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252:100-8-5	[AMENDED]1309	252:710-1-11	[AMENDED]
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260:135-3-51	[REVOKED]	260:135-5-143	[REVOKED]
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260:135-5-205	[REVOKED]	260:135-5-54	[REVOKED]
260:135-5-206	[REVOKED]	260:135-5-55	[REVOKED]
260:135-5-207	[REVOKED]	260:135-5-56	[REVOKED]
260:135-5-208	[REVOKED]	260:135-5-57	[REVOKED]
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260:135-5-214	[REVOKED]	260:135-5-60	[REVOKED]
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260:135-5-217	[REVOKED]	260:135-5-66	[REVOKED]
260:135-5-218	[REVOKED]	260:135-5-67	[REVOKED]
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260:135-5-220	[REVOKED]	260:135-5-7	[REVOKED]
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260:135-5-78	[REVOKED]	260:135-7-15	[REVOKED]
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510:1-5-4	[AMENDED]1877	590:35-15-2	[AMENDED]1905
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510:1-5-8	[AMENDED]1877	590:40-7-34	[AMENDED]1910
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610:15-1-2	[AMENDED]1978	655:10-13-2	[AMENDED]1994
610:15-1-3	[AMENDED]1978	655:10-13-3	[AMENDED]

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710:50-15-81         [AMENDED]         2127         712:1-1-6.1         [REVOKED]         2185           710:50-19-4         [AMENDED]         2127         712:1-1-7         [REVOKED]         2185           710:50-21-4         [AMENDED]         2146         712:1-1-8         [REVOKED]         2185           710:55-4-114         [AMENDED]         2146         712:1-1-9         [REVOKED]         2185           710:55-7-2         [AMENDED]         2147         712:10-5-1         [REVOKED]         2189           710:65-1-1         [AMENDED]         2149         712:10-5-2         [REVOKED]         2189           710:65-1-2         [AMENDED]         2149         712:10-5-3         [REVOKED]         2189           710:65-1-7         [AMENDED]         2149         712:10-5-3         [REVOKED]         2189           710:65-1-8         [AMENDED]         2149         712:10-5-1         [REVOKED]         2189           710:65-1-8         [AMENDED]         2149         712:10-7-1         [REVOKED]         2190           710:65-1-9         [AMENDED]         2149         712:10-7-3         [REVOKED]         2190           710:65-3-1         [AMENDED]         2149         712:10-7-1         [REVOKED] </td <td></td> <td></td> <td></td> <td></td>				
710:50-19-4         [AMENDED]         2127         712:1-1-7         [REVOKED]         2185           710:50-21-4         [AMENDED]         2127         712:1-1-8         [REVOKED]         2185           710:55-4-114         [AMENDED]         2146         712:1-1-9         [REVOKED]         2185           710:55-7-2         [AMENDED]         2147         712:10-5-1         [REVOKED]         2189           710:65-1-11         [AMENDED]         2149         712:10-5-2         [REVOKED]         2189           710:65-1-2         [AMENDED]         2149         712:10-5-3         [REVOKED]         2189           710:65-1-2         [AMENDED]         2149         712:10-5-4         [REVOKED]         2189           710:65-1-8         [AMENDED]         2149         712:10-7-1         [REVOKED]         2190           710:65-1-9         [AMENDED]         2149         712:10-7-3         [REVOKED]         2190           710:65-1-1         [AMENDED]         2149         712:10-7-3         [REVOKED]         2190           710:65-3-1         [AMENDED]         2149         712:10-7-3         [REVOKED]         2190           710:65-13-150         [AMENDED]         2149         712:10-1-1         [REVOKED]<				
710:50-21-4         [AMENDED]         2127         712:1-1-8         [REVOKED]         2185           710:55-4-114         [AMENDED]         2146         712:1-1-9         [REVOKED]         2185           710:55-7-2         [AMENDED]         2147         712:10-5-1         [REVOKED]         2189           710:65-1-11         [AMENDED]         2149         712:10-5-2         [REVOKED]         2189           710:65-1-2         [AMENDED]         2149         712:10-5-3         [REVOKED]         2189           710:65-1-7         [AMENDED]         2149         712:10-5-4         [REVOKED]         2189           710:65-1-8         [AMENDED]         2149         712:10-7-1         [REVOKED]         2190           710:65-1-9         [AMENDED]         2149         712:10-7-3         [REVOKED]         2190           710:65-1-8         [AMENDED]         2149         712:10-7-3         [REVOKED]         2190           710:65-1-8         [AMENDED]         2149         712:10-1-1         [REVOKED]         2190           710:65-13-150         [AMENDED]         2149         712:10-1-1         [REVOKED]         2190           710:65-13-150         [AMENDED]         2149         715:10-1-20         [NEW]<				
710:55-4-114         [AMENDED]         2146         712:1-1-9         [REVOKED]         2185           710:55-7-2         [AMENDED]         2147         712:10-5-1         [REVOKED]         2189           710:65-1-1         [AMENDED]         2149         712:10-5-2         [REVOKED]         2189           710:65-1-2         [AMENDED]         2149         712:10-5-3         [REVOKED]         2189           710:65-1-7         [AMENDED]         2149         712:10-5-4         [REVOKED]         2189           710:65-1-8         [AMENDED]         2149         712:10-7-1         [REVOKED]         2190           710:65-1-9         [AMENDED]         2149         712:10-7-3         [REVOKED]         2190           710:65-1-3         [AMENDED]         2149         712:10-7-3         [REVOKED]         2190           710:65-1-3         [AMENDED]         2149         712:10-7-3         [REVOKED]         2190           710:65-1-3         [AMENDED]         2149         712:10-1-1         [REVOKED]         2190           710:65-13-15         [AMENDED]         2149         712:10-1-1         [REVOKED]         2190           710:65-13-15         [AMENDED]         2149         715:10-1-1         [REVOKED]<				
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710:65-1-9         [AMENDED]         2149         712:10-7-3         [REVOKED]         2190           710:65-3-1         [AMENDED]         2149         712:10-9-1         [REVOKED]         2190           710:65-9-8         [AMENDED]         2149         712:10-11-1         [REVOKED]         2190           710:65-11-1         [AMENDED]         2149         712:10, App.A         [REVOKED]         2190           710:65-13-150.1         [AMENDED]         2149         715:11-1-20         [NEW]         3557           710:65-13-159         [NEW]         2149         715:10-1-6         [AMENDED](E)         316           710:65-13-169         [AMENDED]         2149         715:10-1-9         [NEW]         3559           710:65-13-275         [AMENDED]         2149         715:10-3-1         [AMENDED](E)         316           710:65-13-570         [NEW]         2149         715:10-3-2         [AMENDED](E)         316           710:65-13-571         [NEW]         2149         715:10-3-3         [AMENDED](E)         316           710:65-13-573         [NEW]         2149         715:10-5-30         [AMENDED](E)         316           710:65-13-575         [NEW]         2149         715:10-5-7		-		-
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# -Notices of Rulemaking Intent

Prior to adoption and gubernatorial/legislative review of a proposed PERMANENT rulemaking action, an agency <u>must</u> publish a Notice of Rulemaking Intent in the *Register*. In addition, an agency <u>may</u> publish a Notice of Rulemaking Intent in the *Register* prior to adoption of a proposed EMERGENCY or PREEMPTIVE rulemaking action.

A Notice of Rulemaking Intent announces a comment period, or a comment period and public hearing, and provides other information about the intended rulemaking action as required by law, including where copies of proposed rules may be obtained.

For additional information on Notices of Rulemaking Intent, see 75 O.S., Section 303.

# TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 410. RADIATION MANAGEMENT

[OAR Docket #25-651]

# **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

# **PROPOSED RULES:**

Subchapter 1. General Provisions

252:410-1-7. Incorporation of federal regulations by reference [AMENDED]

Subchapter 10. Radioactive Materials Program

Part 1. GENERAL PROVISIONS

252:410-10-1. Radioactive Materials Program [AMENDED]

252:410-10-2. Using provisions incorporated by reference as state rules [AMENDED]

Part 30. BYPRODUCT MATERIAL LICENSING IN GENERAL

252:410-10-30. 10 CFR 30 incorporations by reference [AMENDED]

Part 70. SPECIAL NUCLEAR MATERIAL: LICENSING

252:410-10-70. 10 CFR 70 incorporations by reference [AMENDED]

Part 150. EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS UNDER SECTION 274 OF THE FEDERAL ATOMIC ENERGY ACT

252:410-10-150. 10 CFR 150 incorporations by reference [AMENDED]

# SHMMARV.

The proposed rulemaking consists of two main elements. The first element is to amend Chapter 410, Subchapter 1, General Provisions, [See OAC 252:410-1-7(a) and (b)] to change the date for incorporation of federal regulations by reference to January 1, 2025 for 10 C.F.R., The second element of this rulemaking is to clarify exclusions and references in federal regulations incorporated by reference. The purpose and gist of this rulemaking is to maintain compatibility with federal regulations.

# **AUTHORITY:**

Environmental Quality Board; 27A O.S. §§ 2-2-101, and 2-2-104; Radiation Management Advisory Council; 27A O.S. § 2-2-201; Radiation Management Act; 27A O.S. §§ 2-9-104, and 2-9-105.

# COMMENT PERIOD:

Written comments on the proposed rules may be submitted to the contact person from August 15, 2025 to September 25, 2025.

# **PUBLIC HEARING:**

Oral comments may be made before the Radiation Management Advisory Council on September 25, 2025 at 10:00 a.m. at the Department of Environmental Quality offices, first floor, 707 N. Robinson, Oklahoma City, OK 73101. If the Council recommends adoption, the proposed rules will be considered by the Environmental Quality Board at the regularly scheduled meeting to be held on November 6, 2025 at the Department of Environmental Quality offices, first floor, 707 N. Robinson, Oklahoma City, OK 73101. Persons with disabilities who desire to attend the public hearing and need assistance should notify the contact person three days in advance of the meeting during business hours at 405-702-5100 or by using TDD relay number 1-800-522-8506.

# REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Department requests that business entities affected by these proposed rules provide the Department, within the comment period and in dollar amounts if possible, the increase or decrease in the level of direct costs such as fees, and the indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

# **COPIES OF PROPOSED RULES:**

# Notices of Rulemaking Intent-

Copies of the proposed rules may be obtained from the contact person, may be viewed on the DEQ website at www.deq.ok.gov/land-protection-division/land-protection-division-proposed-rules/, or may be reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

# **RULE IMPACT STATEMENT:**

The Rule Impact Statement for the proposed rules will be on file at the Department of Environmental Quality and may be requested from the contact person, or viewed on the DEQ website at www.deq.ok.gov/land-protection-division/land-protection-division-proposed-rules/.

# **CONTACT PERSON:**

Keisha Cornelius, Environmental Programs Manager, Land Protection Division, Radiation Management Section, may be reached by phone at (405) 702-5100 or fax at (405) 702-5101. Please email written comments to keisha.cornelius@deq.ok.gov Mail should be addressed to Department of Environmental Quality, Radiation Management Section, P.O. Box 1677, Oklahoma City, OK 73101-1677.

[OAR Docket #25-651; filed 7-25-25]

# **Emergency Adoptions**

"If an agency finds that a rule is necessary as an emergency measure, the rule may be promulgated" if the Governor approves the rules after determining "that the rule is necessary as an emergency measure to do any of the following:

a. protect the public health, safety or welfare,

b. comply with deadlines in amendments to an agency's governing law or federal programs,

c. avoid violation of federal law or regulation or other state law,
d. avoid imminent reduction to the agency's budget, or
e. avoid serious prejudice to the public interest." [75 O.S., Section 253(A)]

An emergency rule does not be a provided by the Covernor, and effective immediately upon the Governor's approval or a later date specified by the agency in the emergency rule document. An emergency rule expires on September 15 following the next regular legislative session after its promulgation, or on an earlier date specified by the agency, if not already superseded by a permanent rule or terminated through legislative action as described in 75 O.S., Section 253(H)(2).

Emergency rules are not published in the Oklahoma Administrative Code; however, a source note entry, which cites to the Register publication of the emergency action, is added to the Code upon promulgation of a superseding permanent rule or expiration/termination of the emergency action. For additional information on the emergency rulemaking process, see 75 O.S., Section 253.

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

[OAR Docket #25-647]

# **RULEMAKING ACTION:**

**EMERGENCY** adoption

# **RULES:**

Subchapter 1. General Provisions

442:10-1-9. Recommending physician registration [AMENDED]

442:10-1-9.1. Recommending physician standards [AMENDED]

Subchapter 2. Medical Marijuana Licenses

442:10-2-1. Application for patient license [AMENDED]

442:10-2-2. Application for patient license for persons under age eighteen (18) [AMENDED]

442:10-2-4. Application for temporary patient license [AMENDED]

442:10-2-6. Information contained on patient and caregiver license [AMENDED]

Subchapter 3. Transporter License

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

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

Subchapter 4. Research Facilities and Education Facilities

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

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

Subchapter 7. Packaging, Labeling, and Advertising

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

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

Subchapter 9. Waste Disposal Facilities

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

Executive Director of the Oklahoma Medical Marijuana Authority; 63 O.S. § 420, 63 O.S. § 427.7, 63 O.S. § 427.10, 63 O.S. § 427.14, 63 O.S. § 427.16, 63 O.S. § 427.18, 63 O.S. § 427.27, 63 O.S. § 427.28, and 63 O.S. § 431.1.

# **COMMENT PERIOD:**

N/A

# **PUBLIC HEARING:**

N/A

# **ADOPTION:**

June 26, 2025

# **EFFECTIVE:**

# **Emergency Adoptions-**

Immediately upon Governor's approval or July 12, 2025, whichever is later

# APPROVED BY GOVERNOR:

July 7, 2025

### **EXPIRATION:**

Effective through September 14, 2026, unless superseded by another rule or disapproved by the Legislature.

# **SUPERSEDED EMERGENCY ACTIONS:**

**SUPERSEDED RULES:** 

N/A

**GUBERNATORIAL APPROVAL:** 

**REGISTER PUBLICATION:** 

N/A

**DOCKET NUMBER:** 

N/A

**INCORPORATIONS BY REFERENCE:** 

**INCORPORATED STANDARDS:** 

**INCORPORATING RULES:** 

N/A

**AVAILABILITY:** 

N/A

### FINDING OF EMERGENCY:

The proposed emergency rules implement legislative changes mandated by HB 2807, SB 518, SB 774, SB 1039, and SB 1066 from the 2025 legislative session and address changes in statute under 63 O.S. § 420, 63 O.S. § 427.7, 63 O.S. § 427.10, 63 O.S. § 427.14, 63 O.S. § 427.16, 63 O.S. § 427.18, 63 O.S. § 427.27, 63 O.S. § 427.28, and 63 O.S. § 431.1. The emergency rules are intended to provide a structure for the implementation of these legislative changes, as permanent rules implementing the requirements set forth in the new legislation cannot be promulgated until 2026.

# **GIST/ANALYIS:**

The proposed emergency rules implement legislative changes mandated by HB 2807, SB 518, SB 774, SB 1039, and SB 1066 from the 2025 legislative session and address changes in statute under 63 O.S. § 420, 63 O.S. § 427.7, 63 O.S. § 427.10, 63 O.S. § 427.14, 63 O.S. § 427.16, 63 O.S. § 427.18, 63 O.S. § 427.27, 63 O.S. § 427.28, and 63 O.S. § 431.1. Prepackaging requirements were added to 63 O.S. § 431.1 of state statute by HB 3361 (2024) and amended by HB 2807 (2025). HB 2807 (2025) also allows commercial transporter licensees to use warehouse locations to temporarily store medical marijuana and amends language needed for Oklahoma to secure FBI approval of the national fingerprint-based background check. Rules regarding commercial transporter warehouse requirements are added to OAC 442:10-3-1 and OAC 442:10-3-6. Changes to the national fingerprint-based background check requirement are added to OAC 442:10-5-1.1. Rules requiring medical marijuana to be sold in pre-packaged quantities are added to OAC 442:10-7-1 and OAC 442:10-7-2. SB 518 (2025) requires an additional warning label that states it is illegal to drive a motor vehicle while under the influence of marijuana or marijuana products; this additional warning label is added to rules at OAC 442:10-7-1(d)(2). SB 774 (2025) reduces the patient license number to a twelve-character identifier and adds a PDF417 barcode; rules are updated at OAC 442:10-2-6(7). SB 1039 (2025) requires patient applications to be resubmitted within thirty days of rejection; amended rules include OAC 442:10-2-1(b), OAC 442:10-2-1(g), OAC 442:10-2-2(b), OAC 442:10-2-2(h), and OAC 442:10-2-4(e). SB 1039 (2025) requires commercial applicants to remit all required license and application fees, including any additional licensing fees, within forty-five days of notification by the Authority; this requirement is added to OAC 442:10-4-1(b), OAC 442:10-5-1(b), OAC 442:10-5-2(a), OAC 442:10-5-3(a), and OAC 442:10-9-1(c). SB 1066 (2025) requires the Authority to create and maintain a registry of recommending physicians and establish medical education and continuing medical education requirements; this requirement is added to OAC 442:10-1-9 and OAC 442:10-1-9.1. The emergency rules are intended to provide a structure for the implementation of these legislative changes, as permanent rules implementing the requirements set forth in the new legislation cannot be promulgated until 2026.

# **CONTACT PERSON:**

Ashley Crall, Director of Government Affairs, Oklahoma Medical Marijuana Authority, 2501 N. Lincoln Blvd., OK 73105, 405-568-5766. Ashley.Crall@omma.ok.gov.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F), AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR JULY 12, 2025, WHICHEVER IS LATER:

#### SUBCHAPTER 1. GENERAL PROVISIONS

### 442:10-1-9. Recommending physician registration [AMENDED]

- (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, aA 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.

#### 442:10-1-9.1. Recommending physician standards [AMENDED]

- (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.

#### SUBCHAPTER 2. MEDICAL MARIJUANA LICENSES

#### 442:10-2-1. Application for patient license [AMENDED]

- (a) The application for a patient license shall be on the Authority issued form and shall include at a minimum:
  - (1) The applicant's first name, middle name, last name and suffix, if applicable;
  - (2) The applicant's valid mailing address;
  - (3) The applicant's date of birth;
  - (4) The applicant's telephone number and email address;
  - (5) The signature of the applicant attesting the information provided by the applicant is true and correct; and
  - (6) The date the application was signed.
- (b) An application must be submitted within thirty (30) days of signature or it will be rejected by the Authority.
- (c) A complete application shall include the following documentation or the application will be rejected:
  - (1) Documents establishing the applicant is an Oklahoma resident as established in OAC 442:10-1-6 (relating to proof of residency).
  - (2) Documents establishing proof of identity as established in OAC 442:10-1-7 (relating to proof of identity).
  - (3) A digital photograph as established in OAC 442:10-1-8 (relating to applicant photograph).

