

**TITLE 442. OKLAHOMA MEDICAL MARIJUANA AUTHORITY
CHAPTER 10. MEDICAL MARIJUANA REGULATIONS**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

442:10-1-4. Definitions [AMENDED]

Subchapter 2. Medical Marijuana Licenses

442:10-2-9. Prohibited acts and penalties [AMENDED]

Subchapter 3. Transporter License

442:10-3-1. License for transportation of medical marijuana [AMENDED]

442:10-3-2. Requirements for transportation of marijuana [AMENDED]

442:10-3-3. Transporter agent license [AMENDED]

442:10-3-6. Inventory manifests [AMENDED]

Subchapter 4. Research Facilities and Education Facilities

442:10-4-1. License required [AMENDED]

442:10-4-1.1. Responsibilities of the license holder [AMENDED]

442:10-4-2. Licenses [AMENDED]

442:10-4-3. Applications [AMENDED]

442:10-4-4. Inspections [AMENDED]

442:10-4-5. Inventory tracking, records, reports, and audits [AMENDED]

442:10-4-6. Penalties [AMENDED]

Subchapter 5. Medical Marijuana Businesses

442:10-5-1. License required [AMENDED]

442:10-5-1.1. Responsibilities of the license holder [AMENDED]

442:10-5-2. Licenses [AMENDED]

442:10-5-3. Applications [AMENDED]

442:10-5-3.1. Proof of residency for commercial licensees [AMENDED]

442:10-5-4. Inspections [AMENDED]

442:10-5-4.1. Operational status visit [AMENDED]

442:10-5-5. Processing medical marijuana on behalf of a patient or caregiver [AMENDED]

442:10-5-6. Inventory tracking, records, reports, and audits [AMENDED]

442:10-5-8. Food safety standards for processors [AMENDED]

442:10-5-10. Medical marijuana waste disposal [AMENDED]

442:10-5-16. Prohibited acts [AMENDED]

Subchapter 6. Commercial Licensees

442:10-6-1. General security requirements for commercial licensees [AMENDED]

Subchapter 7. Packaging, Labeling, and Advertising

442:10-7-1. Labeling and packaging [AMENDED]

442:10-7-2. Prohibited products [AMENDED]

442:10-7-3. Advertising [AMENDED]

Subchapter 8. Laboratory Testing

442:10-8-1. Testing standards and thresholds [AMENDED]

442:10-8-2. General operating requirements and procedures [AMENDED]

442:10-8-3. Sampling requirements and procedures [AMENDED]

442:10-8-4. Laboratory quality assurance and quality control [AMENDED]

Subchapter 9. Waste Disposal Facilities

442:10-9-1. License or permit required [AMENDED]

442:10-9-2. Licenses and permits [AMENDED]

442:10-9-3. License applications [AMENDED]

442:10-9-4. Permit applications [AMENDED]

442:10-9-5. Inspections [AMENDED]

442:10-9-6. Security requirements [AMENDED]

442:10-9-7. Audits and inventory [AMENDED]

442:10-9-9. Waste disposal [AMENDED]

Subchapter 11. Process Validation

442:10-11-1. Standards and requirements to achieve process validation [AMENDED]

SUMMARY:

The proposed permanent rules implement legislative changes mandated by HB 3361, SB 758, SB 1635, SB1939, and address changes in state statute under 63 O.S. § 422, 426.1, 427.2, 427.14, 427.14b, 427.14c, 427.17, and 431.1. The permanent rules are intended to provide a structure for the implementation of these legislative requirements.

Changes to required application materials like certificates of occupancy or ownership transfers, pursuant to SB1635 and SB1939, occur at OAC 442:10-3-1(c-e), OAC 442:10-4-2(c)(2); OAC 442:10-4-2(e)(A)(i); OAC 442:10-4-3(e); OAC 442:10-5-2(c); OAC 442:10-5-2(e); OAC 442:10-5-3(e)(8-9); and OAC 442:10-9-3(e)(9). New definitions for “change of ownership request”, “license transfer application”, “location change request”, and “name change request” provide clarification of the new ownership transfer requirements pursuant to SB1939 and are added to definitions at OAC 442:10-1-4. Updated timeframes to submit renewal applications pursuant to SB1939 are incorporated at OAC 442:10-4-2(c)(6) and OAC 442:10-5-2(c)(5). Specific location prohibitions regarding multiple licenses of the same type pursuant to SB1939 are added to OAC 442:10-5-2(b)(2). Amendments regarding ownership transfers pursuant to SB1939 are added to OAC 442:10-4-2(e); OAC 442:10-5-2(e); and OAC 442:10-9-2(e)(2). Language regarding the possession, sale, or transfer of medical marijuana upon expiration of a license are added to OAC 442:10-4-2(d); OAC 442:10-5-2(d); and OAC 442:10-9-2(d)(1) as required by SB1939. The requirement that employees wear or display their employee credential pursuant to SB758 is added at OAC 442:10-5-1.1(13)(C). Changes to laboratory testing requirements, including final form testing requirements pursuant to SB1635, occur at OAC 442:10-4-5(d)(2)(D); OAC 442:10-5-5(f); OAC 442:10-5-6(d)(2)(D); OAC 442:10-7-1(f)(4); OAC 442:10-8-1; OAC 442:10-8-2; OAC 442:10-8-3; OAC 442:10-8-4; OAC 442:10-9-7(b)(2)(D); and OAC 442:10-11-1(g)(2)(C). Rules requiring medical marijuana to be sold in pre-packaged quantities pursuant to HB3361 are added to OAC 442:10-7-1 and OAC 442:10-7-2. Specific prohibitions regarding opening pre-packaged products are added to OAC 442:10-5-16(s).

