HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 3361 By: Marti

COMMITTEE SUBSTITUTE

An Act relating to medical marijuana; amending 63 O.S. 2021, Section 427.18, as amended by Section 18, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2023, Section 427.18), which relates to the Oklahoma Medical Marijuana and Patient Protection Act; modifying certain packaging requirements; requiring business name logos to be designed in a certain manner; providing administrative fines for violations; directing the deposit of administrative fines in specific revolving funds; directing licensed medical marijuana processors and licensed medical marijuana commercial growers to sell certain medical marijuana products in pre-packaged form; providing requirements for packaging; allowing for the display and smelling of marijuana; directing the Oklahoma Medical Marijuana Authority to promulgate certain rules; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 427.18, as amended by Section 18, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2023, Section 427.18), is amended to read as follows:

Section 427.18 A. A 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 Executive Director of the Oklahoma Medical Marijuana Authority.

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

C. 1. Medical marijuana packaging shall be packaged to minimize its appeal to children and shall not depict images other than the business name logo of the medical marijuana producer ~~and image of the product~~. The business name logo of the medical marijuana producer shall also be designed in a manner that is not appealing to children.

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

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

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

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

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.

D. The Executive Director 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 Executive Director; and

4. Any other information the Executive Director deems necessary.

E. Any licensed medical marijuana dispensary that violates the provisions of subsection B of this section shall be subject to an administrative fine of Five Hundred Dollars ($500.00) for each separate violation. Administrative fines collected pursuant to the provisions of this subsection shall be collected and deposited to the revolving fund of the law enforcement agency responsible for the investigation, enforcement, and prosecution of medical marijuana dispensary licensees who violate the provisions of subsection B of this section.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 431.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Upon the effective date of this act, all medical marijuana flower, trim, shake, kief, medical marijuana product, or other flower-based product not defined as a concentrate, shall be sold by licensed medical marijuana processors and licensed medical marijuana commercial growers to licensed medical marijuana dispensaries only in pre-packaged form in package sizes weighing not less than one-half (1/2) of one (1) gram to not more than three (3) ounces.

B. Nonopaque materials may be used when packaging medical marijuana flower provided all other packaging and labeling requirements for medical marijuana products sold in this state are

met and it is placed in an opaque container before leaving a licensed medical marijuana dispensary.

C. The display and smelling of medical marijuana shall be allowed pursuant to Section 421 of Title 63 of the Oklahoma Statutes.

D. The Oklahoma Medical Marijuana Authority shall promulgate rules necessary to allow for pre-packaged products to be returned to the licensed medical marijuana dispensary when found defective or hazardous to the health of the patient. The Authority shall further promulgate rules necessary to allow for the return of medical marijuana products from a licensed medical marijuana dispensary to a licensed medical marijuana processor or licensed medical marijuana commercial grower, from a licensed medical marijuana processor to a licensed medical marijuana commercial grower, or from any other licensed entity that transferred medical marijuana products to another licensed entity.

COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED SUBSTANCES, dated 02/29/2024 - DO PASS, As Amended.