- (4) A certification and recommendation from an Oklahoma Physician dated within thirty (30) days of the date of submission of the application to the Authority, on the form provided by the Authority, which includes the following:
  - (A) The physician's name and medical license number including an identification of the physician's license type;
  - (B) Office address on file with the physician's licensing board;
  - (C) Telephone number on file with the physician's licensing board;
  - (D) The patient/applicant's date of birth;
  - (E) The physician's signed and dated attestation of the following:
    - (i) The physician has established a medical record and has a bona fide physician-patient relationship;
    - (ii) The physician has determined the presence of a medical condition(s) for which the patient/applicant is likely to receive therapeutic or palliative benefit from use of medical marijuana;
    - (iii) The patient/applicant is recommended a medical marijuana license according to the accepted standards a reasonable and prudent physician would follow for recommending or approving any medication as described at OAC 442:10-1-9.1 (relating to recommending physician standards);
    - (iv) If applicable, the patient/applicant is homebound and unable to ambulate sufficiently to allow them to regularly leave their residence; and the physician believes the patient/applicant would benefit from having a caregiver with a caregiver's license designated to manage the patient's medical marijuana on the patient's behalf;
    - (v) The information provided by the physician in the certification is true and correct; and
    - (vi) Stating the method by which the physician verified the patient's identity as provided in OAC 442:10-1-7 (relating to proof of identity).
- (d) Payment of the application fee as established in 63 O.S. § 420 et seq. is required unless the applicant is insured by Medicaid or Medicare.
  - (1) If the applicant is insured by Medicaid or Medicare, the applicant must provide a copy of their insurance card or other acceptable verification.
  - (2) Upon receipt of this verification the Authority may attempt to verify the applicant is currently insured by the insuring agency.
  - (3) If the Authority is unable to verify the insurance, the application shall be rejected until verification is obtained.
  - (4) All applicants who are verified as being insured by Medicaid or Medicare shall pay a reduced application fee as established in 63 O.S. § 420 et seq.
  - (5) Application fees are nonrefundable.
- (e) An applicant who can demonstrate his or her status as a one-hundred-percent-disabled veteran shall pay a reduced application fee of \$20.00 and shall have the opportunity to submit the license application and payment by means other than solely online and in a manner approved by the Authority. In order to qualify, an applicant must submit with his or her application a letter or other official documentation from the U.S. Department of Veteran Affairs or an agency of the U.S. Department of Defense establishing that the applicant is a veteran with a service disability and stating the percent of the disability is one-hundred percent. Such letter or documentation must be signed within six (6) months of submission of the application unless documentation submitted demonstrates the individual's status as a permanent one-hundred-percent-disabled veteran.
- (f) An applicant who can meet the requirements for a patient license established in OAC 442:10-2-1 but whose physician recommendation for medical marijuana is only valid for sixty (60) days shall be issued a short-term medical marijuana license. A short-term medical marijuana license shall be valid for sixty (60) days. The initial license and renewal fee shall be \$100.00, unless the applicant can prove he or she is insured by Medicaid or Medicare in accordance with OAC 442:10-2-1(d) or is a one-hundred-percent-disabled veteran in accordance with OAC 442:10-2-1(e), in which case applicant shall pay a reduced fee of \$20.00.
- (g) 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.

### 442:10-2-2. Application for patient license for persons under age eighteen (18) [AMENDED]

(a) The application for a patient license for persons under the age of eighteen (18) shall be on the Authority issued form and shall include at a minimum:

- (1) The first name, middle name, last name and suffix, if applicable, of the applicant and of the applicant's parent(s) or legal guardian(s);
- (2) The mailing address of the applicant and of the applicant's parent(s) or legal guardian(s);
- (3) The date of birth of the applicant and of the applicant's parent(s) or legal guardian(s);
- (4) The telephone number and email address of the applicant and/or the applicant's parent(s) or legal guardian(s);
- (5) If the person submitting the application on behalf of a minor is the minor's legal guardian, a copy of documentation establishing the individual as the minor's legal guardian;
- (6) The signature and attestation by the parent(s) or legal guardian(s) that the information provided in the application is true and correct; and
- (7) The date the application was signed.
- (b) An application must be submitted within thirty (30) days of signature or it will be rejected by the Authority.
- (c) A complete application shall include the following documentation or the application will be rejected:
  - (1) Documents establishing the applicant's parent(s) or legal guardian(s) is an Oklahoma resident as established in OAC 442:10-1-6 (relating to proof of residency).
  - (2) Documents establishing proof of identity as set forth in OAC 442:10-1-7 (relating to proof of identity) for the applicant and the applicant's parent(s) or legal guardian(s).
  - (3) A digital photograph, as established in OAC 442:10-1-8 (relating to applicant photograph), of the applicant and the applicant's parent(s) or legal guardian(s).
  - (4) Certifications and recommendations from two Oklahoma physicians dated within thirty (30) days of the date of submission of the application to the Authority, on the forms provided by the Authority, and including the information required under OAC 442:10-2-1(c)(4).
- (d) Minor Patient Licenses are valid for a term of two (2) years, or until the minor turns age eighteen (18), whichever occurs first.
- (e) Under no circumstances shall a minor patient license holder be authorized to smoke or vaporize any medical marijuana or medical marijuana products, unless both recommending physicians agree it is medically necessary. This Subsection does not prohibit minors from using nebulizers or other aerosolized medical devices.
- (f) Payment of the application fee as established in 63 O.S. § 420 et seq. is required unless the applicant is insured by Medicaid or Medicare.
  - (1) If the applicant is insured by Medicaid or Medicare, the applicant must provide a copy of their insurance card or other acceptable verification.
  - (2) Upon receipt of this verification the Authority may attempt to verify the applicant is currently insured by the insuring agency.
  - (3) If the Authority is unable to verify the insurance, the application shall be rejected until verification is obtained.
  - (4) All applicants who are verified as being insured by Medicaid or Medicare shall pay a reduced application fee as established in 63 O.S. § 420 et seq.
  - (5) Application fees are nonrefundable.
- (g) An applicant who can meet the requirements for a minor patient license as established in OAC 442:10-2-2 but whose physician recommendations for medical marijuana are only valid for sixty (60) days shall be issued a short-term medical marijuana license. A short-term medical marijuana license shall be valid for sixty (60) days. The initial license and renewal fee shall be \$100.00, unless the applicant can prove he or she is insured by Medicaid or Medicare in accordance with OAC 442:10-2-2(f), in which case applicant shall pay a reduced fee of \$20.00.
- (h) 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.

### 442:10-2-4. Application for temporary patient license [AMENDED]

- (a) Temporary patient license application shall be made on a form provided by the Authority and shall include the following:
  - (1) All information provided for in OAC 442:10-2-1(a) (relating to patient license application);
  - (2) Electronic copy or digital image in color of applicant's unexpired out-of-state medical marijuana patient license;
  - (3) Electronic copy or digital image in color of one of the following unexpired documents:
    - (A) A valid state issued driver's license;
    - (B) A valid state issued Identification Card;
    - (C) A United States Passport or other photo identification issued by the United States government; or
    - (D) Other documentation that the Authority deems sufficient to establish identity;

- (4) A digital photograph as established in OAC 442:10-1-8 (relating to applicant photograph); and
- (5) If a temporary patient applicant is under the age of eighteen (18), in addition to complying with paragraphs
- (1),(2), and (3) of this subsection, applicant shall also comply with OAC 442:10-2-2(a)(1)-(7).
- (b) Digital images of the records required in this Section shall be of sufficient clarity that all text is legible. See the requirements specified in OAC 442:10-1-8 (relating to applicant photograph) for resolution guidance.
- (c) The fee for a temporary patient license shall be the fee established in statute at 63 O.S. § 420 et seq.
- (d) Application fees are nonrefundable.
- (e) 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.

### 442:10-2-6. Information contained on patient and caregiver license [AMENDED]

Licenses issued pursuant to Sections 442:10-2-1, 2, 3, and 4 of this Subchapter shall contain the following:

- (1) The digital photograph of the license holder;
- (2) The name and date of birth of the license holder;
- (3) The name of parent(s) or legal guardian(s) of minor license holder, if applicable;
- (4) The city and county of residence of the license holder;
- (5) The type of license;
- (6) The date the license expires; and
- (7) The unique <del>24- character</del> license number assigned to the <u>patient</u> license holder and caregiver, if applicable. <u>Beginning November 1, 2025, the unique twelve-character license number and PDF417 barcode assigned to the patient license holder and caregiver, if applicable.</u>

#### SUBCHAPTER 3. TRANSPORTER LICENSE

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

- (a) A medical marijuana transporter license shall be issued to qualifying applicants for grower, processor, dispensary, laboratory, research facility, or education facility licenses at the time of approval. This license shall enable licensed growers, processors, dispensaries, laboratories, research facilities, and education facilities to apply for and receive individual transporter agent licenses for agents, employees, officers or owners of the commercial licensed facility. Through their licensed transporter agents, licensed growers, processors, dispensaries, laboratories, research facilities, and education facilities may transport medical marijuana or medical marijuana products to other commercial licensees. This license shall not authorize licensed growers, processors, dispensaries, laboratories, research facilities, or education facilities to transport, store, or distribute medical marijuana or medical marijuana products on behalf of other medical marijuana licensees.
- (b) A medical marijuana commercial transporter license shall be issued as an independent business license to applicants meeting the requirements set forth in OAC 442:10-5-3, OAC 442:10-5-3.1, and OAC 442:10-5-3.2. The Authority shall issue licenses upon proper application by a licensee and determination by the Authority that the proposed site and facility are physically and technically suitable. This license shall be subject to the same restrictions and obligations as any commercial licensee and shall enable the commercial transporter to:
  - (1) transport, store, and distribute medical marijuana and medical marijuana products on behalf of other commercial licensees;
  - (2) contract with multiple commercial licensees; and
  - (3) maintain <u>licensed premises</u> or <u>multiple warehousesat licensed premises warehouse locations</u> that are approved by the Authority for the purpose of temporarily storing and distributing medical marijuana and medical marijuana products-, <u>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.</u>
- (c) A commercial transporter applicant or licensee must obtain and submit to the Authority for each <u>licensed premises or</u> warehouse location all building permits and/or certificate(s) of occupancy issued by the Oklahoma State Fire Marshal or by the political subdivision with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal certifying compliance with the categories listed in 63 O.S. § 426.1(E) for the construction or alteration of any buildings or structures classified as occupancies under the building codes adopted by the Oklahoma Uniform Building Code Commission, and the licensed premises <u>or warehouse location</u> shall meet security requirements applicable to a medical marijuana business.

