

## INDUSTRY PERSPECTIVES AND QUESTIONS FOR DISCUSSION

Following **HB 2807** the new rules adopt warehouse permits for Transportation Licensees. When can we expect permit applications to be available and what will that process look like?

With **Senate Bill 1066**, the new rules adopt requirements for physicians registry and education. When will educational courses become available, registration open, and how can we review the educational materials being required of recommending physicians? Is there any anticipation of how this may or may not be affected by any licensing system changes in the fall?

**Senate Bill 518** added a DUI statement to be added to labeling. The section 442: 10-7-1 requires all products without this statement to be sold or wasted by Nov. 1, 2025. Dispensaries are required to reject non compliant packaging already. While some anticipated this rule before it came out, others followed the rules in place, and now may be in a position to repackage products for a second time. What are those businesses supposed to do now, and what about existing inventory otherwise? Wouldn't it make sense to get rid of **10-7-1-d-10 (Page 69)** and allow business to have a chance to adapt with a less costly solution? (slapping a sticker on the package)

**Senate Bill 774** added bar codes to patient cards. What do we expect implementation to look like at the dispensary level? Do we anticipate a two year phase out of current patient verification, or will OMMA reissue barcoded licenses to all existing patients to simplify the process for both consumers and card holders?

**SB 1039** is pretty straight forward

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The following sections identify page numbers and key components of the July 12th Emergency Rules. [Hyperlinks go directly to the new law cited](#) // **underlined language in red reflects the new rules** // black language is current rule and is included for context in some areas // ~~red language with strikethrough is language now removed to allow adoption of the underlined red language~~

### **HB 2807 ENROLLED FINAL** OMMA Request Clean-Up Bill

**OAC 442:10-3-1**(Pages 24 - 25) (f) **A licensed medical marijuana transporter may maintain and operate one or more warehouses in the state to handle medical marijuana, medical marijuana concentrate, and medical marijuana products, provided the licensed medical marijuana transporter possesses a valid, unexpired medical marijuana transporter license and has applied for and received a permit for each warehouse location. The Authority shall issue an annual permit for each warehouse location operated by a licensee that is tied to the annual medical marijuana transporter license term, and there shall be no limit to the number of permits issued under a medical marijuana transporter license. A permit shall be issued only upon proper application by a licensee and determination by the Authority that the proposed site and facility are physically and technically suitable. Upon a finding that a proposed warehouse location is not physically or technically suitable, the Authority shall deny the permit.** A commercial transporter

applicant or licensee must have each warehouse location inspected and approved by the Authority prior to its use. Medical marijuana transporter warehouses that are licensed and approved by the Authority may temporarily store medical marijuana, medical marijuana concentrate, and medical marijuana products, provided that all temporary storage is documented, tracked, and traceable in the state-mandated seed-to-sale tracking system.

**OAC 442:10-3-6** (Page 27) (3) For temporary storage at a medical marijuana transporter licensed premises or warehouse location that is licensed and approved by the Authority, the license number, physical address, and name and contact information of the medical marijuana transporter licensed premises or warehouse location and notation that the medical marijuana and medical marijuana products are being temporarily stored;

**OAC 442: 10-5-1.1.** (Pages 42-43) **Section related to OMMA Definition of Employee.** *OMMA Website Rules Page lists this section as “Changes to the national fingerprint-based background check requirement”*

~~(vii) Conducts any other additional business for the benefit of a medical marijuana commercial licensee authorized under OAC 442:10, with the exception of professional services not involved in the handling of~~ Serves in a role or provides services which would be reasonably expected to involve regular physical contact with medical marijuana ~~medical marijuana concentrates, or~~ medical marijuana products, or medical marijuana waste.

**OAC 442:10-7-1.** (Page 67) “Licensed medical marijuana dispensaries shall have until November 1, 2025, to sell or waste all current inventory that is not in pre-packaged form pursuant to this section.”

**OAC 442:10-7-2.** (Page 67) For the purposes of this section, medical marijuana or medical marijuana product that is sent back to the originating licensee upon refusal to accept delivery solely because it is not packaged and labeled in accordance with the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. 427,1 et seq., and these Rules shall not be considered medical marijuana waste, provided the medical marijuana or medical marijuana product were immediately sent ~~back to the originating licensee~~ upon refusal to accept delivery. If circumstances are such that the dispensary cannot refuse to accept delivery or immediately send back to the originating licensee the nonconforming medical marijuana or medical marijuana products back to the originating licensee, the dispensary shall dispose of the nonconforming medical marijuana and medical marijuana products in accordance with the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 427a et seq., and these Rules

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## **SB 518 ENROLLED FINAL - DUI Labeling**

### **OAC 442:10-7-1**

**In 10-7-1-a** (Page 67) “... Licensed medical marijuana dispensaries shall have until November 1, 2025, to sell or waste all current inventory that is not in pre-packaged form pursuant to this section...”

**In 10-7-1-d-2** (Page 68). “(2) Packaging must contain a label that reads: "Keep out of reach of children.", "Women should not use marijuana or medical marijuana products during pregnancy because of the risk of birth defects.", and "For use by licensed medical marijuana patients only." Beginning November 1, 2025, packaging must also contain a label that reads: “It is illegal to drive a motor vehicle while under the influence of marijuana or marijuana products.”.

