

## Synthetic THC / THCA Sales

Evidence of the impact and loss of market by MMJ businesses to illegal sales in gas stations, liquor stores, vape shops and online websites is demonstrated by the drop in state revenue from sales. As prevalence has increased due to lack of enforcement of Oklahoma law, we see in data what our businesses see everyday. Sales of unregulated THC going on in unregulated environments.

### **SQ 788 EXCISE TAX**

*As of FY 2024, OMMA is an appropriated agency and does not receive 788 tax revenue.*

<b>FY 2020</b> (July 2019 - June 2020) .....	<b>\$42,409,066</b>
<b>FY 2021</b> (July 2020 - June 2021) .....	<b>\$66,098,861</b>
<b>FY 2022</b> (July 2021 - June 2022) .....	<b>\$60,215,200</b>
<b>FY 2023</b> (July 2022 - June 2023) .....	<b>\$51,916,563</b>
<b>FY 2024</b> (July 2023 - June 2024) .....	<b>\$51,007,322</b>
<b>FY 2025</b> (July 2024 - June 2025) .....	<b>\$47,522,561</b>
	<b>(June 2025 = \$3,964,626)</b>

On April 28th, 2025 Governor Stitt ordered agencies to develop a plan to deal with this issue: Requesting a joint update from multiple agencies within 30 days. We're close to 2 months past that deadline with no known report or action.

[Governor Stitt Calls for Coordinated Action to Protect Oklahomans from Psychoactive Marijuana Byproducts](#)

[J. Kevin Stitt Office of the Governor State of Oklahoma April 28. 2025 VIA EMAIL](#)

By law, the majority of enforcement authority lies with agencies other than OMMA. Namely the OBND and the Attorney General, who was excluded from this order, but who bears ultimate responsibility for a 3 year failure of enforcement against these illegal sales.

However, the governor has requested OMMA to look at what is needed to enforce against synthetic sales in dispensaries. The first step is for lawmakers to remove the prohibition of OMMA from regulating SPECIFICALLY Delta-8 and Delta-10 THC in their own dispensaries. This prohibition is found in [§ 427.2. Definitions](#) of Title 63.

"26. "Marijuana" shall have the same meaning as such term is defined in [Section 2-101](#) of this title and shall not include any plant or material containing delta-8 or delta 10 tetrahydrocannabinol which is grown, processed, or sold pursuant to the provisions of the Oklahoma Industrial Hemp Program;"

Over the past 3 legislative sessions, our industry has advocated to get this prohibition changed. Unfortunately, those efforts were frustrated. The definition of Marijuana here is also problematic. OMMA and OBND have different definitions of the same term “Marijuana”

From Title 63 [§ 2-101. Definitions](#)

**“31. “Marijuana”** means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin, but shall not include:

- a. the mature stalks of such plant or fiber produced from such stalks,
- b. oil or cake made from the seeds of such plant, including cannabidiol derived from the seeds of the marijuana plant,
- c. any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), including cannabidiol derived from mature stalks, fiber, oil or cake,
- d. the sterilized seed of such plant which is incapable of germination,
- e. for any person participating in a clinical trial to administer cannabidiol for the treatment of severe forms of epilepsy pursuant to [Section 2-802](#) of this title, a drug or substance approved by the federal Food and Drug Administration for use by those participants,
- f. for any person or the parents, legal guardians or caretakers of the person who have received a written certification from a physician licensed in this state that the person has been diagnosed by a physician as having Lennox-Gastaut syndrome, Dravet syndrome, also known as severe myoclonic epilepsy of infancy, or any other severe form of epilepsy that is not adequately treated by traditional medical therapies, spasticity due to multiple sclerosis or due to paraplegia, intractable nausea and vomiting, appetite stimulation with chronic wasting diseases, the substance cannabidiol, a nonpsychoactive cannabinoid, found in the plant *Cannabis sativa* L. or any other preparation thereof, that has a tetrahydrocannabinol concentration not more than three-tenths of one percent (0.3%) and that is delivered to the patient in the form of a liquid,
- g. any federal Food and Drug Administration-approved drug or substance, or
- h. industrial hemp, from the plant *Cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration not more than three-tenths of one percent (0.3%) on a dry-weight basis which shall only be grown pursuant to the Oklahoma Industrial Hemp Program and may be shipped intrastate and interstate;”

As stated before, the collective agencies under the Governor's authority have laws in place to address this issue, as a growing number of states have, and federal courts have upheld. This being true, OMMA and OBND should work with industry to find a cohesive definition of what is being regulated. After 7 years, this simple example speaks volumes about the issues created in a duplicative regulatory environment. One that actively punishes the good guys and ignores the bad guys.