

**AGENCY RULE REPORT**  
**75 OS § 303.1(E)**  
**SUBMITTED TO THE GOVERNOR AND TO THE LEGISLATURE**

**1. Date the notice of intended rulemaking was published in the Oklahoma Register:**

November 15, 2022, Vol. 40 Okla. Reg., OAR Docket # 22-765

**2. Name and address of the agency:**

Oklahoma Medical Marijuana Authority,  
P.O. Box 262266,  
Oklahoma City, Oklahoma 73126

**3. Title and number of the rule:**

Title 442. Oklahoma Medical Marijuana Authority  
Chapter 10. Medical Marijuana Regulations  
Subchapter 1. General Provisions [NEW]  
442:10-1-1. Purpose [NEW]  
442:10-1-2. Regulatory program established [NEW]  
442:10-1-3. Limitations of licenses [NEW]  
442:10-1-4. Definitions [NEW]  
442:10-1-5. Criminal history screening [NEW]  
442:10-1-6. Proof of residency [NEW]  
442:10-1-7. Proof of identity [NEW]  
442:10-1-8. Applicant photograph [NEW]  
442:10-1-9. Recommending physician registration [NEW]  
442:10-1-9.1. Recommending physician standards [NEW]  
Subchapter 2. Medical Marijuana Licenses [NEW]  
442:10-2-1. Application for patient license [NEW]  
442:10-2-2. Application for patient license for persons under age eighteen (18) [NEW]  
442:10-2-3. Application for caregiver's license [NEW]  
442:10-2-3.1. Withdrawal of a caregiver's authorization [NEW]  
442:10-2-4. Application for temporary patient license [NEW]  
442:10-2-5. Term and renewal of medical marijuana patient and caregiver licenses [NEW]  
442:10-2-6. Information contained on patient and caregiver license [NEW]  
442:10-2-7. Medical marijuana license verification system [NEW]  
442:10-2-8. Possession limits [NEW]  
442:10-2-9. Prohibited acts and penalties [NEW]  
442:10-2-10. Confidential patient information [NEW]  
442:10-2-11. Restrictions on smokable medical marijuana and medical marijuana products [NEW]  
Subchapter 3. Transporter License [NEW]  
442:10-3-1. License for transportation of medical marijuana [NEW]  
442:10-3-2. Requirements for transportation of marijuana [NEW]  
442:10-3-3. Transporter agent license [NEW]  
442:10-3-4. Employer deactivation of transporter agent license [NEW]  
442:10-3-5. Information contained on a transporter agent license [NEW]  
442:10-3-6. Inventory manifests [NEW]  
Subchapter 4. Research Facilities and Education Facilities [NEW]  
442:10-4-1. License required [NEW]  
442:10-4-1.1. Responsibilities of the license holder [NEW]  
442:10-4-2. Licenses [NEW]

442:10-4-3. Applications [NEW]  
442:10-4-4. Inspections [NEW]  
442:10-4-5. Inventory tracking, records, reports, and audits [NEW]  
442:10-4-6. Penalties [NEW]  
Subchapter 5. Medical Marijuana Businesses [NEW]  
442:10-5-1. License required [NEW]  
442:10-5-1.1. Responsibilities of the license holder [NEW]  
442:10-5-2. Licenses [NEW]  
442:10-5-2.1. Objection by municipality [NEW]  
442:10-5-3. Applications [NEW]  
442:10-5-3.1. Proof of residency for commercial licensees [NEW]  
442:10-5-3.2. Persons prohibited from holding a commercial license [NEW]  
442:10-5-4. Inspections [NEW]  
442:10-5-4.1. Operational status visit [NEW]  
442:10-5-5. Processing medical marijuana on behalf of a patient or caregiver [NEW]  
442:10-5-6. Inventory tracking, records, reports and audits [NEW]  
442:10-5-6.1. Penalties [NEW]  
442:10-5-7. Tax on retail medical marijuana sales [NEW]  
442:10-5-8. Food safety standards for processors [NEW]  
442:10-5-9. Standards for handling and processing medical marijuana & medical marijuana products [NEW]  
442:10-5-10. Medical marijuana waste disposal [NEW]  
442:10-5-11. Attestation confirming or denying foreign financial interests [NEW]  
442:10-5-12. Marijuana transaction limitations [NEW]  
442:10-5-13. Loss and theft [NEW]  
442:10-5-14. Handling of medical marijuana by dispensary [NEW]  
442:10-5-15. Entry to licensed premises [NEW]  
442:10-5-16. Prohibited acts [NEW]  
Subchapter 6. Commercial Licensees [NEW]  
442:10-6-1. General security requirements for commercial licensees [NEW]  
442:10-6-2. Construction of premises [NEW]  
Subchapter 7. Packaging, Labeling, and Advertising [NEW]  
442:10-7-1. Labeling and packaging [NEW]  
442:10-7-2. Prohibited products [NEW]  
442:10-7-3. Advertising [NEW]  
Subchapter 8. Laboratory Testing [NEW]  
442:10-8-1. Testing standards and thresholds [NEW]  
442:10-8-2. General operating requirements and procedures [NEW]  
442:10-8-3. Sampling requirements and procedures [NEW]  
442:10-8-4. Laboratory quality assurance and quality control [NEW]  
442:10-8-5. Quality assurance laboratory [NEW]  
Subchapter 9. Waste Disposal Facilities [NEW]  
442:10-9-1. License or permit required [NEW]  
442:10-9-1.1. Responsibilities of the license or permit holder [NEW]  
442:10-9-2. Licenses and permits [NEW]  
442:10-9-3. License applications [NEW]  
442:10-9-4. Permit applications [NEW]  
442:10-9-5. Inspections [NEW]  
442:10-9-6. Security requirements [NEW]  
442:10-9-7. Audits and inventory [NEW]

442:10-9-8. Penalties [NEW]  
442:10-9-9. Waste disposal [NEW]  
Subchapter 10. Receivership [NEW]  
442:10-10-1. Certificate of Authority [NEW]  
442:10-10-2. Term and renewal of Certificate of Authority [NEW]  
442:10-10-3. Responsibilities of the Certificate of Authority holder [NEW]  
442:10-10-4. Revocation of Certificate of Authority [NEW]  
Appendix A. Testing Thresholds [NEW]  
Appendix B. LQC Results [NEW]  
Appendix C. Schedule of Fines [NEW]  
Appendix D. Sample collection for final medical marijuana products [NEW]  
Appendix E. Sample collection for pre-rolls [NEW]  
Appendix F. Required testing by batch type [NEW]

**4. Citation to the statutory authority for the rule:**

Executive Director of the Oklahoma Medical Marijuana Authority; 63 O.S. § 420-430

**5. Citation to any federal or state law, court ruling, or any other authority requiring rule:**

Executive Director of the Oklahoma Medical Marijuana Authority; 63 O.S. § 420-430

**6. Brief summary of the content of the adopted rule:**

The amendments establish Oklahoma Medical Marijuana Authority as an independent entity as required under SB 1543. The rules adjust references from OAC 442:10-1-1 to OAC 442: Appendix E, replacing: Oklahoma State Department of Health with Oklahoma Medical Marijuana Authority, Department with Authority, and Commissioner with Executive Director. New requirements that commercial growers are prohibited from being within 1,000 feet of a school are adjusted in OAC 442:10-9-3(e)(5). The definition of “public school” is amended to include technology centers in OAC 442:10-1-4. Language establishing a moratorium on processing and issuing new medical marijuana business licenses for growers, processors and dispensaries beginning August 1, 2022 is added to OAC 442:10-5-3(h). New packaging standards allowing transparent packaging and requiring the use of an exit package and specific package warning labels are added to OAC 442:10-7-1(d). Enhanced penalties for unlawful diversion of product by businesses and patients is added to OAC 442:10-2-9, OAC 442:10-4-6, OAC 442:10-5-6.1, and OAC 442:10, Appendix C. The requirement that medical marijuana commercial grow licensees who operate an outdoor medical marijuana facility register with the Oklahoma Department of Agriculture, Food, and Forestry as an environmentally sensitive crop owner is added to OAC 442:10-5-1.1. The requirement that commercial grower licenses to post signage at the site of the commercial grow operation is added to OAC 442:10-6-1. Amendments to OAC 442:10-4-2(e)(2), OAC 442:10-5-2(e) and OAC 442:10-9-2(e) govern material changes that affect a licensee’s qualifications for licensure and clarifies that licensees cannot operate under the conditions of a material change until approved in writing by the Authority. Amendments to OAC 442:10-5-2(e)(2)(A)(iv) requires commercial licensees carry a physical copy of the written location change approval while transporting medical marijuana products from location to location. Amendments to OAC 442:10-5-8 remove references to the Medical Marijuana Advisory Council and renumber the subsequent food safety standards for processors section to conform, adjusting internal citations throughout.

Clarification regarding the transporter license issued to qualifying applicants and the application for individual transporter agent licenses is added to OAC 442:10-3-1(a). The language regarding “chain of custody” is removed in OAC 442:10-3-6(e) to clarify inventory manifests. OAC 442:10-5-2(k) is amended to reference violations outlined in Appendix C. OAC 442:10-5-6(b)(3)(A) clarifies record retention for both commercial licensees and patient licensees involved in each transaction.

OAC 442:10-5-12(c) clarifies the mandatory requirement to use the OMMA provided system for verification of licensees and transactions. OAC 442:10-7-1(g) is amended to require all storage receptacles be labeled with product batch numbers when in use.

Amendments to OAC 442:10-8-1 include clarifying and clean up language. OAC 442:10-8-1(d) allows growers to transfer medical marijuana from harvest batches to processors for decontamination or remediation prior to testing only if the remediated and decontaminated medical marijuana is returned to the originating licensed commercial grower and successfully passes all tests prior to transfer or sale. Provisions regarding the embargo of medical marijuana in OAC 442:10-8-1(g) are amended to no longer conflict with the provisions of 63 O.S. § 427.24. OAC 442:10-8-1(i) removes chemical residue from the list of required tests for production batch samples, requires heavy metal limits be applied to the product from that is submitted at testing, defines a list of terpenoids that must be included in tests for harvest batch and production batch samples, removes the requirement for a continual process of physical inspection, requires harvest batch and production batch samples that are remediated or decontaminated be fully tested and successfully pass all analyses required under this subsection and Appendix F, establishes testing requirements for noninfused pre-rolls, kief, infused pre-rolls, and shake and trim. Amendments to OAC 442:10-8-2 clarify that laboratory accreditation must be specific to the procedure used in the laboratory and allows a medical laboratory director to delegate in writing the duties and responsibilities to a designee that meets all requirements of a laboratory director, requires all deviations from the written procedure be reviewed and approved in writing by the laboratory director, removes the requirement that any non-routine repair must be reported to and reviewed by the quality assurance laboratory, and provides clarification regarding required staff competency documentation. Amendments to OAC 442:10-8-3 require tamper-proof seals affixed to samples at the time of collection, requires samples be collected in the final form for transfer or sale of harvest batches or production batches, requires copies of the sample field log be maintained by both the laboratory and the commercial licensee from which the samples are being collected, and adds the state inventory tracking system tag number, the sample tag number, and the source package tag number to the list of required items on all COAs. Amendments to OAC 442:10-9-6(c) allow commercial licensees to transport their own waste to a licensed medical marijuana waste disposal facility.

**7. Statement explaining the need for the adopted rule:**

The Oklahoma Medical Marijuana Authority became a standalone agency on November 1, 2022 pursuant to SB1543. The rules adjust references from OAC 442:10-1-1 to OAC 442: Appendix E, replacing: Oklahoma State Department of Health with Oklahoma Medical Marijuana Authority, Department with Authority, and Commissioner with Executive Director. The rules will make permanent emergency rules adopted to comply with statutory requirements for medical marijuana regulations.