- (d) Once a certificate of occupancy is issued by the Oklahoma State Fire Marshal or by the political subdivision with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal and such certificate of occupancy has been submitted to the Authority showing full compliance, a licensee shall only need to submit an affidavit for license renewal stating the premises continues to comply with zoning classifications, applicable municipal ordinances, and all applicable safety, electrical, fire, plumbing, waste, construction, and building specification codes. An additional certificate of occupancy along with an affidavit shall be submitted if a change of use or occupancy occurs, or there is any change concerning the facility or location that would, by law, require additional inspection, licensure or permitting by the state or municipality. Licensees are responsible for compliance with applicable state fire, building, and electrical codes and may be liable for all damage that results from noncompliance with state fire, building, and electrical codes to the extent authorized by law.
- (e) For all commercial license applications submitted on or after June 14, 2024 that require a building permit and/or certificate of occupancy for licensure, applicants who submitted a full and complete application for a building permit and/or certificate of occupancy issued by the Oklahoma State Fire Marshal or the political subdivision with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal prior to February 1, 2024 and while the same application remains under review by the State Fire Marshal or political subdivision, the applicant may submit an attestation on a form and in a manner prescribed by the Authority certifying that the applicant submitted a full and complete application for a building permit and/or certificate of occupancy prior to February 1, 2024, and that the same application remains under review by the Oklahoma State Fire Marshal or the political subdivision.
- (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.
- (g) A commercial transporter shall be responsible for any and all medical marijuana and medical marijuana products within its custody, control, or possession.
- (h) No person or entity shall transport or otherwise transfer any medical marijuana or medical marijuana products without both a valid transporter license and a valid transporter agent license.

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

- (a) Commercial transporters, growers, processors, dispensaries, laboratories, research facilities, and education facilities shall utilize the State inventory tracking system in accordance with OAC 442:10-5-6(d) to create and maintain inventory manifests documenting all transport or temporary storage of medical marijuana and medical marijuana products throughout the State of Oklahoma.
- (b) When transporting medical marijuana or medical marijuana products, commercial transporters, research facilities, education facilities, laboratories, growers, processors, and dispensaries shall provide copies of the inventory manifests to each originating and receiving licensee at the time the product changes hands. Inventory manifests are to be left with the originating and receiving licensees and shall include, at a minimum:
  - (1) The license number, business name, address, and contact information of the originating and receiving licensees;
  - (2) The license number, business name, address, and contact information of the commercial transporter, grower, processor, dispensary, laboratory, research facility, or education facility transporting the medical marijuana or medical marijuana products if such licensee is not the originating licensee;
  - (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;
  - $\frac{(3)}{(4)}$  A complete inventory of the medical marijuana and medical marijuana products to be transported <u>or temporarily stored</u>, including the quantities by weight or unit of each type of medical marijuana and medical marijuana products and the batch number(s);

- (4)(5) The date of transportation and the approximate time of departure and estimated time of arrival;
- (5)(6) The printed names, signatures, and transporter agent license numbers of personnel accompanying the transport;
- (6)(7) Notation of the commercial transporter, grower, processor, dispensary, laboratory, research facility, or education facility authorizing the transport; and
- (7)(8) The printed names, titles, and signatures of any personnel accepting delivery on behalf of the receiving licensee and the license number(s), business name(s), address(es), and contact information for all end point recipients.
- (c) A separate inventory manifest shall be prepared for each licensee receiving the medical marijuana or medical marijuana products.
- (d) Commercial transporters, processors, growers, dispensaries, laboratories, research facilities, or education facilities shall also maintain copies of all inventory manifests in accordance with OAC 442:10-5-6(b).
- (e) Inventory manifests should reflect all medical marijuana and medical marijuana products being transported, including all instances in which the medical marijuana and medical marijuana products are <u>temporarily</u> stored at a commercial transporter warehouse.
- (f) Commercial licensees, including medical marijuana transporter warehouses temporarily storing medical marijuana and medical marijuana products, shall maintain copies of inventory manifests and inventory records logging the quantity of medical marijuana or medical marijuana products transferred, temporarily stored, or received, on-site and readily accessible for at least seven (7) years from the date of receipt.
- (g) An inventory manifest shall not be altered after departing from the originating licensee's premises, except to make the following changes:
  - (1) The addition of the printed names, titles, and signatures of any personnel accepting delivery on behalf of the receiving licensee;
  - (2) Documenting any rejection and/or refusal to accept delivery of medical marijuana or medical marijuana products or if delivery of the medical marijuana or medical marijuana products is impossible, which shall include, at minimum:
    - (A) The license number, business name, address, and contact information of the licensee to which the medical marijuana or medical marijuana products were to be delivered;
    - (B) A complete inventory of the medical marijuana or medical marijuana products being rejected, refused, and/or sent back, including batch number;
    - (C) The date and time of attempted delivery and the refusal;
    - (D) Documentation establishing the medical marijuana or medical marijuana products were rejected, refused, and/or sent back in accordance with OAC 442:10-3-6(i).
- (h) A receiving licensee shall refuse to accept any medical marijuana or medical marijuana products that are not accompanied by an inventory manifest.
- (i) If a receiving licensee refuses to accept delivery of any medical marijuana or medical marijuana product or if delivery of the medical marijuana or medical marijuana product is impossible, the medical marijuana or medical marijuana product shall be immediately rejected, refused, and/or sent back to the originating licensee who retains legal ownership of the products and the refusal shall be fully documented in accordance with OAC 442:10-3-6(g)(2). For the purposes of this section, medical marijuana or medical marijuana product that is sent back to the originating licensee upon rejection and/or 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 rejection and/or refusal to accept delivery.

#### SUBCHAPTER 4. RESEARCH FACILITIES AND EDUCATION FACILITIES

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

(a) No person or entity shall operate a research facility or education facility without first obtaining a license from the Authority pursuant to 63 O.S. § 420 et seq., the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq., other applicable Oklahoma laws, and the Rules in this Chapter. All research and development conducted by a medical marijuana research facility or education facility shall be conducted in furtherance of an approved research project. Only a person who is in compliance with the requirements of Oklahoma law and these Rules shall be entitled to receive or retain such a license.

- (b) All license applications shall be complete and accurate in every detail, shall include all attachments or supplemental information required by the forms prescribed by the Authority, and shall be accompanied by full remittance of the entire application fee. 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. Any misstatements, omissions, misrepresentations, or untruths made in the application shall be grounds for administrative action against the licensee by the Authority.
- (c) All research facility and education facility licenses shall be on forms prescribed by the Authority.
- (d) Application fees are nonrefundable.
- (e) A medical marijuana research facility license may be issued for the following purposes, with the exception that biomedical and clinical research subject to federal regulations and institutional oversight is not subject to licensure or regulation by the Authority:
  - (1) To test chemical potency and composition levels;
  - (2) To conduct clinical investigations of marijuana-derived medicinal purposes;
  - (3) To conduct research on the efficacy and safety of administering marijuana as part of a medical treatment;
  - (4) To conduct genomic, horticultural, or agricultural research; and
  - (5) To conduct research on marijuana-affiliated products or systems.
- (f) A medical marijuana education facility license may be issued for the following purposes, with the exception that biomedical and clinical research subject to federal regulations and institutional oversight is not subject to licensure or regulation by the Authority:
  - (1) To test cultivation techniques, strategies, infrastructure, mediums, lighting, and other related technology;
  - (2) To demonstrate cultivation techniques, strategies, infrastructure, mediums, lighting, and other related technology;
  - (3) To demonstrate the application and use of product manufacturing technologies;
  - (4) To conduct genomic, horticultural, or agricultural research; and
  - (5) To conduct research on marijuana-affiliated products or systems.

### SUBCHAPTER 5. MEDICAL MARIJUANA BUSINESSES

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

- (a) No person or entity shall operate a medical marijuana business without first obtaining a license from the Authority pursuant to 63 O.S. § 420 et seq., the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq., other applicable Oklahoma law, and the Rules in this Chapter. Only a person who is in compliance with the requirements of Oklahoma law and these Rules shall be entitled to receive or retain such a license. All requirements of Oklahoma law and these Rules shall be continuing in nature and must be satisfied in order to retain licensure.
- (b) All commercial business applications shall be complete and accurate in every detail, shall include all attachments or supplemental information required by the forms prescribed by the Authority, and shall be accompanied by full remittance of the entire application fee. 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. Any misstatements, omissions, misrepresentations, or untruths made in the application shall be grounds for administrative action against the licensee by the Authority.
- (c) All commercial businesses shall be on forms prescribed by the Authority.
- (d) Application fees are nonrefundable.

