to the entity who transferred it to the dispensary.

1 The medical marijuana dispensary shall document to whom the item was
2 returned, what was returned and the date of the return or dispose of
3 any usable marijuana that does not meet these requirements in
4 accordance with the Oklahoma Medical Marijuana and Patient
5 Protection Act.

6 C. 1. Medical marijuana packaging shall be packaged to
7 minimize its appeal to children and shall not depict images other
8 than the business name logo of the medical marijuana producer and
9 image of the product.

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

14 3. Labels on a container shall not include any false or
15 misleading statements.

16 4. No container shall be intentionally or knowingly labeled so
17 as to cause a reasonable patient confusion as to whether the medical
18 marijuana, medical marijuana concentrate or medical marijuana
19 product is a trademarked product or labeled in a manner that
20 violates any federal trademark law or regulation.

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

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6. All medical marijuana, medical marijuana concentrate and medical marijuana products shall be in a child-resistant container at the point of transfer to the patient or caregiver.

7. If the medical marijuana product is perishable, the label on the container of the product shall include a maximum six-month expiration date or a use by date if the medical marijuana product has not undergone stability testing. By November 1, 2022, the Authority shall promulgate rules establishing stability testing standards and requirements.

D. The State Department of Health shall develop minimum standards for packaging and labeling of medical marijuana and medical marijuana products. Such standards shall include, but not be limited to, the required contents of labels to be affixed to all medical marijuana and medical marijuana products prior to transfer to a licensed patient or caregiver, which shall include, at a minimum:

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

SECTION 2. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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