**8. Date and location where rules were adopted:**

Adopted by Adria G. Berry, the Executive Director of the Oklahoma Medical Marijuana Authority on March 6, 2023, pursuant to authority provided by Title 63 O.S. § 420-430, in the offices of the Oklahoma Medical Marijuana Authority.

**9. Summary of the comments and explanation of changes or lack of any change made in the adopted rules as a result of testimony received at public hearings:**

Many of the comments pertained to statutory requirements and pending legislation, not the rules. Commenters requested changes to laboratory testing requirements. More comments were given about laboratory testing and grower signage required by SB1737 than any other topic.

Based on public comments, one (1) substantive change has been made to the Oklahoma Medical Marijuana Authority regulations relating to decontamination prior to testing. These changes will help

improve and ensure the safety of medical marijuana and medical marijuana products and include clarifying the term “decontamination” and explicitly allowing a grower to transfer medical marijuana from harvest batches prior to testing so long as decontaminated medical marijuana is not processed into a solvent-based concentrate and is returned to the originating licensed commercial grower. The complete comments and responses are in Exhibit A.

**10. List of persons or organizations who appeared or registered for or against the adopted rule at any public hearing held by the agency or those who have commented in writing before or after the hearing:**

|                        |  |
|------------------------|--|
| Sean Seaba ,           | Lynn Hughes                                  |
| Brian Sullivan         | Taylor Lunsford                              |
| Anonymous              | Michelle                                     |
| Geoffrey Mercer        | John Doe                                     |
| S H                    | Jane Doe                                     |
| Paul Tay               | Donnie                                       |
| Patrick Dailey         | Chronic Cardz, Diversity Health and Wellness |
| Anonymous              | Nicole Lloyd                                 |
| Anonymous              | Keith C. Malley                              |
| Amanda                 | Paige Mullins                                |
| Billy Eugene Williams  | Jenifer Wendland                             |
| C M Herford            | Karl Brown                                   |
| Gabriel Ryan           | Parker Jones                                 |
| Jordan Wooley          | Kevin Gallagher                              |
| Amanda morse           | Andrew R Turner                              |
| Michael Pearson        | Andrew Kluttz                                |
| Karl T                 | Kevin Pattah                                 |
| Ava Gates              | Glenn Girone                                 |
| Andrew Scott Fulkerson | Natalie                                      |
| Tiffany Burrington     | Cody Hooper                                  |
| Colette Lamont         | Randall Gibson                               |
| Dan Polak              | Karl Brown                                   |
| Cody Soden             | Bradley Umoru                                |
| James                  | April Harrington                             |
| Cogan Petersen         | Jessica Baker                                |
| Venus Hendricks        | Susan Stewart                                |
| Tevin Rice             | Brie Truett                                  |
| Ron                    | Joe Byars                                    |
| Cogan Petersen         | Brandee Spillman                             |
| Billy                  | Milan Patel                                  |
| Thomas Edward Herman   | Billy  |
| Seth Reeder            | Stancie Bowers                               |
| James Huff             | Stacy Graeff                                 |
| Donna Boatman          | Tommy  |
| Alysia Glover          | Mark kendall                                 |
| Lauradda               | Kari Wilkerson                               |
| Joe Lovett             | Brian Hallum                                 |

jason burns  
Joseph Witt  
Joseph Witt  
Trevor Smithson  
Carla Krueger  
XP Moua  
Scott Stuckey  
Jesse Murphy  
Sherman Hom, PhD  
Kristi Perryman  
Troy  
Roger "Derby" Schafer  
Craig Bowl  
Holly Kahle  
Austin  
Becky McKim  
Liz Parham  
Maureen McCollum  
Susan Martin Weaver  
David Finch  
Anonymous  
David Dean Musk  
Red Bud Dispensary  
John Dowling  
Brie Truett  
Anthony  
Steve  
Taylor Mills

Jason Davenport  
Jackie Dayberry  
John Hickey, Esq.  
Todd Davis  
Kevin Patam  
John Kumbis  
Darrell Karns  
James Laubishay  
April Harrington  
Lacey Burden  
Parker Jones  
Nathan Richter  
Darren Wells  
Kirk Rolland  
Jed Green  
Brie Truett  
Michael Thomas  
Sherry Roberts  
Don Cass  
Bradley Moore  
Isaiah Briley  
Blake Cantrell  
Lee Ann Bryson  
Greg Ogle  
John Buskirk  
Julia Jernigan  
Chad Hutton

**11. Rule Impact Statement:**

Attached to this report as Exhibit B.

**12. Incorporation by reference statement:**

None

**13. Members of the governing board of the agency adopting the rules and the recorded vote of each member:**

N/A.

Adopted by Adria G. Berry, the Executive Director of the Oklahoma Medical Marijuana Authority on March 6, 2023, pursuant to authority provided by Title 63 O.S. § 420-430, in the offices of the Oklahoma Medical Marijuana Authority.

**14. Proposed effective date:**

The proposed effective date will be ten (10) days after publication of the final adopted rule in the Oklahoma Register in accordance with 75 O.S. § 304.

**15. Additional information:**

Information regarding this rule may be obtained by contacting Ashley Crall, Senior Policy Analyst and Legislative Liaison, Oklahoma Medical Marijuana Authority, 2501 N. Lincoln Blvd., OK 73105, 405-568-5766. Ashley.Crall@omma.ok.gov.

## EXHIBIT A

### RULE COMMENT SUMMARY AND RESPONSE

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

**Comment:** Do an audit on our money and where it went  
Sean Seaba

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:** Changing license fees to such a high price is just greed plain and simple, to many hands in the cookie jar, making it very hard for every grow out there, the fees will be so high there won't be a program anymore.  
Brian Sullivan

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

It's sickening that since cannabis has been voted on since sq788 all the politic parties have Done their best to ruin it. By adding more rules and regs and by lining pockets of out of state monopolies aka metrc etc... mean while they are screwing over the people that matter and that's oklahomans. 788 was passed not only to help heal with cannabis but to help small mom and pop owners thrive before big corps. I see slowly every day that the rules change in favor of back door meetings our politicians have and Sq questions getting passed without voting on it. Over all I'm sickened by how oklahoma politicians have tried to add more ways for them to get paid mean while step on the businesses making the taxes for them and adding new income to this oklahoma economy. I'd ask that they stop and pet the program thrive now. They got there metrc they got there bills passed its enough. Also to make licenses 20k to 50k a year is wild and sickening with taxes already and bills in place we don't make but 30% profit over all after taxes and overhead are paid. Meaning we make less than most businesses already in the state of Oklahoma. Why tax us and license cost us out of business. It's rude and bs. Now let's talk about patients rights. All these bills are being made up but non of them help patients thrive. I believe there should be a farmers market for patients to meet and trade meds. After all isn't 788 a bill for the people. Also I believe they should be able to pheno hunt and grow more meds as. The people who wrote these



new rules don't understand how growing cannabis works. How can they fund the right meds if they don't hunt for the right strains. Which means they need to pop more seeds than what we can. Also I believe if recreational does pass we need to tax rec and then untax medical. Why tax a medicine people use to fight cancer and to heal. It's gross our state thinks that's okay. Some of these people are fighting for their life then you want them to pay taxes on top that's wild. And out of line. Also metrc it's a monopoly that's ran out of state Why don't we make our own seed to sale tracking system and have the money stay in oklahoma. It's gross we out sauce when oklahomans could use the job. Now this all being said. Can you please go make rules and regs about alcohol and cigs. Because they kill more people in a week than cannabis will ever have dine in a life time of us living. So why over tax a plant. Why over regulate a plant the heals and doesn't kill. It seems like yall are over stepping. Also these omma agents and inspectors and all that needs to be looked at as they have no proper training in cannabis and or the field of work. Which makes problems for business owners. Imagine me trying to tell a lawyer how to practice law knowing I have no insight and or never been to school for it. I'd look silly. Same things applies to the agents and inspectors. You got Joe bill and Sally out here telling me how to do my job when in fact I've been doing it way longer than them. I feel likenalot of back door keeping happen and alot of politicians have been lining their pockets with back door deals to get stuff voted on and going. It's wrong and bs. Now I also wanna know where all the tax money has gone for the past 4 years of legal cannabis. I don't see our school getting better. But I do see alot of politicians getting raises wtf. If yall don't think we all see how corrupt this is you're wrong. Stop messing with a program that is working. It appears you're trying to ruin our good program by your back door deals and money hungry fingers. It's time yall stop writing bills and over regulating a plant that already grows from the ground. You're over stepping. Also packaging rules are outrages. We package cannabis worse than a Tylenol bottle. Even though you take to much Tylenol you can die. But you over ingest to much cannabis you either sleep good and or eat up the fridge. Again over reaching and over regulating is bs. Leave these bills alone.

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

I think we would all like to see more cooperation like this. It is very difficult to relay data to governments while they control the fate of our future, which is flirting with taxation without proper representation(if you factor in govt official emails not being answered despite spending hours to write emails professionally).

We would love to see more open discussions like this where govt is interactive with the mom and pops. It is very difficult to get our voices herd due to lack of resources, while corporations and organized crime are trying to pave the way with predatory legislation and disinformation to control cashflow as best as possible. This includes fake FB accounts spewing disinformation that the mom and pops are responsible for the flood of product

First we need to focus on removing the bad actors versus regulate the honest ones into inexistence. The "bad apples" (outside of predatory corporations trying to control cashflow) are tied to organized crime and have more resources at their fingertips to find loop holes. We need to stop the excessive regulation on the honest farms. This would be feasible if there was less negligence on the government side and they were quicker to shut down the bad apples.

Yes I am aware there are Chinese nationalists who are protected for years though very high up "pending federal investigations" so I understand how hands are tied. It doesn't mean we can not talk about it to seek solutions, before these people ruin it for the rest of us. Which is exactly what the corporate weed industry wants in my honest opinion (think about the cashflow long term and this is why Oklahoma program is under attack before we go federally legal)

Yes I am also aware the Chinese nationalists have fled now, but operations are still intact.

This needs to be addressed before the state is sued for negligence. Only slave labor can be responsible for someone flooding the market with 10 tons of product at \$100 a pound.

The mom and pops are suffering immensely because you cant compete with slave labor and people who purchase properties in every county with cash. How do we keep up with Chinese nationalists who pay cash for property and use borderline slave labor though HR1603 to circulate immigrants on farms every 85 days.

The immigrants are told if you get caught its free citizenship because the US doesn't extradite to a country where the citizen might get the death penalty. They are making a mockery of our system while destroying local economies.

We all have seen what the fed's are up to, so this is symmetrical to other nefarious agendas from federal entities trying to control cashflow. I suspect blackrock and vanguard are behind this because they have 10 trillion in assets and have the power to make these moves to control cashflow. Research the blackrock aladdin platform if you dont believe me, that is what is responsible for manipulation of the stockmarket.

Going to pause here and ill be back :)

PS this is not a I hate Asians\I hate govt post. Lets all work together because middle America needs to take a stand before its too late. If not soon, there will be no value left for future generations to prosper. If you're a middle American, this post is written for you, no matter what ethnicity you are. Time to try to disrupt some very greedy and evil entities that provide no/little value while extorting honest citizens into inexistence. Disinformation is how we got this far, so we are very excited to see some progress with interaction like this. We are begging yall to please keep this going! Good things can happen from this! God bless!