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

Upon acceptance of the license issued by the Authority, the license holder in order to retain the license shall:

- (1) Post the license or permit in a location in the licensed premises that is conspicuous;
- (2) Comply with the provisions in this Chapter;
- (3) Allow representatives of the Authority access to the medical marijuana business as specified under OAC 442:10-5-4 and OAC 442:10-5-6(i);

- (4) Comply with directives of the Authority including time frames for corrective actions specified in inspection reports, audit reports, notices, orders, warnings, and other directives issued by the Authority in regard to the license holder's medical marijuana business or in response to community emergencies;
- (5) Accept notices issued and served by the Authority according to law;
- (6) Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with this Chapter or a directive of the Authority, including time frames for corrective actions specified in inspection reports, audit reports, notices, orders, warnings, and other directives;
- (7) Ensure that all information and records maintained in the licensee's online OMMA license account, including the hours of operation for all licensed premises, trade name, and a valid mailing address, if applicable, are complete, accurate, and updated in a timely manner in accordance with these Rules;
- (8) If applicable, submit the annual renewal application and pay all renewal license and late fees, if any;
- (9) Bear the financial responsibility for all compliance and inventory tracking obligations and responsibilities set forth in Oklahoma law and these Rules. The Authority will not contribute to, fund, or subsidize any commercial licensee's compliance or tracking expenses. Nothing herein shall be construed to require the Authority to contribute to, subsidize, or fund in any way a commercial licensee's compliance or tracking expenses; and (10) If multiple commercial licensees are located at the same location, each commercial licensee must ensure that all inventory is separately and properly tracked, accounted for, and physically and distinctly separated from the inventory of any other commercial licensee such that licensees and the Authority are readily able to distinguish as to which licensee each item of medical marijuana and medical marijuana products belongs.
- (11) All medical marijuana commercial grower licensees who operate an outdoor medical marijuana production facility shall be required to register with the Oklahoma Department of Agriculture, Food, and Forestry as an environmentally sensitive crop owner. Registration shall provide notice to commercial and private pesticide applicators of the locations of medical marijuana crops and help minimize the potential for damaging pesticide drift. Medical marijuana commercial grower licensees shall provide their business name, address, Global Positioning System (GPS) coordinates for all outdoor medical marijuana production facilities, and any other information required by the Department when registering with the Environmentally Sensitive Area Registry. (12) All medical marijuana commercial grower licensees shall file with the Authority a bond or attestation as required under OAC 442:10-5-3.3 and ensure that all information and records are complete, accurate, and updated in a timely manner in accordance with OAC 442:10-5-2(e)(3)
- (13) Beginning January 1, 2024, the Authority shall require employees of a medical marijuana business licensee to apply for and receive a credential authorizing the employee to work in a licensed medical marijuana business.
  - (A) For purposes of this Section, "employee" means any natural person who:
    - (i) Grows, harvests, dries, cures, purchases, sells, transfers, transports, processes, produces, manufactures, creates, or packages medical marijuana, medical marijuana products, and/or medical marijuana waste on behalf of or for a medical marijuana licensed commercial grower, processor, or dispensary;
    - (ii) Samples, trains, or educates on behalf of or for a medical marijuana licensed education or research facility;
    - (iii) Disposes of or transports medical marijuana, medical marijuana products, and/or medical marijuana waste on behalf of a medical marijuana waste disposal facility licensee;
    - (iv) Tests and/or conducts research on medical marijuana and/or medical marijuana products on behalf of a medical marijuana licensed testing laboratory;
    - (v) Transports, stores, distributes, but does not take ownership of, medical marijuana and/or medical marijuana products on behalf of a medical marijuana licensed commercial transporter;
    - (vi) Tracks, traces, reports, and/or inputs any information into the State inventory tracking system on behalf of a medical marijuana commercial licensee; or
    - (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.
  - (B) A credential will be issued to an individual employee and can be associated with multiple medical marijuana businesses or employers.

- (C) A medical marijuana business license holder shall require all individuals employed under their license to have an active, unexpired credential prior to employment and must associate all employee credentials with the corresponding commercial license in a manner prescribed by the Authority. Each approved applicant shall be issued a credential, which shall act as proof of his or her approved status, to be worn or displayed on their person during the employee's hours of work.
- (D) Employee credentials shall be valid from the date of issuance until January 31 of the following year.
- (E) An employee may voluntarily surrender a credential to the Authority at any time.
  - (i) If an employee voluntarily surrenders a credential, the employee shall:
    - (I) Destroy or return the credential to the Authority;
    - (II) Submit a surrender employee credential form provided by the Authority; and
    - (III) Submit proof of the employee's identity through submission of documentation identified in OAC 442:10-1-7 (relating to Proof of Identity).
  - (ii) The surrender of a credential is effective upon written acceptance by the Authority.
  - (iii) Employee credential surrender forms and any other documentation or information submitted by an employee shall be confidential.

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

- (a) **Timeframe**. A medical marijuana business license shall be issued for a twelve (12) month period expiring one (1) year from the date of issuance. The license may be issued upon receipt of a completed application, payment of application fee, and verification by the Authority the individual or entity complies with the requirements set forth in Oklahoma law and this Chapter. 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.
- (b) **Location**. A business license issued to a grower, processor, dispensary, or testing laboratory shall only be valid for a single location at the address listed on the application. A transporter license shall only be valid at the physical locations that have been submitted to and approved by the Authority and are listed on the application.
  - (1) For a medical marijuana commercial grower that has a combination of both indoor and outdoor growing facilities at one (1) location, the medical marijuana commercial grower shall be required to obtain a separate license from the Authority for each type of grow operation and shall be subject to the licensing fees provided in 63 O.S. 427.14 and these Rules.
  - (2) No medical marijuana business premises is permitted to have multiple licenses of the same type, excluding the following:
    - (A) a commercial grower with a combination of an indoor or outdoor growing facility on one (1) parcel of land, For the purposes of this section, a "parcel of land" means the specific portion of land that is identified by a legal description, which is considered as a single unit for the purpose of ownership, and upon which the licensed premises is located.
    - (B) a licensed medical marijuana processor used by multiple licensees, and
    - (C) a licensed medical marijuana business that has an approved application by the Authority while the new business seeks registration from the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control (OBNDD).

#### (c) Renewal of license.

- (1) It is the responsibility of the license holder to renew the license, with all applicable documentation, prior to the date of expiration of the license by following the procedures provided in OAC 442:10-5-3.
- (2) Before renewing a license, the Authority may require further information and documentation and may require additional background checks to determine the licensee continues to meet the requirements set forth in Oklahoma law and these Rules.
- (3) The Authority may refuse to renew a license of a medical marijuana business for the following:
  - (A) Failure to meet the requirements for licensure set forth in 63 O.S. § 420 et seq; the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.; or OAC 442:10.
  - (B) Noncompliance with 63 O.S. § 420 et seq.; the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.; the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 427a et seq.; or OAC 442:10.
- (4) Upon the determination that a licensee has not met the requirements for renewal, the Authority shall provide written notice to the licensee. The notice shall provide an explanation for the denial of the renewal application.

- (5) A commercial licensee that attempts to renew its license after the expiration date of the license shall pay a nonrefundable late renewal fee of five hundred dollars (\$500.00) per week that the license is expired and a license that has been expired for more than sixty (60) calendar days shall not be renewed. Only license renewal applications submitted at least sixty (60) calendar days prior to the expiration date shall be considered timely submitted and subject to the requirement that applications be reviewed within ninety (90) business days of receipt of the application in accordance with Subsection F of Section 427.14 of Title 63 of the Oklahoma Statutes. A medical marijuana business license shall remain unexpired during the pendency of the application for renewal provided that such application was timely submitted. The Authority shall allow renewal applications to be submitted at least one hundred twenty (120) calendar days prior to the expiration date of a medical marijuana business license.
- (6) Late renewal applications and late renewal fees provided in OAC 442:10-5-2(C)(5) apply only to initial renewal applications. If an initial renewal application is rejected for any reason, the licensee has thirty (30) days to resubmit the application with the required information as provided by OAC 442:10-5-3(f). Failure to resubmit the application within the thirty (30) days shall result in expiration of the application and the licensee is prohibited from submitting a new renewal application subject to the late renewal fee as provided in OAC 442:10-5-2(C)(5).
- (d) **Liquidation of products.** A medical marijuana business licensee whose license is not renewed, or whose license is revoked, suspended, or voluntarily surrendered, shall cease all operations immediately upon expiration of the license and shall liquidate or dispose of any medical marijuana or medical marijuana products in accordance with OAC 442:10-5-10 that were not liquidated prior to licensure expiration in accordance with Oklahoma law and these Rules. Except as provided by Section 427.14 of Title 63 of the Oklahoma Statutes, immediately upon expiration of a license, any medical marijuana business shall cease all possession, transfer, or sale of medical marijuana or medical marijuana products. Any continued possession, sale, or transfer shall subject the business owners and operators to felony prosecution pursuant to the Uniform Controlled Dangerous Substances Act.

### (e) Change in information.

- (1) Licensees shall notify the Authority in writing within fourteen (14) days of any changes in contact information by electronically submitting a change request in accordance with the Authority's instructions.
- (2) Licensees shall obtain Authority approval for any material changes that affect the licensee's qualifications for licensure. No licensee shall operate under the conditions of a material change without written approval of an application by the Authority. Applications for written approval of material changes that affect the licensee's qualifications for licensure shall not occur during the renewal application and must be submitted in a separate material change request to the Authority. Licensees shall submit a material change request to the Authority in writing in advance of any material change that may affect the licensee's qualifications for licensure by electronically submitting a change request, along with any relevant documentation and fees, in accordance with the Authority's instructions.
  - (A) Medical marijuana business licensees submitting a location change request must provide a five hundred dollar (\$500.00) nonrefundable application fee and the information and documentation required in OAC 442:10-5-3 relating to locations, including but not limited to the following:
    - (i) If applicable, proof as required in OAC 442:10-5-3(e)(6) that the location of the dispensary or grower is at least one thousand (1,000) feet from any public and private school;
    - (ii) As required in OAC 442:10-5-3(e)(8), all building permits and/or certificate(s) of occupancy issued by the Oklahoma State Fire Marshal or by the political subdivision with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal certifying compliance with the categories listed in 63 O.S. § 426.1(E) for the construction or alteration of any buildings or structures classified as occupancies under the building codes adopted by the Oklahoma Uniform Building Code Commission;
    - (iii) If applicable, a bond or attestation as required under OAC 442:10-5-3.3 certifying compliance with 63 O.S.  $\S$  427.26; and
    - (iv) Any further documentation the Authority determines is necessary to ensure the business licensee is still qualified under Oklahoma law and this Chapter to obtain a business license.
    - (v) Upon written acceptance of a location change by the Authority, commercial licensees must carry a physical copy of the written location change approval while transporting medical marijuana products from location to location.
    - (vi) If a location change request is being submitted due to a change of ownership, name, or the transfer of a license to a new licensee, the location change request must be included in a license transfer application pursuant to OAC 442:10-5-2(f)(2).