Amendments to streamline and clarify inventory manifest requirements are added to the rules at OAC 442:10-3-6(a), OAC 442:10-3-6(b)(1); OAC 442:10-4-5(c)(2); OAC 442:10-4-5(d)(1)(G); OAC 442:10-5-6(d)(1)(H); and OAC 442:10-9-7(b)(1)(G). Amendments to OAC 442:10-4-2(g); OAC 442:10-5-2(g)(2-3); and OAC 442:10-9-2(g) reiterate that commercial license surrender requests are effective upon written approval by the Authority and clarify when the Authority may reject surrender requests. Amendments to OAC 442:10-5-1(a) state that all requirements of Oklahoma law and these Rules are continuing in nature and must be satisfied in order to retain licensure. OAC 442:10-6-1(c) is amended to clarify that commercial growers must maintain required commercial grower signage. Expanded testing requirements for pesticide analytes occur at OAC 442:10-8-1(i)(5). The requirement that dispensaries shall produce any and all COAs for products currently in the dispensary’s inventory upon request of a licensed medical marijuana patient or caregiver is added to OAC 442:10-8-1(h). The requirement that processors verify patient license information when processing on behalf of a licensed patient is added to OAC 442:10-5-5. Amendments to labeling requirements at OAC 442:10-7-1(d)(11) provide clarification that if a package or container is relabeled, all initial labels must be completely removed before the new label is applied.

Clean up and clarification of existing rules occurs through Chapter 10 of OAC 442. Definitions for “decontamination”, “final product”, “production batch”, and “remediation” are amended, new definitions for “final harvest batch”, “final production batch”, and “tamper-evident” are added, and definitions are alphabetized at OAC 442:10-1-4. Record retention requirements are amended for consistency at OAC 442:10-3-2(c); OAC 442:10-3-6(f); OAC 442:10-4-5(c); OAC 442:10-5-4(h); OAC 442:10-5-5(b); OAC 442:10-5-6(b); OAC 442:10-5-6(b)(6); OAC 442:10-5-6(i)(1); OAC 442:10-5-10(b)(3); OAC 442:10-9-6(c)(1)(C); OAC 442:10-9-6(c)(2)(B); OAC 442:10-9-6(e); OAC 442:10-11-(f)(3). Amendments to ensure consistent application requirements occur at OAC 442:10-4-1(b), OAC 442:10-4-1.1; OAC 442:10-4-3(b),

OAC 442:10-4-3(c)(12-14); OAC 442:10-4-2(h); OAC 442:10-5-3(f); OAC 442:10-9-3(c)(7-8); OAC 442:10-9-3(f); OAC 442:10-9-4(b)(9-10) and OAC 442:10-11-(d)(4). Amendments to ensure consistent language throughout all subchapters of the rules, including adding words where numbers are used, replacing dashes with commas, removing dates that have previously passed, and ensuring consistent verbiage throughout the rules, occur at OAC 442:10-2-9(a-b); OAC 442:10-3-3; OAC 442:10-4-4(b); OAC 442:10-5-1.1(7); OAC 442:10-5-2(b)(1); OAC 442:10-5-3(b); OAC 442:10-5-4(b-c); OAC 442:10-5-4.1(a); OAC 442:10-5-6(i)(7); OAC 442:10-7-2(b); OAC 442:10-9-1(b); OAC 442:10-11-(d)(1); and OAC 442:10-11-(j).

AUTHORITY:

Executive Director of the Oklahoma Medical Marijuana Authority; 63 O.S. § 426.1, 63 O.S. § 427.14, 63 O.S. § 427.14b, 63 O.S. § 427.14c, 63 O.S. § 427.17, and 63 O.S. § 431.1.

COMMENT PERIOD:

November 15, 2024 through December 17, 2024. Persons wishing to present their views in writing may do so before 5:00 p.m. on December 17, 2024 at the following address: Oklahoma Medical Marijuana Authority, P.O. Box 262266, Oklahoma City, Oklahoma 73126 or by submitting public comment on the agency website at www.omma.ok.gov/rules.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on December 17, 2024 at the Oklahoma State Capitol, 2300 N. Lincoln Boulevard, Oklahoma City, OK 73105 in Room 535 at 9:00 a.m. Anyone who wishes to speak must sign in at the door by 9:05a.m. The alternate date and time in the event of an office closure due to inclement weather is December 18, 2024 at the Oklahoma Medical Marijuana Authority, 2501 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105 in Room 400 at 1:00 p.m. Anyone who wishes to speak must sign in at the door by 1:05p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, within the comment period, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through December 17, 2024 at 5:00 p.m., the close of business, on the public comment form listed at www.omma.ok.gov/rules.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the Oklahoma Medical Marijuana Authority, 2501 N. Lincoln Boulevard., Oklahoma City, Oklahoma 73105. The proposed rules are also available on the agency website at www.omma.ok.gov/rules.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement has been prepared and is available at the Oklahoma Medical Marijuana Authority at the above address or on the agency website at www.omma.ok.gov/rules.

CONTACT PERSON:

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