Geoffrey Mercer

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not

be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

HB 2179 license fee minimum of \$2500 is far too high for small operations. A much lower fee should be added for operations with less than 200 sq ft of growing space. SB 1737 sign requirements needs to be rewritten. The sign requirement reads as if it's geared toward large outdoor operations. Small operations inside leased commercial space and operations in mixed residential areas can't comply with the sign requirements because commercial signs aren't allowed to be erected in those areas. Language should be added that allows signs on the operations' building exteriors or on the exterior of the indoor growing space.

S H

**OMMA Evaluation:**

The requirement that medical marijuana commercial grower licensees post signage at the site of the commercial grow operation is set forth in state statute, specifically 63 O.S. § 427.21(C). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Pursuant to 442:10-1-3. "Limitations of licenses

All medical marijuana licenses and rights granted under Oklahoma law and this Chapter shall only be

valid in the State of Oklahoma, excluding any tribal trust or tribal restricted land or federal lands in the state,"

What is the validity of medical marijuana licenses on 18 million acres of Cherokee, Muscogee (Creek), Seminole, Choctaw, and Chickasaw Nations, as defined by treaties, unimpaired by Congress and federal law, 25 U.S.C. § 71, "no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March 3, 1871, shall be hereby invalidated or impaired."

In accordance with *Oklahoma v. Castro-Huerta*, 597 U.S. \_\_\_, "State jurisdiction may be preempted by federal law under ordinary principles of federal preemption." Implicating treaties, § 71 presents such federal preemption of OMMA authority to regulate marijuana or validate medical marijuana licenses on tribal restricted land.

"Tribal restricted land," defined: "any land or interests in land owned by any Indian tribe, title to which is held in trust by the United States, or is subject to a restriction against alienation under

laws of the United States." 25 USC § 3501(13)

Paul Tay

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

The temporary out of state licenses need to be extended beyond the 30 day mark. Right now temporary out of state licenses are only valid for 30 days. I have spent almost two thousand dollars just keeping my medical license up to date. Every month it's 104 dollars. It's just not fair and it needs to be extended to at least 60 days, if not 2 years like regular licenses. Thankyou for considering.

Patrick Dailey

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

I believe there should be a rule added to commercial cannabis flower sales have a minimum cost per pound- indoor outdoor light assist. To bring market sells back up through the state

Anonymous,

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Wow. What a good way to get ideas and not have to pay anyone! Are you all really so dense that you have to outsource getting your ideas to a public forum? Great job.

Anonymous,

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

No private courts.. if the licensee has violated the agreement of their licensure then revocation should occur. This can be determined in a similar fashion as health department inspections as marijuana is for human consumption.

Amanda

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

I want to object to the moratorium on grower licenses , I am a senior and want to do a small high quality grow operation . I see no benefit to limiting the number of growers or requiring me to wait 2 years ..I see abandoned grow operations all over oklahoma and grow operations expanding .I am a resident of oklahoma, have a omma card , i had a 30x50 buildibg constructed and have been getting things organized to start growing .

Billy Eugene Williams

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Great work!

C M Herford

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

I am against this rule change

Gabriel Ryan

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Everything seems to be working fine that way it is. This is just useless government bureaucracy trying to justify its continued existence at the expense of tax payers.

Jordan Wooley

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Didn't see a difference from how it is already to determine a negative impact so it should be fine.

Amanda morse

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:** All "rules" should be voted on by the public during election. We voted to pass a law, state government is now changing what we the people passed, as if we didn't understand what we passed.

Michael Pearson

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

This notification and the contents of this page are unclear as to what is actually changing. This announcement was terribly done as was the notifications provided to citizens.

Karl T

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

I am unsure if these proposed changes sufficiently cover the availability of medical marijuana testing results to the public. Asserting that Oklahoma has medical marijuana and failing to disclose the contents of the medicine indicates that we are simply a heavily-regulated recreational marijuana state. Why is Oklahoma so heavy-handed with seed-to-sale laws but failing to treat medical marijuana as it would any other medicine and disclosing the contents? I would like lab test results to be accessible to the public.

Ava Gates

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

First, The proposed rule changes constitute an apparent violation of both binding federal circuit court precedent and the rules of the Oklahoma Bar, and as such would be facially invalid in their entirety. The prevailing law of the tenth federal circuit court of appeals is abundantly clear that corporations may not proceed pro se in any kind of litigation, including litigation before an ALJ, without legal counsel whom is a member of the Oklahoma Bar in good standing - such that the rules as amended clearly constitute the unlawful and unlicensed practice of law given applicable federal stare decisis on point. See, e.g. Flora Constr. Co. v. Fireman's Fund Ins. Co., 307 F.2d 413, 414 (10th Cir. 1962); See Also Donovan v. Road Rangers Country Junction, Inc., 736 F.2d

1004, 1005 (5th Cir. 1984), Cf. Osborn v. Bank of United States, 22 U.S. (9 Wheat.) at 830 (1824). Therefore, the rules need contain a provision which explicitly requires that Dispensaries, Growers, etc. be represented by legal counsel in administrative proceedings in order to protect the corporate fourteenth amendment due process rights as secured by the United States Constitution.

Additionally, it should be required that a valid ICD-10 or DSM-V diagnostic code reflecting the patient's correct medical diagnosis should be supplied on the recommendation form as to ensure that medical marijuana is only prescribed/recommended to patients having a legitimate medical condition which is reasonably documented in the patient's medical record as to take a pro-active step to prevent the unlawful fraudulent prescribing / recommendation of a schedule I controlled substance by physicians in a manner that clearly violates the clearly established federal criminal law concerning the use of instruments of interstate commerce to effectively deal or conspire to deal in schedule I controlled substances unlawfully.

For the forgoing reasons of clearly established law, I therefore must respectfully dissent from the amendments as drafted.

Andrew Scott Fulkerson

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Limiting consumers to purchases in the state of Oklahoma adversely affects our ability to travel and obtain medications in states that recognize out of state medical marijuana licenses.

Limiting consumers/businesses with convictions (both violent and nonviolent) is a direct roadblock to those in recovery and trying to do right and obtain/provide medications to those who are doing their best to adjust to the free world, and definitely adversely affects their ability to obtain employment, housing, medications in addition to also struggling with the stigma of having criminal charges on their record.

Tiffany Burrington

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**



This is hard to understand and cross reference when comparing current and then proposed changes to law. Please in future have the old laws and rules printed and then the new changes either bolded or underlined in the document. That way its easy to compare all of them and understand the purposed changes. This needs to be accessible to every citizen at the lowest reading level majority in your state. Able to be understood by citizens without having to find/pay a legal representation to translate. I don't think this document serves to explain enough to the citizens for them to understand in am ACCESSIBLE language level.

Colette Lamont

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

How can I be sure of anything written in those documents? They are DESIGNED to be practically impossible to read, by people that need to hide or otherwise confuse stuff in contracts and such. I guess simple english would just show how corrupt the entire system is?? Why the need to obfuscate everything with babbling??

Dan polak

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Adding due process steps is a good idea for this. In the future please communicate ONLY the changes, rather than the entire document with changes included. This makes it quiet a scavenger hunt to locate what was done differently.

Cody Soden

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

**Comment:**

Could you provide details that don't require a law degree to understand?

James

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

When you guys force farmers to test every 15lbs for flower or 50lbs for fresh frozen going to concentrate you raise the price for the end consumer. To require a farm to test every 50lbs at \$250 per full panel would cost the average biomass farmer \$20,000-\$40,000 per acre just in testing alone, and is doing NOTHING to protect the end consumer. To require testing on material going to processing is very unnecessary due to ANY final product going to dispensaries requiring testing anyway. This would also make us the ONLY state to require this, example, in colorado, zero testing is required when going to a processor due to the obvious redundancy. You obviously don't understand how biomass farmers operate either. Let me explain.... As a solvent free processing company we use freshly frozen flowers straight from the field. We have less than a 48 hour window to harvest our flowers otherwise we do not achieve the quality our patients have grown accustomed to. To require testing before we are able to transfer to our lab would require us to install infrastructure and freezers in the middle of nowhere on our farm, that we already have at our lab. This rule of requiring testing from farm to processor is anti business and counter productive from a producer standpoint. If this rule stands it will single handedly put out most of the local small farmers who only produce biomass. Also, by limiting batch sizes you are encouraging ALL farms to under record the biomass going to processors to lower costs. So, in conclusion limiting batch sizes to 15lbs flower and 50lbs to processing, while requiring lab testing, does NOTHING to protect the final user while raising the cost for producers and ultimately the end consumer. Please give me a call so I can further explain how this single rule will only move more consumers and producers back to the black market. My number is (719)717-2459 I own and operate several businesses in Oklahoma and have consulted several cannabis businesses in Colorado and California. PLEASE use me as a reference on these kinds of absurd rules that only hurt producers and end consumers.

List of other rules that NEED changing to encourage people to continue to seek cannabis through legal channels and keep our local biomass farmers in business.

1. In METRC, field growers who plant 20,000-40,000 plants per acre, of the same variety, should not need to tag every plant, it's a HUGE waste of plastic and costs the farmer WAY more in labor to apply all the tags. We need to have a "field tag" that would be placed on the edge of the field that lists the, square feet, approximately how many plants in that area, and the genetic. Now when they harvest, they just enter in that one tag in METRC with the final weight and should be able to transfer that to the processor THAT DAY, without testing (that takes 5-7 days),

to ensure product freshness and operating efficiency. If a biomass farmer has to add \$10,000-\$20,000 in tags before they plant, \$5,000 in added labor, and an additional \$20,000-\$40,000 in lab tests before transfer after harvest, you have taken away ALL their potential profits on that acre and ultimately putting them ALL out of business.

2. We need to be able to plant whatever seeds we have access too. Cannabis seeds are legal under the federal Hemp Bill and genetic diversity is what allows producers to find new potential medicines for the patients. Restricting us to seeds that are only in METRC bottle necks genetic diversity and leads to more pathogens being spread.

3. We need another option other than METRC, no one likes them to begin with, and when a company has a monopoly with zero competition they can continue to be the same shitty company with little to no improvements to customer service. You guys open yourselves up to being sued, as well, by only allowing one company to operate in this space.

4. OMMA inspections do NOTHING to catch actual criminals in our industry. You need to redirect your funds to secret OMMA shoppers.

Cogan Petersen

**OMMA Evaluation:**

The requirement that harvest batches not exceed fifteen (15) pounds or fifty (50) pounds for any plant material to be sold to a licensed processor for the purposes of turning the plant material into concentrate is set forth in state statute, specifically 63 O.S. § 427.17(R). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

I do feel as a patient and card holder some of the products should be tested to even higher standards and should never be allowed to put to sale if it doesn't pass the testing. Meaning it can not go on shelf until it has passed the testing. I understand that would cause I huge delay, I have an idea for that. More testing facilities would have an increase in the job market. More jobs available and have them though the state so there is more job markets everywhere.

Venus Hendricks

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

**Comment:**

I feel the language of the rules as stated in State Question 788 would do nothing but help those who are currently being discriminated against solely due to their status as a Medical Marijuana card holder.

Tevin Rice

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

When will the state stop using the OMMA system to put dispensaries out of business? Not a good look, killing off small business, especially under a GOP administration.

