

1 ENGROSSED HOUSE  
2 BILL NO. 4288

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

3 and

4 Paxton of the Senate

5  
6  
7 An Act relating to medical marijuana; amending 63  
8 O.S. 2021, Section 427.18, which relates to the  
9 Oklahoma Medical Marijuana and Patient Protection  
10 Act; requiring the inclusion of expiration or use by  
11 dates; directing the Oklahoma Medical Marijuana  
12 Authority to promulgate rules; and declaring an  
13 emergency.

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

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

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

22 B. A medical marijuana dispensary shall return medical  
23 marijuana and medical marijuana product that does not meet packaging  
24 or labeling requirements in this section or rules promulgated  
pursuant thereto to the entity who transferred it to the dispensary.  
The medical marijuana dispensary shall document to whom the item was

1 returned, what was returned and the date of the return or dispose of  
2 any usable marijuana that does not meet these requirements in  
3 accordance with the Oklahoma Medical Marijuana and Patient  
4 Protection Act.

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

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

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

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

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

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

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

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

14        1. THC and other cannabinoid potency, and terpenoid potency;

15        2. A statement indicating that the product has been tested for  
16 contaminants;

17        3. One or more product warnings to be determined by the  
18 Department; and

19        4. Any other information the Department deems necessary.

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

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

2  
3 \_\_\_\_\_  
4 Presiding Officer of the House  
of Representatives

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

6  
7 \_\_\_\_\_  
8 Presiding Officer of the Senate