**Implementation issues like this could be eliminated with removal of 10-7-1-d-10 (Page 69), saving individual operators thousands of dollars.**

“Labels shall be designed and applied in a manner that does not cause patient confusion regarding the package's contents, potency, or other required information. In the event that any package or immediate container of medical marijuana or medical marijuana product is relabeled, all initial labels must be completely removed before the new label is applied. Covering an initial label with a new label is prohibited.”

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**SB 774 ENROLLED FINAL BARCODED LICENSES**

**OAC 442:10-2-6(7)** (Page 22)

“. Beginning November 1, 2025, the unique twelve-character license number and PDF417 barcode assigned to the patient license holder and caregiver, if applicable.”

***Do we expect any hiccups due to potential licensing system changes?***

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**SB 1039 ENROLLED FINAL**

**OAC 442:10-2-1(b)** (Page 17) An application must be submitted within thirty (30) days of signature or it will be rejected by the Authority. - ***This section not highlighted in red as a new rule***

**OAC 442:10-2-1(g)** (Page 18) Beginning November 1, 2025, if an application is rejected for failure to provide required information, the applicant shall have thirty (30) days to submit the required information for reconsideration.

**OAC 442:10-2-2(b)** (Page 18) An application must be submitted within thirty (30) days of signature or it will be rejected by the Authority - ***This section not highlighted in red as a new rule***

**OAC 442:10-2-2(h)** (Page 19) Beginning November 1, 2025, if an application is rejected for failure to provide required information, the applicant shall have thirty (30) days to submit the required information for reconsideration.

**OAC 442:10-2-4(e)** (Page 20) Beginning November 1, 2025, if an application is rejected for failure to provide required information, the applicant shall have thirty (30) days to submit the required information for reconsideration.

**OAC 442:10-4-1(b)** (Page 28) Beginning November 1, 2025, applicants and licensees shall remit all required license and application fees, including any additional licensing fees, if applicable, in full within forty-five (45) days of notification by the Authority. Failure to remit such fees shall result in the denial of the application.

**OAC 442:10-5-1(b)** (Page 41) Beginning November 1, 2025, the Authority shall invoice license applicants, if applicable, and notify applicants in the same method and manner as the application was submitted to the Authority for any additional licensing fees owed prior to approval of a license application. Applicants and licensees shall remit all required license and application fees, including any additional licensing fees, if applicable, in full within forty-five (45)

days of notification by the Authority. Failure to remit such fees shall result in the denial of the application.

**OAC 442:10-5-2(a)** (Page 43) Beginning November 1, 2025, the Authority shall invoice license applicants, if applicable, and notify applicants in the same method and manner as the application was submitted to the Authority for any additional licensing fees owed prior to approval of a license application. Applicants and licensees shall remit all required license and application fees, including any additional licensing fees, if applicable, in full within forty-five (45) days of notification by the Authority. Failure to remit such fees shall result in the denial of the application.

**OAC 442:10-5-3(a)** (Page 48) Beginning November 1, 2025, the Authority shall invoice license applicants, if applicable, and notify applicants in the same method and manner as the application was submitted to the Authority for any additional licensing fees owed prior to approval of a license application. Applicants and licensees shall remit all required license and application fees, including any additional licensing fees, if applicable, in full within forty-five (45) days of notification by the Authority. Failure to remit such fees shall result in the denial of the application.

**OAC 442:10-9-1(c)** (Pages 100-101) Beginning November 1, 2025, applicants and licensees shall remit all required license and application fees, including any additional licensing fees, if applicable, in full within forty-five (45) days of notification by the Authority. Failure to remit such fees shall result in the denial of the application.

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## **SB 1066 ENROLLED FINAL**

**OAC 442:10-1-9** (Page 16) (a) The Authority shall create and maintain a registry of recommending physicians. A physician may file a registration with the Authority as a recommending physician on a form prescribed by the Authority if the physician holds a valid, unrestricted and existing license to practice in the State of Oklahoma. . Beginning January 1, 2026, to be eligible to provide a medical marijuana recommendation to a licensed patient, a physician shall be registered with the Authority.

(b) To be registered with the Authority, a physician shall comply with medical education and continuing medical education requirements and shall meet all other requirements established by law or rule for the recommending physician's respective licensure board. The medical education related to medical marijuana shall be completed prior to the physician being listed on the registry and shall be completed annually to remain on the registry. ~~If a physician chooses to register with the Authority, a~~ A physician registration must include, at a minimum, all of the following:

(1) The physician's full name, business address, professional email address, telephone numbers and, if the physician owns or is affiliated with a medical practice, the name of the medical practice;

(2) The physician's medical license number; ~~and~~

(3) A certification by the physician that states that the physician's Oklahoma license to practice medicine is active and in good standing.; ~~and~~

(4) Proof that the physician has completed the initial medical education or continuing medical education requirements for recommending physicians.

**OAC 442:10-1-9.1**

- (a) ~~Any Physician, before~~ Before making a recommendation for medical marijuana under these provisions, a Physician shall be in "good standing" with the State Board of Medical Licensure and Supervision, the Board of Podiatric Medical Examiners, or the State Board of Osteopathic Examiners, and beginning January 1, 2026, registered with the Authority to be eligible to provide a medical marijuana recommendation to a licensed patient. Physicians in residency or other graduate medical training do not meet the definition of Physician under this Subchapter and any recommendation for a patient medical marijuana license will be rejected by the Authority.
- (b) When recommending a medical marijuana license, a physician shall use the accepted standards a reasonable and prudent physician would follow when recommending any medication to a patient.
- (c) A physician shall not be located at the same physical address of a dispensary.