Ron

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Placing more rules and regulations on legal businesses only sends more people back to the black market due to regulations ultimately raising prices while not raising quality of final product. We need to learn from the likes of Colorado and California where the black market is thriving due to MANY over regulatory hurdles the legal guys need to go through. Obviously the war on drugs is an abysmal failure much like Colorado and California as a whole. I would hope that OMMA and the state of Oklahoma, being more conservative, would learn that a fiscally conservative approach to regulating businesses is the best way to stimulate a market and ensure taxes are collected on a safe alternative medicine. To ensure the success of OMMA I would recommend less grower and processor inspections (2 per year) and a more directed approach to ensure MY tax dollars actually go to public safety. You can do this by using your field agents to secret shop at storefronts instead of driving all around the state to check on growers and producers. The grow and processor inspections will NEVER catch actual criminals only waste the time of the business owner already strapped for time and money. OMMA should be more about public safety and less about trying to "catch the bad guy". Statistically speaking black market cultivators who send product out of state very rarely have incidents of violence or public safety issues in the state of Oklahoma where they grow and produce. Most, if not all the crime around "bad players" in the legal marijuana system in Oklahoma happens in the other state or municipality the product gets

shipped to. So, my question is, why are we spending all this tax money on trying to send agents around to grows and producers when it ultimately leads to no arrests and doesn't protect anyone anymore than if they didn't do it. As a citizen in Oklahoma I say we look the other way on this issue, because the problem of the illegal drug goes to another state, while a lot of the money is being spent here in Oklahoma by the "bad players" on our local energy companies, restaurants, and contractors. I don't think it is Oklahoma's problem if marijuana ends up in Kansas or New York, let them deal with it with their resources, and allow us to use more of these tax dollars on our failing school system and underpaid teachers and law enforcement. We already have a system in place for criminals and I'd rather we give them more resources to catch actual criminals than OMMA wasting gas to drive out to the edges of the state to do "on site" visits to farms and processors. Focus on public safety and directing taxes to improving the lives of people in Oklahoma. Again, Please reach out to me by phone and I would be more than happy to go into actual stats for you to go off of when making new rules. (7190717-2459

Cogan Petersen

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Please

Billy

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

I think license should be good for 3 years.

Thomas Edward Herman

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

I am not sure what the rule change is. I am an out of state patient and it would be nice if a bill could be taken up to let out of state patients to have a 2 year license instead of one month. It would greatly increase revenue cause if people weren't worried about having to pay a 100.00 every 30 days they could spend more money and come more often.

Seth Reeder

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

442:10-7-3. Advertising; Line Item b(4) states that a business can not "represent that the use of marijuana has curative or therapeutic effects".

The jury is still out as to the curative nature of cannabis, although studies have shown THC to attack and kill cancer cells and effectively treat a long list of other illnesses. The issue here is the proposal to prohibit the use of the word "therapeutic".

The definition of therapeutic is "relating to the treatment of disease or disorders by remedial agents or methods" or "a treatment, therapy or drug".

The current marijuana program in the state of Oklahoma is a medical program. The customers are actually patients according to the state, and must obtain a physicians recommendation.

To say that businesses can't inform their patients as to the therapeutic nature of cannabis products is basically saying that OMMA and the state does not really view this as a medical program. In which case, people shouldn't be required to obtain a physicians recommendation in order to purchase marijuana. This may be what is needed for a recreational program. But this is a medical marijuana program and many of these people that we all refer to as patients, actually receive therapeutic benefits from the use of marijuana.

James Huff

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

**Comment:**

Renter should not be able to smoke MM in a non smoking rental. They can step outside or they can do gummies. It's the same as cigarette smoke.....fire hazard, smell, wall and ceiling yellowing, etc.

Donna Boatman

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

I just think y'all need to extend the temporary out of state card or make it cheaper.

Alysia Glover

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

I think medical license holders should have more then a two year period give us options for longer license even if it cost a little more, and also as a holder of the license I think we need a higher limit on how much marijuana can be in residence instead of 8oz maybe 16oz think of people who do grow smaller and only once a year making that last a whole year is hard...

Lauradda

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

We do not need additional rules it has been operating well. We do not need a judge revoking a license for a medicine. Let's get some laws/rules for your heart or blood pressure meds.

Joe Lovett

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

I believe you need to have more round tables and such before making changes. Yall let this go to crap by making it to easy to get started and now you wanna punish the small companys because the big out of state companies are destroying the econimy

jason burns

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

1. Marijuana on display. The law states that we may have up to 3 grams on the shelf for demonstration purposes of the product. However in legal definition the word may suggests an option. Thus making that not mandatory. So I would suggest that the wording be shall instead of may and make it an option in the verbiage if the licensee wants to display such product. Or take this rule out of the books. This rule in no way prevents theft or the spread of air born disease. If a thief wants to steal product then said person would do it regardless of the main product being kept on the shelf and handing them a sniffing container. This rule is in no way productive to the marijuana industry as a whole as it adds new rules for dispensaries to follow that are pointless and does not add any value to said businesses.

Joseph Witt

**OMMA Evaluation:**

63 O.S. § 421(E) allows dispensaries to display samples of its medical marijuana in separate display cases, jars or other containers and allowing medical marijuana patient licensees and caregiver licensees the ability to handle or smell the various samples as long as the sample medical marijuana is used for display purposes only and is not offered for retail sale. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**



In regards to Metrc. The said company has many issues that licensees must deal with. They seem to be constantly down working on the system as well as very slow periods with in working in Metrc. In addition I don't think that we should be paying fees for Metrc. We currently have to pay a monthly fee for a program that is not effective, has bad lag time and I think most of all horrible customer support for licensee's and OMMA. Most time when I have personally contacted Metrc they seem to want to pass me off to OMMA and vice versa. Metrc is in no way giving OMMA a good name in Oklahoma and around the United States. The Metrc system has done very little to nothing as far as training for dispensaries. The training they do have is not good. It is not easily understood and is difficult to track and understand. With all of this being said I personally think we should do away with this mandated company.

Joseph Witt

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

The testing and batch sizing requirements for processing should be improved. 50lb batches are way to small. 200-250lb seems way more reasonable. 1 lb of wet flower produces approx 11 grams of product. Also testing requiremntns for processing should be changed. its pointless to get a full panel on wet flower that is being sent to a processor when it gets another full panel test once the final product is made.

Trevor Smithson

**OMMA Evaluation:**

The requirement that harvest batches not exceed fifty (50) pounds for any plant material to be sold to a licensed processor for the purposes of turning the plant material into concentrate is set forth in state statute, specifically 63 O.S. § 427.17(R). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

---

**Comment:**

I am out of state and it would be amazing to have a period of longer than 30 days at. Discounted rate. I renew mine every month and will most months. That's my only suggestion and ask. Thanks so much

Carla Krueger

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Rules are made to be broken should rule with an iron fist

XP Moua

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

It sure would be nice if the rules could be written such that you need not be an attorney to figure it out what they say.

Scott Stuckey

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

My concern is that the last time I renewed, I did so somewhat early, just to get it out of the way since I don't like to cut it too close when paying bills or fees. I was really disappointed to find, when I got my new card that you had moved up the expiration date. I had paid for two years but, by renewing early, I lost about a month. Over time, my two-year renewals will cost me more than they should since I'm not really getting two years for my money. This should be just like a driver's license which does NOT move the expiration date but keeps it the same from renewal period to renewal period. I would hope that the rule changes would correct this.

Jesse Murphy

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Dear Dr. Rhoades, As industry leaders in cannabis and pathogen genomics, we have spent decades working with quantitative polymerase chain reaction (qPCR) and culture-based methods for the detection of microorganisms. We are experts in the field with over 40 patents related to PCR and DNA sequencing based methods for detecting microorganisms. Kevin McKernan, Chief Scientific Officer at Medicinal Genomics Corporation (MGC) managed the Research and Development team for the Human Genome Project at the Whitehead Institute of MIT. He has over 56,479 citations related to his work in this field. Our scientists recommend microbial testing specifications that will ensure that medical cannabis plant material and manufactured products are safe for patients. Due to concerns for public health, the Oklahoma Medical Marijuana Authority should consider modifying the required microbial testing rules to reflect ongoing efforts at AOAC International, ASTM International, the United States Pharmacopeia (USP), the Centers of Disease Control and Prevention (CDC), and the United States Food and Drug Administration (FDA) that are consistent with our findings at MGC.

The presence of microorganisms is common on plants, such as cannabis. One must be able to differentiate between harmless and/or beneficial microbes (bacteria, yeasts, and fungi) ubiquitous in nature and those that are human pathogens that have contaminated the cannabis plant material and/or manufactured products. Examples of pathogens that have caused human illness affiliated with cannabis use are Salmonella species, Shiga toxin producing E. coli (STEC), Aspergillus flavus, A. fumigatus, A. niger, and A. terreus [1-25].

Current required tests for microbial contamination in states that have medical cannabis programs vary among the states. Some states require different combinations of total count tests, such as Total Yeast & Mold (TYM); as well as the six human pathogens listed above with various action levels for each test and each cannabis product type. On the other hand, some states, such as California, Oregon, Montana, and Vermont only require tests for detecting the human pathogens Salmonella spp., STEC, Aspergillus flavus, A. fumigatus, A. niger, and A. terreus for inhalable products.

NOTE: Total count tests have action levels as colony forming units (cfu/g), which is the number of colonies that grow on the surface of an agar medium plate. Specific pathogen tests have an action level of “None detected per gram”.

TITLE 442. OKLAHOMA MEDICAL MARIJUANA AUTHORITY, CHAPTER 10.  
MEDICAL MARIJUANA REGULATIONS, SUBCHAPTER 8. LABORATORY TESTING,  
442:10-8-1. Testing

standards and thresholds, (i) Allowable thresholds., (1) Microbiological testing. Harvest batch samples and production batch samples shall be tested for microbial limits as set forth in Appendix A TESTING THRESHOLDS [NEW], MICROBIOLOGICAL TESTING [26] shows that for Medical Marijuana and Medical Marijuana Products, including medical marijuana

concentrates but not including rectal

administration products, vaginal administration products, pressurized metered dose inhaler products, and metered dose nasal spray products, the following required microbial tests and the Acceptable Limits Product to be Tested:

Substance Acceptable Limits Product to be Tested Shiga-Toxin producing E. coli (STEC)-Bacteria < 1 Colony forming Unit (CFU) per gram Salmonella species Bacteria < 1 Colony forming Unit (CFU) per gram

Aspergillus niger < 1 Colony forming Unit (CFU) per gram

Aspergillus fumigatus < 1 Colony forming Unit (CFU) per gram

Aspergillus terreus < 1 Colony forming Unit (CFU) per gram

Aspergillus flavus < 1 Colony forming Unit (CFU) per gram

Total Yeast/Mold <10<sup>4</sup> Colony forming Unit (CFU) per gram/mL

Our first recommendation is that the Total Yeast/Mold test must be removed, because these tests do not detect the presence of any human pathogens. The American Herbal Pharmacopoeia's Cannabis Inflorescence Cannabis spp. monograph [27] states that total microbial count tests with their corresponding action levels must never be used to pass or fail a cannabis sample. Any total count result does not provide any information on the presence of any pathogenic microorganisms in the cannabis sample, which may cause harm to patients. Moreover, there are 12 commercial pesticide products, where the primary ingredient is either a mold (11 strains from 5 genera) or a yeast (1 strain). We feel that the Total Yeast/Mold test action levels may cause cultivators to not use these harmless and biodegradable fungal-based pesticide agents and instead use toxic chemical pesticides, which will cause damage to human health and our environment.