- (B) Medical marijuana business licensees submitting an ownership change request must provide the nonrefundable application fee listed below and the information and documentation required in OAC 442:10-5-3 relating to owners, including but not limited to the following:
  - (i) A list of all owners and principal officers of the commercial applicant and supporting documentation as set forth in OAC 442:10-5-3(e)(1);
  - (ii) An affidavit of lawful presence for each new owner;
  - (iii) Documents required under OAC 442:10-5-3(e)(7) establishing that the applicant; and the members, managers, and board members if applicable; and seventy-five percent (75%) of the commercial applicant's ownership interests are Oklahoma residents as required in the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.;
  - (iv) A background check in accordance with OAC 442:10-1-5;
  - (v) If applicable, a bond or attestation as required under OAC 442:10-5-3.3 certifying compliance with 63 O.S. § 427.26;
  - (vi) A nonrefundable application fee that is the annual license or application fee established under Section 427.14 of Title 63 of the Oklahoma Statutes for the medical marijuana business license type; and
  - (vii) Any further documentation the Authority determines is necessary to ensure the business licensee is still qualified under Oklahoma law and this Chapter to obtain a business license. (viii) All licensees submitting a change of ownership request must submit a license transfer application pursuant to OAC 442:10-5-2(f)(2).
- (C) A medical marijuana business licensee submitting a name change request must provide a five hundred dollar (\$500.00) nonrefundable application fee and the information and documentation required in OAC 442:10-5-3 relating to the business name, including, but not limited to, the following:
  - (i) A certificate of good standing from the Oklahoma Secretary of State issued within thirty (30) days of submission of the application;
  - (ii) If applicable, official documentation from the Oklahoma Secretary of State establishing the applicant's trade name;
  - (iii) If applicable, an electronic copy or digital image in color of a sales tax permit issued by the Oklahoma Tax Commission;
  - (iv) A list of all owners and principal officers of the licensee under the new name and supporting documentation as set forth in OAC 442:10-5-3(e)(1);
  - (v) Documents establishing that seventy-five percent (75%) of the ownership of the licensee under the new name are Oklahoma residents in accordance with OAC 442:10-5-3(e)(7);
  - (vi) If applicable, a bond or attestation as required under OAC 442:10-5-3.3 certifying compliance with 63 O.S. § 427.26; and
  - (vii) Any further documentation the Authority determines is necessary to ensure the business licensee is still qualified under Oklahoma law and this Chapter to obtain a business license.
  - (viii) Requests to change the name of a business or individual holding the license is considered a transfer of license from one licensee to another. Licensees submitting a name change request must do so by submitting a license transfer application pursuant to OAC 442:10-5-2(f)(2).
- (D) Medical marijuana growers, processors, or commercial transporters that have held a valid medical marijuana business license for at least eighteen (18) months and are operating in good standing may submit an ownership change request to add a publicly traded company as an owner. The publicly traded company shall not own more than forty percent (40%) of the equity in the existing medical marijuana grower, processor, or commercial transporter. The following documentation must be provided:
  - (i) If applicable, a certificate of good standing from the Oklahoma Secretary of State issued within thirty (30) days of submission of the application.
  - (ii) A list of all owners, excluding all shareholders of the publicly traded company, and principal officers of the commercial applicant and supporting documentation as set forth in OAC 442:10-5-3(e)(1);
  - (iii) Documents required under OAC 442:10-5-3(e)(7) establishing that the applicant; and the members, managers, and board members if applicable; and seventy-five percent (75%) of the grower, processor, or transporter applicant's ownership interests, excluding the publicly traded company, are Oklahoma residents as required in the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.

(3) Upon cancellation or expiration of a bond, commercial grower licensees shall provide proof to the Authority on forms and in a manner prescribed by the Authority of a new alternate bond or attestation and accompanying documentation meeting the requirements of OAC 442:10-5-3.3 before the date of cancellation or expiration of the previous bond. Any grower that fails to comply with this section shall be subject to disciplinary action including, but not limited to, revocation, nonrenewal, or monetary penalties.

#### (f) Transfer of license.

- (1) Licenses may not be changed from one license type to another.
- (2) Beginning on November 1, 2024, licensees wishing to transfer a license, submit an ownership change request, or submit a name change request are required to submit a license transfer application. The license transfer application shall be submitted by the new owner. The application fee for license transfer applications shall be the annual license or application fee established under Section 427.14 of Title 63 of the Oklahoma Statutes for medical marijuana business license types. License transfer applications shall be subject to all requirements under OAC 442:10-5-3.
  - (A) Upon approval of a license transfer application, the applicant must register with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control before the transfer of the license is finalized. Prior to finalization of the license transfer, the prior owner will remain responsible for maintaining the license, including submission of license renewal applications. Upon issuance of the registration by OBNDD. The prior owner and the new owner will have fifteen (15) business days from the issuance of an OBNDD registration to transfer all inventory of medical marijuana, medical marijuana concentrate, and medical marijuana products, if any. Fifteen (15) business days after issuance of an OBNDD registration, the prior owner will no longer be a licensee.
  - (B) The new owner is not authorized to take possession of medical marijuana, medical marijuana concentrate, or medical marijuana products, exercise control over any activities involving the medical marijuana business, or hold themselves out as having control over any activities involving the medical marijuana business unless and until the application has been approved by the Authority and the new owner is registered with OBNDD.
  - (C) Any attempt to transfer a medical marijuana business, medical marijuana, medical marijuana concentrate, or medical marijuana products of a medical marijuana business without approval from the Authority shall be grounds for revocation or nonrenewal of the license and denial, revocation, or nonrenewal of current or future licenses or license applications with ownership held by any such person involved in the unlawful transfer.

#### (g) Surrender of license.

- (1) A licensee may voluntarily surrender a license to the Authority at any time.
- (2) If a licensee voluntarily surrenders a license, the licensee shall:
  - (A) Return the license to the Authority;
  - (B) Submit on a form prescribed by the Authority a report to the Authority including the reason for surrendering the license; contact information following the close of business; the person or persons responsible for the close of the business; where business records will be retained; and a statement confirming that all medical marijuana and medical marijuana products remaining in the possession of the licensee were liquidated or disposed of in accordance with Oklahoma law and these Rules.
  - (C) Submit proof of the licensee's identity through submission of documentation identified in OAC 442:10-1-7 (relating to Proof of Identity); and
  - (D) Liquidate or dispose of any medical marijuana or medical marijuana products remaining in the possession of the licensee in accordance with OAC 442:10-5-2(d) and OAC 442:10-5-10. The licensee must liquidate and dispose of all medical marijuana and medical marijuana products in accordance with OAC 442:10-5-2(d) prior to license surrender.
- (3) A license surrender shall be considered effective upon written approval by the Authority. The Authority may reject a license surrender if medical marijuana or medical marijuana products remain in the possession of the licensee at time of surrender, or if any of the required documentation is missing or incomplete. All medical marijuana and medical marijuana products must be liquidated or disposed of in accordance with Oklahoma law and these Rules prior to the surrender of a license.

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

- (a) **Application fee**. An applicant for a medical marijuana business, or renewal thereof, shall submit to the Authority a completed application on a form and in a manner prescribed by the Authority, along with the application fee as established in 63 O.S. § 420 et seq. and the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq. 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.
- (b) **Submission**. The application shall be on the Authority prescribed form and shall include the following information about the establishment:
  - (1) Name of the establishment;
  - (2) Physical address of the establishment, including the county in which any licensed premises will be located;
  - (3) GPS coordinates of the establishment;
  - (4) Phone number and email address of the establishment; and
  - (5) Hours of operation for any licensed premises.
- (c) **Individual applicant**. The application for a business license made by an individual on his or her own behalf shall be on the Authority prescribed form and shall include at a minimum:
  - (1) The applicant's first name, middle name, last name and suffix if applicable;
  - (2) The applicant's residence address and valid mailing address;
  - (3) The applicant's date of birth;
  - (4) The applicant's telephone number and email address;
  - (5) An attestation that the information provided by the applicant is true and correct;
  - (6) An attestation that any licensed premises shall not be located on tribal lands;
  - (7) An attestation that the business has obtained all applicable local licenses and permits for all licensed premises;
  - (8) An attestation that no individual with ownership interest in the business is a sheriff, deputy sheriff, police officer, prosecuting officer, an officer or employee of OMMA, or an officer or employee of a municipality in which the commercial entity is located; and
  - (9) A statement signed by the applicant pledging not to divert marijuana to any individual or entity that is not lawfully entitled to possess marijuana.
- (d) **Application on behalf of an entity**. In addition to requirements of Subsection (c), an application for a business license made by an individual on behalf of an entity shall include:
  - (1) An attestation that applicant is authorized to make application on behalf of the entity:
  - (2) Full name of organization;
  - (3) Trade name, if applicable;
  - (4) Type of business organization;
  - (5) Mailing address;
  - (6) Telephone number and email address; and
  - (7) The name, residence address, and date of birth of each owner and each member, manager, and board member, if applicable.
- (e) **Supporting documentation**. Pursuant to 63 O.S. § 427.3(D)(11), 63 O.S. § 427.14(L), 63 O.S. § 427.14(G)(2), and 63 O.S. § 427.14(J), each application shall be accompanied by the following documentation:
  - (1) A list of all owners and principal officers of the business applicant and supporting documentation, including, but not limited to: certificate of incorporation, bylaws, articles of organization, operating agreement, certificate of limited partnership, resolution of a board of directors, or other similar documents;
  - (2) If applicable, a certificate of good standing from the Oklahoma Secretary of State issued within thirty (30) days of submission of the application;
  - (3) If applicable, official documentation from the Oklahoma Secretary of State establishing the applicant's trade name:
  - (4) If applicable, an electronic copy or digital image in color of a sales tax permit issued by the Oklahoma Tax Commission;
  - (5) An Affidavit of Lawful Presence for each owner;
  - (6) If a licensed dispensary or grower, proof that the location of the facility is at least one thousand (1,000) feet from a public or private school. For a dispensary, the distance specified shall be measured in a straight line from the nearest property line of such public school or private school to the nearest perimeter wall of the licensed premise of such medical marijuana dispensary. For a grower, the distance specified shall be measured in a

straight line from the nearest property line of such public school or private school to the nearest property line of the licensed premises of such medical marijuana commercial grower. For the purposes of this subsection, a school shall not include a property owned, used, or operated by a public or private school that is not used for classroom instruction on core curriculum, such as an administrative building, athletic facility, ballpark, field, or stadium, unless such property is located on the same campus as a building used for classroom instruction on core curriculum:

