

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 4288

By: Marti

7
8 COMMITTEE SUBSTITUTE

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

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

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

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

24 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

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

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

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

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

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

22 5. The label on the container shall not make any claims
23 regarding health or physical benefits to the patient.
24

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

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

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

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

18 2. A statement indicating that the product has been tested for
19 contaminants;

20 3. One or more product warnings to be determined by the
21 Department; and

22 4. Any other information the Department deems necessary.

23 SECTION 2. It being immediately necessary for the preservation
24 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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4 COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED
5 SUBSTANCES, dated 03/03/2022 - DO PASS, As Amended.
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