We commend the Oklahoma Medical Marijuana Authority for requiring testing for the presence of the two bacterial and four fungal pathogens. The United States Pharmacopeia stated that "Many states with legalized cannabis markets now require that all cannabis goods intended for consumption by inhalation be tested for the four pathogenic Aspergillus species (A. flavus, A. fumigatus, A. niger, and A. terreus). When inhaled, all four of these species are known to cause a variety of immune lung disorders, ranging from asthma, allergic bronchopulmonary aspergillosis, and hypersensitivity pneumonitis to invasive and life-threatening systemic fungal infections in immunocompromised hosts." [28]

The number of states and territories that require microbial testing rules for inhaled cannabis products (flower, pre-rolls, etc) was 26 in 2019 [29] and 40 in 2022 [30]. A comparative analysis of the required microbial testing rules for all jurisdictions with legal cannabis programs in 2019 and in 2022 showed that the percentage of jurisdictions that require detection of the pathogens listed above and Total Yeast/Mold testing increased and decreased, respectively during this 3 year period (see the following table).

| Microorganism ('19) # (%)     | Microorganism ('22) # (%)      | % Change |
|-------------------------------|--------------------------------|----------|
| Salmonella species 22 (85%)   | Salmonella species 38 (95%)    | +10%     |
| STEC 4 (15%)                  | STEC 17 (43%)                  | +28%     |
| 4 Aspergillus species 8 (31%) | 4 Aspergillus species 23 (58%) | +27%     |
| Total Yeast/Mold 20 (77%)     | Total Yeast/Mold 25 (63%)      | -14%     |

Since other states and territories with legal cannabis programs are in the process of modifying or drafting their microbial testing rules and new states & territories will legalize medical cannabis in the future, we predict that the percentage of jurisdictions requiring the detection of microbial pathogens for cannabis products will continue to increase.

Our second recommendation: The allowable methods to detect the presence of the pathogens described above must be:

An AOAC Certified Performance Test Method (PTM) that has an enrichment step with a minimum of sixteen hours (16 hrs) of incubation.

The reasons for this recommendation are outlined below.

The AOAC Cannabis Analytical Science Program (CASP) is a forum, where the science of cannabis analysis can be discussed and cannabis standards and methods developed. To date, AOAC has released three (3) Standard Method Performance Requirements (SMPRs) for the six human pathogens that we have recommended for testing (see #1-3 below).

1. Detection of *Aspergillus* in Cannabis and Cannabis Products [https://www.aoac.org/wp-content/uploads/2019/10/SMPR-2019\\_001.pdf](https://www.aoac.org/wp-content/uploads/2019/10/SMPR-2019_001.pdf)
2. Detection of *Salmonella* species in Cannabis and Cannabis Products [https://www.aoac.org/wp-content/uploads/2020/07/SMPR-2020\\_002.pdf](https://www.aoac.org/wp-content/uploads/2020/07/SMPR-2020_002.pdf)
3. Detection of Shiga toxin-producing *Escherichia coli* in Cannabis and Cannabis Products [https://www.aoac.org/wp-content/uploads/2021/02/SMPR-2020\\_012.pdf](https://www.aoac.org/wp-content/uploads/2021/02/SMPR-2020_012.pdf)

Medicinal Genomics is a member of AOAC's CASP Microbial Contaminants Working Group.

The goal and objectives of this working group are to:

- Develop Standard Method Performance Requirements (SMPR) for cannabis and hemp
- Extend a Call for Methods for each of the completed SMPRs
- Form an Expert Review Panel to review candidate methods
- Deliver consensus-based validated Performance Test Methods (PTMs) & Final Action Official Methods for the cannabis industry

Medicinal Genomics has a single AOAC Certified qPCR PTM for the detection of the 4 *Aspergillus* species in one test and has a single AOAC Certified qPCR PTM for the detection of *Salmonella* spp. & STEC in one test. The sample types for the 4 *Aspergillus* species test are flower, infused products, oils & concentrates, and hemp. Moreover, the sample types for the Sal/STEC test are flowers, oils, chocolates, and hemp. Each of these two multiplex qPCR assays were validated by an independent 3rd party cannabis testing laboratory using the various cannabis sample types.

The primary advantage of using qPCR detection assays are that these molecular tests are designed to identify unique specific DNA sequences either shared by an entire "group" of bacteria, such as all *Salmonella* species or a specific genus and species, such as STEC or the 4 different pathogenic *Aspergillus* species. If the unique DNA sequences are present, then the qPCR test will detect it.

Therefore, a qPCR test is very specific, very sensitive, and possesses a rapid turnaround time (24-36 hours) vs. plating methods that are less specific, less sensitive, and has a very slow

turnaround time of days for colonies to form on a plate. Moreover, MGC has developed a method to remove the DNA from dead cells by using a DNA nuclease enzyme, incubation, & nuclease inactivation step before amplification to detect any DNA from live pathogens [31].

Moreover, there are several major disadvantages of using plating methods to detect species specific bacterial and fungal pathogens.

- Cannabinoids, which can represent up to 30% of a cannabis flower's weight, have been shown to have antibiotic activity. Antibiotics inhibit the growth of bacteria. Salmonella & STEC bacteria are very sensitive to antibiotics, which may lead to a false negative result using a plating system vs. a positive result using a qPCR method. [32-33]

- Concerning the four Aspergillus species pathogens, the USP stated "Detection of pathogenic Aspergillus species using culture F40based methods is very difficult, requiring a highly trained and experienced mycologist to correctly identify these pathogens by colony appearance and morphology, as there are many nonpathogenic species of Aspergillus that may be indistinguishable from those that are pathogenic [28].

- Plating methods cannot detect bacterial and fungal endophytes [34-35] that live a part or all of their life cycle inside a plant. Examples of endophytes are the Aspergillus pathogens. Methods to break open the plant cells to access these endophytes for plating methods also lyses these bacterial and mold cells (killing these cells in the process). Therefore, these endophytes will never form colonies, which will lead to a false negative result using a plating system vs. a positive result using a qPCR method.

- Selective media for mold plating methods, such as Dichloran Rose-Bengal Chloramphenicol (DRBC) reduces mold growth; especially Aspergillus by 5-fold. This may lead to a false negative result for this human pathogen. In other words, although DRBC medium is typically used to reduce bacteria; it comes at the cost of missing 5 fold more yeast and molds than Potato Dextrose Agar (PDA) + Chloramphenicol or molecular methods. These observations were derived from study results of the AOAC emergency response validation [36].

I thank you for your time and consideration. If you have any questions, please feel free to contact me.

Sherman Hom, PhD

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

I would like to see some language about distance to another dispensary added to the permanent rules. No closer than 1000 feet or even 2000 feet. The biggest complaint is how many dispensaries there are and how they are lined up one after another.

Kristi Perryman

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

No, no and NO to recreational Marijuana in OK. We don't need spaced out drivers, apathetic workers, late life health expenses, crime, or drop out stone heads. Alcohol causes enough problems why compound them?

Troy

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Everything is to improve the industry and prepare for the eventual Recreational industry which will hopefully happen on March 7, 2023.

Roger "Derby" Schafer

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

the license is a prescription from a Doctor. It should not be valid only in Oklahoma. It should be valid in any state with a reciprocal agreement. Guns are!!!

Craig Bowlinthe

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

My name is Holly Kahle, and I own and operate Blue River Cultivation. My only concern is the law requiring I put a sign at the entrance of my property. I'm a woman home alone frequently when my husband is gone doing landman work. I'm heavily armed and my property is equipped with 12 surveillance cameras, but I have to be honest... This terrifies me! I feel like it puts a target on me and makes it easy for the wrong type of people to easily identify and invade my property. Please don't make me do this. Please help protect me and my business.

Sincerely,  
Holly Kahle

Holly Kahle

**OMMA Evaluation:**

The requirement that medical marijuana commercial grower licensees post signage at the site of the commercial grow operation is set forth in state statute, specifically 63 O.S. § 427.21(C). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

The signage law for growers is absolutely unnecessary, and raising more concern for break-ins. Metrc is a fiasco and should be done away with or at the very least omma needs to have better communication with metrc to make business flow smoothly. There needs to be accountability within the agency for communication with business. Making a business wait 4+weeks for answers pertaining to business matters is unacceptable as we are dealing with a product with a shelf life.

Austin

**OMMA Evaluation:**

The requirement that medical marijuana commercial grower licensees post signage at the site of the commercial grow operation is set forth in state statute, specifically 63 O.S. § 427.21(C). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

1) I would like to see the rule change on where clones come from. There is no real reason that a mother plant is the only place a clone can come from... nor does it matter when the clone is taken



rather in vegetation or flowering. By having the flexibility to clone from your vegging/flowering plants saves the cultivator from maintaining mother plants and brings their cost down. To be tied down to the current rules cost the cultivator more time and funds. Please make this change...

2) When testing please change the rule to allow one test 15lbs or less for both flower and shake. If the shake came off the flower then the testing is the same and safe for the consumer. Just seems this would help the small grows on making a very small profit and not have to pay to have disposed of

Becky McKim

**OMMA Evaluation:**

The requirement that harvest batches not exceed fifteen (15) pounds is set forth in state statute, specifically 63 O.S. § 427.17(R). Changes to this requirement can only be made by the legislature. Current proposed permanent rules allow growers and processors to collect shake and trim from multiple harvest batches provided all harvest batches have passed all testing requirements under OAC 442:10-8-1(i). The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

The signage that growers are being forced to put on their properties is so incredibly dangerous. This leaves them open to being robbed or killed. Many people live on their property, or are alone a lot of the time, and this puts a huge target on them. When we apply for our license, we have to input the exact GPS coordinates of our property, this should be more than enough information the inspectors need to find us, if using apple or google maps is not sufficient. Any person who is hurt, robbed, or killed because of this law will be YOUR fault.

Liz Parham

**OMMA Evaluation:**

The requirement that medical marijuana commercial grower licensees post signage at the site of the commercial grow operation is set forth in state statute, specifically 63 O.S. § 427.21(C). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

The sign that has to be displayed outside of indoor commercial grows is dangerous. It brings attention to the business where it would otherwise be non-conspicuous to criminals looking to break in. I live by myself on the premises of the grow and even though I have all the safety measures in place, my best measure is anonymity. I live in a rural area where it would take a

while for responders to be there. If my inspectors know me and where I operate, this sign is not needed at all. Please take into consideration our safety. People do stupid things for drugs and money.

Maureen McCollum

**OMMA Evaluation:**

The requirement that medical marijuana commercial grower licensees post signage at the site of the commercial grow operation is set forth in state statute, specifically 63 O.S. § 427.21(C). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

These changes will be beneficial for clarification as well as updating the rules now in place.

Susan Martin Weaver

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

I will spend time reading all 99 pages later. However, having a sign is not a good idea and will actually get people killed. As a grower, my facility is a target for break ins. It just happened to another grow not long ago and people lost their lives. Putting a sign up is just saying please rob me in big bold letters. It makes no sense and is another added expense. I'm not sure if you realize, but the market is horrible and people are losing everything. It cost me more to grow a pound than I can get for it. Adding a bunch of stuff like signage hurts at this point. I see no reason why politicians care about a sign in front of my business. What purpose does it serve? Another issue I have is metrc has made it impossible to sell anything. I'm in duncan so I have to drive for hours to visit all the small towns and show them product. If they want to buy, I have to come back the next day with manifests and have my GPS that track me. So every sell takes 2 trips at a minimum and when you have to drive hours to get there it's a huge added expense in gas and time. We need a way to go out and show our product and sell it on the spot. I actually like metrc however this aspect has put an undo burden on growers who are already shouldering the blunt of the market collapse. We also have to deal with counties like Stephens County who are charging us thousands annually just to do business. It's like everyone thinks we are all making millions when so many are losing everything. More useless regs that keep adding expenses is killing us right now. Please understand that and do something that will help us like get all the nonsense testing numbers. We are not growing 40% flower here. It's impossible so I

don't understand how the shelves are filled with it. Then a grower like me who doesn't pay to pay with labs has a hard time selling real flower with real numbers. It hurts the patients in the long run as they don't know what they are buying. Thank you for your time and please reach out to me if you need anything clarified.