- (7) Documents establishing the applicant; and the members, managers, and board members if applicable; and seventy-five percent (75%) of the commercial applicant's ownership interests are Oklahoma residents as required in the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.
  - (A) Applicants seeking to renew a commercial license issued prior to the enactment of the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq., shall submit documentation establishing proof of residency in accordance with OAC 442:10-1-6 (relating to proof of residency); (B) All other applicants shall submit documentation establishing proof of residency in accordance with OAC 442:10-5-3.1 (relating to proof of residency for business licenses).
- (8) If applicable, all building permits and/or certificate(s) of occupancy issued by the Oklahoma State Fire Marshal or by the political subdivision with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal certifying compliance with the categories listed in 63 O.S. § 426.1(E) for the construction or alteration of any buildings or structures classified as occupancies under the building codes adopted by the Oklahoma Uniform Building Code Commission.
  - (A) Once a certificate of occupancy is issued by the Oklahoma State Fire Marshal or by the political subdivision with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal and such certificate of occupancy has been submitted to the Authority showing full compliance, a licensee shall only need to submit an affidavit for license renewal stating the premises continues to comply with zoning classifications, applicable municipal ordinances, and all applicable safety, electrical, fire, plumbing, waste, construction, and building specification codes. An additional certificate of occupancy along with an affidavit shall be submitted if a change of use or occupancy occurs, or there is any change concerning the facility or location that would, by law, require additional inspection, licensure or permitting by the state or municipality. Licensees are responsible for compliance with applicable state fire, building, and electrical codes and may be liable for all damage that results from noncompliance with state fire, building, and electrical codes to the extent authorized by law.
  - (B) For all commercial license applications submitted on or after June 14, 2024 that require a building permit and/or certificate of occupancy for licensure, applicants who submitted a full and complete application for a building permit and/or certificate of occupancy issued by the Oklahoma State Fire Marshal or the political subdivision with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal prior to February 1, 2024 and while the same application remains under review by the State Fire Marshal or political subdivision, the applicant may submit an attestation on a form and in a manner prescribed by the Authority certifying that the applicant submitted a full and complete application for a building permit and/or certificate of occupancy prior to February 1, 2024, and that the same application remains under review by the Oklahoma State Fire Marshal or the political subdivision.
- (9) If applicable, accreditation documentation, including documentation of enrollment in analyte-specific proficiency testing results, showing applicants meet requirements stated in OAC 442:10-8-2(a);
- (10) If a licensed grower, processor or transporter has added or is seeking to add a publicly traded company as an owner, additional documentation as required under OAC 442:10-5-2(e)(2)(C) to show the grower, processor, or transporter applicants meet the requirements stated in 63 O.S. § 427.15a;
- (11) If applicable, a list of all chemicals a processor will utilize to process medical marijuana;
- (12) If applicable, safety data sheets for every chemical a processor will utilize to process medical marijuana;
- (13) If applicable, a bond or attestation as required under OAC 442:10-5-3.3 certifying compliance with 63 O.S. § 427.26;
- (14) Supplemental application materials to be submitted by the applicant and utilized by the Authority to determine medical marijuana business licensing fees pursuant to 63 O.S. 427.14; and
- (15) Any further documentation the Authority determines is necessary to ensure the commercial applicant is qualified under Oklahoma law and these Rules to obtain a commercial license.

- (f) **Incomplete application**. Failure to submit a complete application with all required information and documentation shall result in a rejection of the application. The Authority shall notify the applicant in the same method the application was submitted to the Authority of the reasons for the rejection, and the applicant shall have thirty (30) days from the date of notification to correct and complete the application without an additional fee. If the applicant fails to correct and complete the application within the thirty (30) day period, the application shall expire. Unless the Authority determines otherwise, an application that has been resubmitted but is still incomplete or contains errors that are not clerical or typographical in nature shall be denied.
- (g) **Status update letter**. If a delay in processing has occurred, the Authority shall notify the applicant via email of the delay and the reason for the delay.
- (h) **Moratorium.** Beginning August 26, 2022, and ending August 1, 2026, there shall be a moratorium on processing and issuing new medical marijuana business licenses for dispensaries, processors, and growers. The Authority will review and process applications received on or before August 26, 2022. The Executive Director of the Authority may terminate the moratorium prior to August 1, 2026, upon a determination that all pending license reviews, inspections, or investigations have been completed. The moratorium shall not apply to:
  - (1) The renewal of a medical marijuana business license for dispensaries, processors, or growers;
  - (2) The issuance of a medical marijuana business license necessitated by a change in the ownership or location of a dispensary, processor, or grower; or
  - (3) The issuance or renewal of a testing laboratory, transporter, education facility, research, or waste disposal license.

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

- (a) **Purpose**. This Section sets forth the food safety standards that processors must comply with in the preparation, production, manufacturing, processing, handling, packaging, and labeling of edible medical marijuana products.
- (b) **Existing law**. This Section does not relieve licensed processors of any obligations under existing laws, rules, and regulations, including 63 O.S. § 1-1101 et seq., OAC 310:257, and OAC 310:260, to the extent they are applicable and do not conflict with 63 O.S. § 420 et. seq.
  - (1) The sale, offer to sell, dispense or release into commerce of any food or confection under a name, label, or brand when the name, label, or brand either precisely or by slang term or popular usage, is the name, label, or brand of marijuana is not prohibited.
  - (2) Marijuana used in food shall be considered an additive, a component, and/or an edible substance.
  - (3) Marijuana shall not be considered a deleterious, poisonous, or nonnutritive substance, and the use of marijuana, alone, in food shall not make such food adulterated or misbranded.
- (c) **Updated law**. In the event the Oklahoma Board of Health or the Commissioner of Health amends OAC 310:257 or OAC 310:260, adopts new food safety rules, or incorporates into Oklahoma law updated federal food safety standards, including Title 21 of the Code of Federal Regulations, licensed processors shall comply with such rules to the extent they are applicable and do not conflict with 63 O.S. § 420 et seq., 63 O.S. § 427.1 et seq., or these Rules.
- (d) **Labeling and packaging**. Labels and packages for food containing medical marijuana shall comply with all applicable requirements in existing Oklahoma law, rules, and regulations, and any laws incorporated therein by reference, to the extent they do not conflict with 63 O.S. § 420.
  - (1) 21 CFR Part 101, as of August 22, 2018, is hereby incorporated by reference into this Section to the extent it is applicable and does not conflict with 63 O.S. § 420 et seq. and 63 O.S. § 427.1 et seq.
  - (2) Existing requirements for principal display panels or information panels include:
    - (A) Name and address of the business;
    - (B) Name of the food;
    - (C) Net quantity or weight of contents;
    - (D) Ingredients list
    - (E) Food allergen information; and
    - (F) Nutrition labeling, if required under 21 CFR § 101.9.
  - (3) In addition, principal display panels or information panels must contain:
    - (A) List of cannabis ingredients;
    - (B) The batch of marijuana;
    - (C) The strain of marijuana (optional);
    - (D) THC dosage in milligrams per unit; and
    - (E) The lot code.
  - (4) Nutrient content, health, qualified health and structure/function claims must comply with the Food and Drug Administration ("FDA") Food Labeling Guide.

- (5) Packaging must contain the statement, "For accidental ingestion call 1-800-222-1222."
- (6) All packages and individually-packaged product units, including but not limited to those from bulk packaging, must contain the Oklahoma uniform symbol in clear and plain sight. The Oklahoma uniform symbol must be printed at least one-half inch by one-half inch in size in color.
- (7) In order to comply with OAC 442:10-7-1(d)(4)OAC 442:10-7-1(d)(2) and this Section, a labelpackaging must contain a warninglabel that states, 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."
- (e) **Recommended HACCP**. A Hazard Analysis and Critical Control Plan ("HACCP"), as set forth under 21 CFR Part 120, shall be recognized as a standardized best practice to ensure that food is suitable for human consumption and that food-packaging materials are safe and suitable. Processors are encouraged to adopt a HACCP to help ensure compliance with existing Oklahoma food safety laws, particularly OAC 310:260-3-6.
- (f) Private homes; living or sleeping quarters.
  - (1) A private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters may not be used for conducting processing operations.
  - (2) Living or sleeping quarters located on the premises of a processor such as those provided for lodging registration clerks or resident managers shall be separated from rooms and areas used for food establishment operations by complete partitioning and solid self-closing doors.