David Finch

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

---

**Comment:**

Waiting on a process of what the hell Waiting on a process it is slow

Anonymous

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Oklahoma should consider rules pertaining to Apartment Complex's Oklahoma has thousands upon thousands of Senior Citizens living at Apartment Complex's, I have nothing against pot but the smell of pot is disgusting, when your neighbors open their front door the smell of pot rushes out of their apartment or tenants setting out on apartment complex patios along with areas for families grilling out pot smokers use, when grandparents have grandchild visiting neighbor opens his/her door, grandchild ask what's that smell, the state of Oklahoma needs better regulations at apartment complexes, state of Oklahoma should require apartment complexes have commercial exhaust system in each apartment if the apartment complex allows pot smoking on premises, this is so simple to regulate federal law doesn't recognize state legally pot smoking, when tenants rents are subsidized in any portion by federal government the owners or management company's has the right not to allow pot smoking inside or outside the apartment units, something needs done "smokers of pot " doesn't effect the health of others especially senior citizens

David Dean Musk

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

442:10-1-6. Proof of residency

a.1 – An Oklahoma issued driver’s license. For proof of residency OMMA rules require 2-year proof – I have renewed by OK Driver’s license twice in four years and OMMA doesn’t accept that as proof because the date issued shows a current date and not that the license is a renewal. For a renewal license the OK Driver’s license should be sufficient regardless of the date issued. Real ID? Does the card need to be current? Section 442:10-5-3.1 requires an unexpired Oklahoma issued driver license or Real ID.

442:10-2-1. Application for Patient License.

(c)4.E.i. Define “bona fide” physician patient relationship.

(c)4.E.iii. Define accepted standards a reasonable and prudent physician...Don’t refer to other OAC rules if the rules don’t define or provide support to this statement.

(e) ... opportunity to submit the license application and payment by means other than solely online and in a manner approved by the authority. Clarify how the disabled veteran will pay other than online.

442:10-2-2. Application for patient license for persons under age eighteen.

(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 medical necessary. Is it the job of the Dispensary to regulate this? How does patient’s caregiver by bud/flower to make into concentrate/extract if they cannot buy flower?

442:10-2-3. Application for caregiver’s license

(b) The application form does not allow for two caregivers for a minor. Modify application one for adult and one for minors.

442:10-2-7. Medical Marijuana license verification.

The authority will make available on its website and via telephone a system by which authenticity and validity of medical marijuana patient and caregiver license may be verified. Is this a change from shall verify to may? Need to know if the license must be verified prior to each purchase.

442:10-3-6. Inventory Manifestation

Where in the rules do I find the “Route Traveled” requirement. I am in constant odds with transporters whose manifest identifies the route as determined by transporter.

(2) What form/documentation is needed for refusal to accept a delivery?

Why is Subchapter 4 Research Facilities prior to Subchapter 5 Medical Marijuana Businesses>

442:10-5-2. Licenses

(C)Renewal of license

(2) Before renewing a license, the Authority may require further information and documentation

and may require additional background information...When will applicant be notified of the type of additional information or other background information? How will OMMA know when a new certificate of compliance is required as it relates to “other change that would require additional inspection?

442:10-5-3 Applications (is this section for new applications? If so, maybe label as new.

(b) Submissions - ...no earlier than 60 days from the date that the state question is approved. State Question 788 was approved in summer of 2018. Should this sentence be rewritten?

(c) Individual applicant. 6, 7, 8 and 9. OMMA have form or recommended language for the attestations and statements?

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

(a) Monthly reports. OMMA sent emails that METRC reporting would be sufficient for reporting. Why is this section included? See (4) in this section....this negates the previous 1-3. Double check (4) wording.

(b) Records. Paper or electronic form – Inspectors are saying all testing must be printed – Can records be saved electronically? Is it necessary to keep 7 years of COAs – what is the purpose of keeping COAs for this length of time? What are patient processing logs?

(c) Patient Information: What are relevant state and federal laws? Dispensaries do not collect private patient information such as address, social security number, phone number, email address and financial information. Why is this even mentioned as part of the collection of information. T

Red Bud Dispensary

**OMMA Evaluation:**

In changes to OAC 442:10-5-6(b)(3)(A) in the proposed permanent rules, the Authority clarified specific patient transaction information required to be maintained by a dispensary. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Would also like to see legislation requiring growers and dispensaries to notify adjacent property owners by certified letter of their business Also would like to see legislation prohibiting growers and dispensaries to be within 2,500 feet of neighboring residential property

John Dowling

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Many people are under the assumption that these rules went into affect on Nov 1, 2022. If that's the case then why even have this comment period?

Under section 442:10-3-3 for Transport Agents, renewal only states it should be done prior to expiration. This should give more exact time frame such as 60-30 days before expiration. Section 442:10-3-6 about Manifests, 1)c)says to include the batch number, however; Metrc says the source package is sufficient since their manifests don't include batch numbers. Is that correct? Also under this same section letter F), why do manifests need to be retained 7 years when those are in Metrc?

Under section 442:10-5-2 for licenses, C)1) states renewals should be done prior to expiration but should say can be submitted 60 days prior to expiration.

Section 442:10-5-6 letter F) states inventory should be reconciled every day. This is not feasible for large commercial operations. Weekly or monthly reconciliation would be more feasible but really this should be left up to each individual business with possibly a best practice recommendation. Number 2 in this section mentions RFID tags but doesn't say whether or not they can be destroyed. Can used RFID tags that are no longer attached to medical marijuana be destroyed?

Under Food Safety section 442:10-5-8, letter D) doesn't include new wording "For licensed medical marijuana patients only."

Section 442:10-5-16 letter J) doesn't make sense. Growers can posses medical marijuana products including, clones, seeds, veg, flowering plants and harvested buds along with keif and pre-rolls.

Section 442:10-7-1 letter B) allows for returns, however; transfers are not permitted in Metrc from dispensary to processor or grower any longer. This function was available but the state told Metrc all sales are final and this option was removed. Yet here it states in the rules that returns are allow, so which is it?

Section 442:10-8-1 under testing letter H) why are copies of testing needed when this information is in Metrc? Why do tests need to be kept onsite for 7 years when it's all in Metrc? It would make more sense if you have number 8 first and then say testing outside of metrc is required to be maintained for 7 years.

Brie Truett

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Shit down omma period.....

Anthony

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Your making Rules that are not put to the public to Vote ON!!! SO YOUR A DICTATORSHIP THEN!!!!!! YOU ARE NOTHING BUT THIEVES OF A WORKUNG PERSON!!!! YOU ARE GARBAGE ON TO THE VOTER FOR NOT REVIELING THAT YOU HAVE TO BRING IN 550 MILLION BEGORE YOU PAYOUT FOR WHAT WE VOTED ON!!!! YOU KNEW YOU WOULD NEVER MAKE THAT MUCH!!!!!! SCUMBAGS!!!!!!!!!!!!!! ON TOP OF SCUMBAGS!!!!!!

Steve

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

1. OAC 442:10-1-4 I would like to see the definition of "clone" include a specific size limitation. As the definitions stand, when can one call the clone an immature plant?

"Dispensary" or "Commercial Dispensary" definition. Dispensaries are packaging bulk concentrates from processors. Could this rule be clarified to state that it is or is not allowed?

2. OAC 442:10-8-1(h)(4) In my opinion, vape cartridges should be included in final form heavy metals testing as the cartridges themselves can contain heavy metals. For example, if a processor sells/transfers distillate to processor B that passes testing for all required analytes including metals, processor B does not have to test for heavy metals (or solvents) in the final form cartridge.

3. OAC 442:10-7-1(e)(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" I would like to see white labeling addressed either here or in the definitions. Some processors (Processor A) are having other processors (Processor B) package the products made by the original processor (A) or made on behalf of processor A, with processor A's information on them. I would like to see a requirement of "packaged by/produced by: Name, license #, address,

On behalf of: Name, license #, address." If there is an issue with white labeling, perhaps the rules could clarify that as well.

Thank you for your time.

Taylor Mills

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

PLEASE—The signage requirement for grows needs to be eliminated for the safety of the business owners and others around the property. OMMA, OBNDD, DEQ, Department of Agriculture, and Law Enforcement ALL have access to the physical address, GPS coordinates, and all contact information through our licenses. As ALL of the listed agencies have safety as their priorities, we need to feel safe, too, and not have unnecessary exposure for violence and crime. The list of fines—do we get an opportunity to correct the item before a fine is assessed or are they automatic? With the inconsistent regulation information we receive, and no specific examples or business trainings, there will be LOTS of us businesses with, for example, “record keeping violations” that we are totally unaware of or cannot get fixed because we are pointed in different directions to “be compliant”. Need to add the requirement of an OMMA Advisory Board consisting of licensed business people and patients in the industry that represent ALL—not just the big corporations—to meet on a monthly basis to rationally solve issues that affect the industry.

Lynn Hughes

**OMMA Evaluation:**

The requirement that medical marijuana commercial grower licensees post signage at the site of the commercial grow operation is set forth in state statute, specifically 63 O.S. § 427.21(C). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment. Regarding fines, this comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

The proposed fines for simple violations is repulsive. The wording is vague. Is a "record keeping violation" of a misspelled word still a \$500 fine? There needs to be clarification on what is considered for these fines. For example, a typo on a label for small business owner such as



myself should not be considered a \$1,000 fine? Is OMMA trying to do away with the small business owners? This vagueness can be taken advantage of and leaves room for interpretation that is not up to regulatory official standards. I appreciate & depend on all the work OMMA does to keep the industry safe for the patients (weaning out the bad players), but these fines are ridiculous. This is coming from a former Tulsa County employee that did inspections and regulatory work for the Health Department (including licensing dispensaries). I understand where the agency is coming from. Please add definitions on exactly what "labeling violations" are to deem a \$500 fine. This is an example, please add definitions for all, like "record keeping violations". Are these fines put into place after one offense? Two offenses? Three offenses? The regulatory document should not include grey areas up for personal interpretation.

TAYLOR LUNSFORD

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Fees are way too excessive. Especially when the origination it's self is not managing their side well

Michelle

**OMMA Evaluation:**

Disciplinary actions imposed upon a medical marijuana business licensee by the OMMA are set forth in state statute, specifically 63 O.S. § 427.6. Changes to this requirement can only be made by the legislature. Otherwise, this comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

The requirement for signage for grow licensees must be limited to outdoor grows. This rule is putting indoor growers staff and products at unnecessary risk of violence and theft. The address is already clearly on these buildings, so inspectors should have no trouble in locating the business. I agree with the requirement on outdoor locations as they cannot be easily identified from the road.

John Doe

**OMMA Evaluation:**

The requirement that medical marijuana commercial grower licensees post signage at the site of

the commercial grow operation is set forth in state statute, specifically 63 O.S. § 427.21(C). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

\$500 fines for simple recordkeeping issues are not acceptable nor remotely fair. While we understand fines, and support fines, suspensions, etc for diversion and serious offenses, a \$500 fine for a missing title, or license plate #, or signature, is beyond what is fair. What are the fines for Alcohol licensee violations - this industry should be similar, but certainly not worse.

Jane Doe

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

We as growers need a meeting with the director to have an open forum to discuss everything going on not just these changes. The omma needs to understand it's putting true Oklahoma business owners out of business with all the rules they have in place and the new ones. Don't get me wrong not all are bad. But all the testing like you have to test every 15lbs. Do you realize how much that costs us smaller guys that run a room of 500 plants? It's a lot we as growers would like to have are voices heard not only by you but by our Governor.

Donnie

**OMMA Evaluation:**

The requirement that harvest batches not exceed fifteen (15) pounds is set forth in state statute, specifically 63 O.S. § 427.17(R). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

What patients want to see or change:

Indication of card mailed date

Quick turn around/ Immediate approval for specified diagnosis

Ability to purchase at renewal with submission email.

Ability to purchase at approval with approval email (new patients)

Mandatory follow ups to be enforced.

For the OMMA to able to white out backgrounds to create compliant photo.

Option to mail MMJ card to a business

Grace period of 30 days vs cancellation to schedule appt for follow up care with an mmj certified MMJ physician.

What businesses want to see or change:

Check box for company to speak on behalf of patient

Indication of card mailed date

USPS verification during application process

List of current companies or organization providing low cost rso for the cancer regimen to refer patients to

One point of contact for a business that handles all incoming applications from said business

Progress icon to indicate what stage the application is in the approval process

**MANDATORY FOLLOW UPS TO BE ENFORCED**

Addition of requiring social security numbers for purposes billing follow up care

Option to mail MMJ card to a business

Quick turnaround/ Immediate Approval for specified diagnosis

**CHRONIC CARDZ WITH DIVERSITY HEALTH AND WELLNESS**

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

I would like to see a rule that bans the use of plant growth regulators. Plant growth regulators are known to cause health issues and are banned from being used in growing food, should also be banned in growing medicine. Washington already has a law about this, and I have copied and pasted below. Listed in the law are the PGR (plant growth regulator) names.

WAC 314-55-084 Cannabis plant production. (1) Only the following specified soil amendments, fertilizers, other crop production aids, and pesticides may be used in the production of cannabis:

(a) Pesticides registered by WSDA under chapter 15.58 RCW as allowed for use in the production, processing, and handling of cannabis. Pesticides must be used consistent with the label requirements.

(b) Commercial fertilizers registered by WSDA under chapter 15.54 RCW.

(c) Potting soil, crop production aids, soil amendments, and other growing media available commercially in the state of Washington may be used in cannabis production. Producers growing outdoors are not required to meet land eligibility requirements outlined in 7 C.F.R. Part 205.202.

- (2) Examples of prohibited products:
- (a) The use of products containing plant growth regulators not allowed for use on food crops including, but not limited to, any of the following ingredients, is prohibited:
    - (i) Ancymidol;
    - (ii) Chlormequat chloride;
    - (iii) Clofencet;
    - (iv) Colchicine;
    - (v) Colloidal silver;
    - (vi) Daminozide;
    - (vii) Dikegulac-sodium;
    - (viii) Flumetralin;
    - (ix) Flurprimidol; and
    - (x) Paclobutrazol.
  - (b) The use of vitamin-hormone products not intended for use on food crops is prohibited.
  - (c) The use of products containing the insecticide DDVP (Dichlorvos) is prohibited in all areas where cannabis is being grown or processed.
- (3) Soil amendments, fertilizers, growing media, other crop production aids, and pesticides that do not conform to subsections (1) and (2) of this section cannot be used, kept, or stored on the licensed premises.
- (4) The following cannabis and cannabis products are subject to seizure and destruction:
- (a) Cannabis exposed to unauthorized soil amendments or fertilizers; and
  - (b) Cannabis with levels of unauthorized pesticides or plant growth regulators as provided in WAC 314-55-108.

Nicole Lloyd

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

these rules are one completley ambiguous how dare the "authority" construct such obscure and conflicting rules that directly correspond with a fines schedule. these are peoples lives their businesses, as you and the labs make millions and millions of those millions are sent to METRC Oklahomans are suffering. Small business and the patients alike are being crushed by your incompetence. The labs have no standard opertating proceedures and Metrc is competley disfunctional. I can go on and on, but i want to simply put it into a sentence and thats you the "authority" have completley robbed the Oklahomans who voted for this of every promise you have made.

Keith C. Malley

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Thank you for giving us this opportunity to comment. I am a medical cannabis user and I read the proposed rules. For the most part, I very much agree with all of it. However, I would like to suggest some additions to

Subchapter 7 Packaging, Labeling, and Advertising 442:10-7-1 (5) Packages should not contain any deceptive, false, or misleading statements. (B) Any indication that the medical product is "pesticide free" unless it was grown, harvested, processed, and dispensed without any pesticide.

I have spent the last two and a half years using my card at numerous dispensaries and never have I seen packaging that was labeled "pesticide free". I didn't know people were spraying pesticides on my medicine because it's not on the packaging. After being an every day user, I began to feel ill every day. I linked the ill feeling to pesticides, specifically the "organic" pesticide Neem Oil, it affects people with autoimmune disease. That's me! All the dispensaries I went to couldn't tell me what was or wasn't sprayed on the products I was buying. I thought I wasn't going to be able to use cannabis as my medicine any more.

Luckily I found one dispensary in Stillwater called BRIXX Cultivation that can, in fact, guarantee me that they aren't spraying anything in their grow house with pesticides. I currently drive two hours round trip to pick up my medicine. We shouldn't be inhaling or consuming pesticides along with our medicine and foods.

I'm asking the OMMA to consider making it a rule that:

- 1) medical product can't be sprayed with pesticides.
- 2) If it is sprayed, all pesticide product used has to be written on the packaging for the consumer to see.

Paige Mullins

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

J

Jenifer Wendland

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

The fines are way too high and seem to be aimed at running small businesses out of business for errors with paperwork or being being on metric computer work rather than doing anything about the 2k foreign cartel owned businesses. I served my country honorably in the military and paid a lot of money to set up a legal business to be bombarded with regulations and treated like a criminal by the government. \$500 should be \$0.50 we provide omma with plenty of money via industry sales tax. This is out of control government being predatory to small business owners. This is Tyranny! Flat out shame on anyone wanting to hurt small businesses owners who are trying to comply in an over regulated industry. Ppl put their life savings into trying to create the small business of their dreams. Trying to fine hard working small business owners to death is an absolute abuse of power crushing the American dream for so many ppl. I appreciate you dropping 2 zeros off of every number on the proposed fines that is out of control government it is not your job to fine ppl out of business before they can get off the ground. Thank you and Good day I pray you choose freedom over Tyranny!

Karl Brown

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

I believe that the testing of all products that are sold to patients are of the upmost importance. I also believe that there are testing laws in place that hurt business' trying to stay compliant. If a business owns a grow license and a processing license the testing laws that are currently emplace, require marijuana to be tested prior to the transfer of licenses regardless if they are under the same roof. This is a huge increase in testing cost and a redundant step if that marijuana is going to be processed into a concentrate. I would like to see a change to allow a vertically integrated companies to not be penalized for growing there own biomass.

Parker Jones

**OMMA Evaluation:**

Testing requirements for harvest or production batches are set forth in state statute, specifically

63 O.S. § 427.17. Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

SUMMARY OF COMMENTS

- Exit Package
- Concentrate Processed on Behalf of Patient
- Concentrates Possessed by Growers
- Remediation Definition
- THC Definition
- Operation of Extraction Equipment by Patient or Caregiver

Exit Package

Proposed Language 442:10-7-1(d)(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 other transfer to a patient, a patient's parent or legal guardian if patient is a minor, or a caregiver.

Recommended Language:

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 other transfer to a patient, a patient's parent or legal guardian if patient is a minor, or a caregiver. If the medical marijuana and medical marijuana product is already contained in an opaque and child-resistant container, it does not need to be placed into an exit package.

Reasoning:

Most products in the marketplace are already placed in opaque and child-resistant containers by the business that produced the product. This drives responsible sales practices, as clear packaging leads to accidental ingestion by minors. Additionally, exit packages are costly to both businesses and patients and, if required for all products, would drastically raise prices for all patients, thereby limiting product access. Lastly, it was the intent of the legislation only to require exit packages when products are sold in clear containers at the point of sale. Therefore, if product is already contained in a child-resistant and opaque container, it would be redundant and monetarily, and environmentally wasteful if required to be placed in an exit package.

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Concentrate Processed on Behalf of Patient

Proposed Language 442:10-5-5(f):

Concentrate processed directly on behalf of a patient or caregiver pursuant to this section is not subject to the testing requirements set forth in 63 O.S. § 427.17 and these Rules. However, a

patient or caregiver may submit any medical marijuana and medical marijuana products to a licensed laboratory for testing pursuant to 63 O.S. § 427.17(J).

**Recommended Language:**

Concentrate processed directly on behalf of a patient or caregiver pursuant to this section is not subject to the testing requirements set forth in 63 O.S. § 427.17 and these Rules. However, a patient or caregiver may submit any medical marijuana and medical marijuana products for purposes of quality verification to a licensed laboratory for testing pursuant to 63 O.S. § 427.17(J).

**Reasoning:**

One of the core pillars of any regulated cannabis market is analytical testing to ensure product safety. Given the sensitive nature of concentrate production, production deviations or other mistakes can lead to concentrates with unsafe levels of solvents and/or microbial contamination that is unfit for human consumption. Additionally, many patients are immunocompromised, requiring products to undergo strict quality standards. Allowing concentrates processed on behalf of medical patients not to undergo testing is an unconscionable loophole that will harm public health and safety.

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**Concentrates Possessed by Growers**

**Proposed Language 442:10-8-1(d)(1):**

Growers shall not sell or otherwise transfer any medical marijuana from any medical marijuana harvest batch until samples of the harvest batch have passed all tests in accordance with this Subchapter, except that growers may sell or otherwise transfer harvest batches that have failed testing to processors for decontamination or remediation in accordance with OAC 442:10-8-1(1)(2). Growers may only transfer medical marijuana from harvest batches to processors for decontamination or remediation prior to testing, so long as remediated and decontaminated medical marijuana is returned to the originating licensed commercial grower and successfully passes all tests in accordance with this Subchapter prior to transfer or sale. Remediated and decontaminated medical marijuana may only be returned to the originating license commercial grower.

**Recommended Language:**

Growers shall not sell or otherwise transfer any medical marijuana from any medical marijuana harvest batch until samples of the harvest batch have passed all tests in accordance with this Subchapter, except that growers may sell or otherwise transfer harvest batches that have failed testing to processors for decontamination or remediation in accordance with OAC 442:10-8-1(1)(2). Growers may only transfer medical marijuana from harvest batches to processors for decontamination or remediation prior to testing, so long as remediated and decontaminated medical marijuana is returned to the originating licensed commercial grower and successfully passes all tests in accordance with this Subchapter prior to transfer or sale. Remediated and decontaminated medical marijuana may only be returned to the originating license commercial grower.

**Reasoning:**

There are two unintended consequences of the proposed rule. (1) The state not clearly defining



“remediation” to reflect its function and (2) creating a loophole that would allow growers to possess concentrates (also known as remediated harvest batches), thereby gaining an unfair market advantage over processing businesses.

OMMA currently defines remediation as “the process by which a harvest batch or production batch that fails testing undergoes a procedure to remedy the harvest batch or production batch failure and is retested in accordance with Oklahoma law and these Rules”. The major flaw in this definition is not identifying that the product will change form when remediated, as opposed to “decontamination”, when dangerous substances are removed, but the product does not change form. Many preexisting legal cannabis markets define “remediation” as:

“The process of neutralization or removal of dangerous substances or other contaminants from regulated marijuana while changing the product type of the regulated marijuana.”