#### SUBCHAPTER 7. PACKAGING, LABELING, AND ADVERTISING

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

- (a) **Prohibition on sale or transfer.** Commercial licensees shall not sell, distribute, or otherwise transfer medical marijuana and medical marijuana products that are 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. Beginning June 1, 2025, all medical marijuana flower, trim, shake, kief, medical marijuana product noninfused pre-rolls, infused pre-rolls, 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. <u>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.</u> 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. Dispensaries shall not open, package, or alter prepackaged medical marijuana or medical marijuana products except for the following reasons:
  - (1) Dispensaries are authorized to create and package noninfused pre-rolled marijuana provided all other packaging, labeling, and testing requirements are met prior to transfer to a licensed patient or licensed caregiver; and
  - (2) Dispensaries are authorized to display samples of medical marijuana of no more than three (3) grams pursuant to OAC 442:10-5-14. Any remaining medical marijuana from a pre-packaged package size that exceeds three (3) grams must be wasted or disposed of in accordance with Oklahoma law and these Rules.
- (b) Nonacceptance or return. A dispensary shall reject, refuse to accept delivery, and send back to the licensee transferring medical marijuana or medical marijuana products to the dispensary, any medical marijuana or medical marijuana products that are 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. If a dispensary rejects and/or refuses to accept delivery of any medical marijuana or medical marijuana product or if delivery of the medical marijuana or medical marijuana product is impossible, the medical marijuana or medical marijuana product shall be immediately sent back to the originating licensee who retains legal ownership of the products and the rejection and/or refusal shall be fully documented in accordance with OAC 442:10-7-1(c). 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 and 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. Products may be returned to the licensed medical marijuana dispensary when found defective or hazardous to the health of the patient. The return of all medical marijuana and medical marijuana products from a licensed medical marijuana dispensary to a licensed medical marijuana processor or licensed medical marijuana commercial grower, or from any other licensed entity that transferred medical marijuana products to another licensed entity shall be permitted. (c) **Documentation.** A dispensary shall document any such return, nonacceptance, or disposal, and such documentation shall include at a minimum:

- (1) The license number, name, contact information, and address of the licensee who sold or otherwise transferred the nonconforming medical marijuana or medical marijuana products to the dispensary;
- (2) A complete inventory of the medical marijuana and medical marijuana products to be returned or disposed, including the batch number;
- (3) The reason for the nonacceptance, return, or disposal; and
- (4) The date of the nonacceptance, return, or disposal.
- (d) **General requirements**. The following general label and packaging requirements, prohibitions, and exceptions shall apply to all medical marijuana and medical marijuana products being transferred or sold to a dispensary or by a dispensary:
  - (1) Labels, packages, and containers shall not be attractive to minors and shall not contain any content that reasonably appears to target children, including toys, cartoon characters, and similar images. Packages should be designed to minimize appeal to children and shall not depict images other than the business name logo of the medical marijuana producer and image of the product.
  - (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.".
  - (3) All medical marijuana and medical marijuana products must be packaged in child-resistant containers, although the containers may be clear in order to allow licensed medical marijuana patient and licensed medical marijuana caregivers the ability to view the product inside the container, and placed into an exit package at the point of sale or transfer to a licensed medical marijuana patient or licensed medical marijuana caregiver.
  - (4) Labels must contain a warning that states "Women should not use marijuana or medical marijuana products during pregnancy because of the risk of birth defects."
  - (5) Packages and labels shall not contain any deceptive, false or misleading statements. For purposes of this section, information that is deceptive, false, or misleading includes:
    - (A) Any indication that the medical marijuana or medical marijuana product is organic, unless the National Organic Program (Section 6517 of the federal Organic Foods Production Act of 1990 (7 U.S.C. Section 6501 et seq.)) authorizes organic certification and designation for marijuana and marijuana products. This includes variants of the word "organic" such as "organix" and "organique."
    - (B) Any indication that the medical marijuana or medical marijuana product is "Pesticide-free," unless the medical marijuana or a medical-marijuana product was grown, harvested, processed, and dispensed without any pesticide.
  - (6)(5) No medical marijuana or medical marijuana products shall be intentionally or knowingly packaged or labeled so as to cause a reasonable patient confusion as to whether the medical marijuana or medical marijuana product is a trademarked product.
  - (7)(6) No medical marijuana or medical marijuana products shall be packaged or labeled in a manner that violates any federal trademark law or regulation.
  - (8)(7) Packages and labels shall not make any claims or statements that the medical marijuana or medical marijuana products provide health or physical benefits to the patient.
  - (9)(8) Packages and labels shall not contain the logo of the Oklahoma Medical Marijuana Authority.
  - (10)(9) Packages and labels shall not contain any universal symbols from another state, any statements that the medical marijuana was grown in another state, or any depictions, symbols, or other information that could cause a reasonable patient to be confused as to the state of origin of the medical marijuana or medical marijuana product.
  - (11)(10) 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.

(12)(11) All packaging and labeling must contain current and accurate information on file with the Authority, including, but not limited to, the licensee's legal name, trade name, and license number.

(13)(12) Packages and labels shall be considered inaccurate if the difference in percentage of the cannabinoid and/or total THC claimed to be present on a package or label is plus or minus fifteen percent (15%) of the percentage on the COA. For example, bulk order packaging that identifies a THC amount as 100mg would be inaccurate if the COA for that production batch indicated a THC content of less than 85mg or more than 115mg.

### (e) Label requirements for sales to dispensaries or by dispensaries.

- (1) Labels on medical marijuana and medical marijuana products being transferred or sold to a dispensary or by a dispensary shall contain, at a minimum, the following information:
  - (A) The name and license number of the grower, dispensary, or processor who is selling or otherwise transferring the medical marijuana or medical marijuana products to the dispensary;
  - (B) Name of the medical marijuana or medical marijuana product;
  - (C) The batch number of the medical marijuana or medical marijuana product;
  - (D) Net quantity or weight of contents;
  - (E) Ingredients list;
  - (F) The Oklahoma Uniform Symbol in the manner and form prescribed by the Authority;
  - (G) THC potency on the COA for that batch;
  - (H) Total terpenoid content in the manner prescribed by the Authority;
  - (I) The date the medical marijuana or medical marijuana product was packaged, and
  - (J) The statement, "This product has been tested for contaminants."
- (2) Labels for edible medical marijuana products shall also meet the requirements set forth in OAC 442:10-5-8.
- (3) As applicable, inventory tracking system tags shall not obscure required label and packaging requirements.
- (f) Label requirements for sales between growers and/or processors. All medical marijuana and medical marijuana products sold or otherwise transferred between growers and/or processors shall be labeled and the label shall contain, at a minimum, the following information:
  - (1) Name and license number of the grower or processor who is selling or otherwise transferring the medical marijuana or medical marijuana product;
  - (2) The batch number of the medical marijuana or medical marijuana product; and
  - (3) Date of harvest or production.

### (g) Storage requirements for growers, processors, and dispensaries.

- (1) Growers, processors, and dispensaries shall store medical marijuana and medical marijuana products under conditions and in a manner that protects the medical marijuana and medical marijuana products from physical and microbial contamination and deterioration.
- (2) When not in use, medical marijuana and medical marijuana products shall be tagged and stored in receptacles that are capable of being fully closed and sealed and are kept fully closed and sealed.
- (3) When any storage receptacle is in use and contains medical marijuana or medical marijuana products, commercial licensees shall identify the batch number and tag on the storage receptacle of all medical marijuana and medical marijuana products so that an inspector can easily identify to which batch the medical marijuana and medical marijuana products belong.

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

- (a) No commercial licensee shall manufacture, process, or offer for sale or consumption any medical marijuana product intended to be attractive to children or minors.
- (b) No commercial licensee, other than a licensed dispensary, shall offer for retail sale any marijuana seedlings or mature plants.
- (c) No dispensary shall sell, distribute, or otherwise transferBeginning June 1, 2025, licensed medical marijuana dispensaries shall not receive, purchase, or otherwise acquire any medical marijuana flower, trim, shake, kief, medical marijuana productnoninfused pre-rolls, infused pre-rolls, or other flower-based product not defined as a concentrate, not packaged injunless such product is 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 as required by OAC 442:10-7-1(a). Licensed medical marijuana dispensaries shall have until November 1, 2025, to sell, transfer, or waste any medical marijuana flower, trim, shake, kief, noninfused pre-rolls, infused pre-rolls, or other flower-based product not defined as a concentrate that is not in pre-packaged form but was physically received by the dispensary and accepted into the dispensary's inventory in the State inventory tracking system prior to June 1, 2025. By November 1, 2025, all remaining medical marijuana flower, trim, shake, kief, noninfused pre-rolls, infused pre-rolls, or other flower-based product not defined as a concentrate that is not in pre-packaged form as

required by OAC 442:10-7-1(a) must be either sold or transferred to a medical marijuana waste disposal facility with all transfers and sales tracked and reported in the State inventory tracking system.

#### SUBCHAPTER 9. WASTE DISPOSAL FACILITIES

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

- (a) No person or entity shall operate a medical marijuana waste disposal facility without first obtaining a license from the Authority pursuant to the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 427a et seq., other applicable Oklahoma law, including regulations of the Oklahoma Department of Environmental Quality, and the Rules in this Chapter. Only a person who is in compliance with the requirements of Oklahoma law and these Rules shall be entitled to receive or retain such a license or permit.
- (b) There shall be no limit to the number of medical marijuana waste disposal licenses issued by the Authority.
- (c) All license and permit applications shall be complete and accurate in every detail, shall include all attachments or supplemental information required by the forms supplied by the Authority, and shall be accompanied by full remittance of the entire application fee. 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. Any misstatements, omissions, misrepresentations, or untruths made in the application shall be grounds for administrative action against the licensee by the Authority.
- (d) All licenses and permits shall be on forms prescribed by the Authority.
- (e) Application fees are nonrefundable.
- (f) Upon issuance of a waste disposal facility license, each waste disposal facility licensee shall automatically receive a waste disposal transportation license. Medical marijuana waste disposal facility licensees shall ensure that a copy of the waste disposal transportation license is inside any vehicles used for transporting medical marijuana waste during transportation.

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