One of the only examples of remediation in the cannabis industry is taking a contaminated harvest batch and conducting a solvent-based extraction to create a concentrate. The solvent-based process destroys contaminants and changes the raw material into a concentrated product.

It was the original intention of Oklahoma’s medical cannabis program to create a responsible supply chain to meet patient needs, while ensuring success for businesses. By virtue of remediation changing raw material (harvest batches) into a concentrate, OMMA’s proposed rule would create an avenue or loophole to allow cultivations to possess and sell concentrate. Growers are supposed to cultivate and transfer raw marijuana material to a processor and/or dispensary. Processors are supposed to extract raw material from growers and/or create concentrates and other infused products to be sold to dispensaries. These avenues create clear supply chain expectations and an equal playing field to ensure operational success. Allowing growers to possess concentrates created through remediation creates an unfair market advantage for growers and places processors at a competitive disadvantage.

#### Remediation Definition

Proposed Language 442:10-1-4

"Remediation" means the process by which a harvest batch or production batch that fails testing undergoes a procedure to remedy the harvest batch or production batch failure and is retested in accordance with Oklahoma law and these Rules.

#### Recommended Language:

"Remediation" means the process by which the medical marijuana flower or trim, which has failed microbial testing, a harvest batch or production batch that fails testing is processed into solvent-based medical marijuana concentrate undergoes a procedure to remedy the removal of dangerous substances or other contaminants from the harvest batch or production batch failure while changing the product type and is retested in accordance with Oklahoma law and these Rules.

#### Reasoning:

“Remedy” is too broad and not reflective of remediation. When remediation occurs, the product changes. “Decontamination” is the act of removing contaminants. “Remediation” removes the contaminants and formulates a different product. For example, if a harvest batch fails microbial

testing, it is remediated by turning the raw material into a solvent-based concentrate. Therefore, the proposed definition (standardized in preexisting legal marijuana markets) is more accurate than the current definition.

#### THC Definition

Proposed Language 442:10-1-4

"THC" means tetrahydrocannabinol, which is the primary psychotropic cannabinoid formed by decarboxylation of naturally occurring tetrahydrocannabinolic acid, which generally occurs by exposure to heat.

#### Recommended Language:

"THC" means tetrahydrocannabinol., which is the primary psychotropic cannabinoid formed by decarboxylation of naturally occurring tetrahydrocannabinolic acid, which generally occurs by exposure to heat.

“Total THC” means the following:

The sum of the percentage by weight of Delta-9-tetrahydrocannabinolic acid (D9-THCA) multiplied by 0.877,

Plus the percentage by weight of Delta-8-tetrahydrocannabinol (D8-THC),

Plus the percentage by weight of Delta-9-tetrahydrocannabinol (D9-THC),

Plus the percentage by weight of Exo-tetrahydrocannabinol (Exo-THC),

Plus the percentage by weight of Delta-10-tetrahydrocannabinol (D10-THC).

i.e. Total THC = (% D9-THCA \* 0.877) + % D8-THC + % D9-THC + % Exo-THC + % D10-THC.

#### Reasoning:

OMMA’s current definition lacks accurate scientific content relevant to THC. Our proposed definition includes Colorado’s definition of “Total THC” which must accompany “THC” so licensees throughout the supply chain can better understand THC and ensure regulatory compliance and consistent enforcement. Additionally, the usage of hemp-derived intoxicating cannabinoids such as Delta-8, Delta-10, and Exo-tetrahydrocannabinol that bypass the regulated market and enters infused products is a grave public health concern due to the usage of unapproved solvents and residual chemicals that are not currently tested licensed marijuana laboratories. By barring the usage of hemp-derived intoxicating cannabinoids, motoring intoxicating cannabinoids in concentrates, and other infused products through potency testing, such dangerous products can be flagged and removed from the market to preserve public health.

#### Operation of Extraction Equipment by Patient or Caregiver

Proposed Language 442:10-2-9(f)

No licensed patient or caregiver shall operate or otherwise use any extraction equipment or processes utilizing butane, propane, carbon dioxide or any potentially hazardous material in or on residential property.

#### Recommended Language:

No licensed patient or caregiver shall operate or otherwise use any extraction equipment, including but not limited to closed-loop extraction systems, pressure systems, or processes utilizing butane, propane, carbon dioxide or any potentially hazardous material in or on residential property, unless in possession of a processor license issued by the Authority and

extracted in accordance with OAC 442:10-5-9.

**Reasoning:**

OMMA’s proposed language lacks the proper description to meet the goal of the policy, which is to prevent unlawful extraction operations outside a processor’s licensed premises. The major flaw in the policy is limiting the prohibition to only residential property. Our proposed language offers further support by including examples of commercial extraction equipment and extends the prohibition to all properties unless OMMA licenses the person and such operations are in accordance with rule.

Kevin Gallagher

**OMMA Evaluation:**

The requirement that any medical marijuana, medical marijuana concentrate, or medical marijuana product be placed into an exit package at the point of sale and transfer to a licensed medical marijuana patient or caregiver is set forth in state statute, specifically 63 O.S. § 427.18(B)(7). Exit package is defined in state statute 63 O.S. § 427.2(16). Changes to this requirement can only be made by the legislature. The Authority will be making changes to provide clarity regarding decontamination in response to this comment. The definition of “decontamination” in **OAC 442:10-4-1** has been adjusted to mean “a type of remediation process that attempts to remove or reduce to an acceptable level a contaminant exceeding an allowable threshold set forth in these Rules in a harvest batch, provided it is not processed into a solvent-based concentrate” Adjustments to **OAC 442:10-8-1(d)(1)** clarify that decontaminated medical marijuana may be returned to the originating licensed commercial grower if it is not processed into a solvent-based concentrate.

**Change:**

To promote clarity regarding decontamination, the definition of “decontamination” in **OAC 442:10-4-1** has been adjusted to mean “a type of remediation process that attempts to remove or reduce to an acceptable level a contaminant exceeding an allowable threshold set forth in these Rules in a harvest batch, provided it is not processed into a solvent-based concentrate. Adjustments to **OAC 442:10-8-1(d)(1)** clarify that decontaminated medical marijuana may be returned to the originating licensed commercial grower if it is not processed into a solvent-based concentrate.

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**Comment:**

I drafted the marijuana receivership statute.

Rule 10-10-2 limits the validity of the Receiver’s Certificate of Authority to only 60 days, so reapplication would be required by a Receiver every 60 days.

That is far too short a time period. Nothing much happens in 60 days in receivership litigation, as the Receiver has a huge job to get his arms around the business as well as the court proceedings, required court reports & orders. A Receiver should not be burdened with the obligation & expense of reapplying every 60 days. I would suggest a much longer period, say every 4 to 6 months.

Andrew R Turner

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

The signage law that requires growers to post signs at the front of their property is going to bring a massive influx of crime. Growers would be basically forced to advertise that expensive and highly valuable equipment and products are on property at all time, additionally it's advertising a cash only business, one in which thousands of dollars in cash are on hand at any time.

Because of this, criminals will be highly tempting to rob, break and enter, and most likely use violence in order to get medical cannabis, expensive equipment, and large amounts of cash. Other criminals that normally wouldn't consider said crimes will be enticed to do so just by simply passing by cannabis properties and seeing such information being advertised.

Lastly, many Oklahoma citizens hold antagonist views on cannabis, I can certainly foresee neighbors that previously had no solid proof of activities, will now feel emboldened to act on said information. If this law goes into effect, I'd expect both OMMA, local police departments, and OBNDD to be fielding many false calls regarding "possible illegal activities" taking place on said properties. Which stretch's our already incredibly thin enforcement and regulations even thinner as each call will require thorough investigation, and many properties may have several calls against them made in conservative areas.

This law holds almost no positive experiences and so many negative ones that make me question the sanity of the author and signers of the law. It will bring far more targeted crime and violence, and stretch limited resources well last their limit. By letting this law go into effect, and enforcing it, the oncoming violence, theft, loss of property and loss of medical cannabis will be on the heads on the enforcement agencies required to enforce it. I personally expect to see lawsuits if it passes

Andrew Kluttz

**OMMA Evaluation:**

The requirement that medical marijuana commercial grower licensees post signage at the site of the commercial grow operation is set forth in state statute, specifically 63 O.S. § 427.21(C). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Comment Submission 1 of 2:

Dear OMMA,

Mango was founded in 2019 and in that time, we have established ourselves as Oklahoma's premier retail cannabis experience. Mango employs over 100 team members and provides work to several other contractors and vendors. Mango is currently operating at six locations around the state, with many more locations to open soon. We are proud to be Oklahoma's largest cannabis sales tax contributor.

We know that for Oklahoma's cannabis market to continue to thrive, we have to all work together to make sure that compliant minded, legal businesses succeed, while those who would cut corners, endanger patient safety, avoid paying taxes, and even fuel criminal activity are shut down and held accountable. With seed-to-sale finally becoming mandatory, new investments in inspections and enforcement, and the power of being a stand-alone agency, we believe OMMA and the State of Oklahoma are moving in the right direction.

Oklahoma's marijuana industry is a vital part of the state's economy, providing good paying jobs, the generation of significant tax revenue, considerable amount of ancillary work opportunities for the service sector, and major investments in infrastructure. The cannabis industry helps more than patients—we help all of Oklahoma. Should the voters in Oklahoma decide on March 7th to allow for recreational marijuana, we are confident the investments our industry will make in the state will multiply several times over.

We are immensely proud of the positive contributions we make to our state. Mango Cannabis always stands ready to work with OMMA and policy makers as a partner to make this industry and our state even better.

Thank you in advance for your consideration and for your public service in implementing the voice of the people and the people's representatives through this rulemaking process. Should you have any questions or need further information, please do not hesitate to contact our registered lobbyist Ryan Kiesel at [ryan@frequencyconsult.com](mailto:ryan@frequencyconsult.com) or by calling 405-303-1215.

Thank you again.

Sincerely,

Kevin Pattah  
CEO

442:10-8-1(c) – Frequency

Proposed Change to Proposed Rule:

§ “Growers and processors shall ensure samples from each harvest batch and production batch

are collected, labeled, and –submitted for testing in accordance with the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq., and these Rules.”

Our suggestion here is to clarify that it is not the growers or processors obligation to test in accordance with the statutes and rules. Rather, the obligations for testing according to the statutes and rules fall on the testing labs.

#### 442:10-8-1(i)(3) Residual Solvents

Proposed Change to Proposed Rule:

§ “Production batch samples shall be tested for residual solvents as set forth in Appendix A. If the cannabis concentrate used to make an infused product was tested for solvents and test results indicate the lot was within established limits, then the infused product does not require additional testing for solvents. However, Medical Marijuana Concentrate, infused pre-rolls, and noninfused prerolls must still undergo additional testing for residual solvents.”

Our proposed changes to 10-8-1(i)(3) and 10-8-1(i)(4) are intended to create consistency in how the two classes of prerolls are tested. More importantly, we hope to ensure that concentrates being used to fill vape/vaporized cartridges would be treated more akin to prerolls than edibles. The chance of contamination at this point in manufacturing and the commendable move towards final form testing argue in favor of a rule that eliminates any confusion about how vape/vaporizer cartridges should be treated.

Comments Continued in Separate Submission Comments Continued 2 of 2

#### 442:10-8-1(i)(4) Metals

Proposed Change to Proposed Rule:

§ “(A) All harvest batch and production batch samples shall be tested for heavy metals, which shall include but is not limited to lead, arsenic, cadmium, and mercury.  
(B) Test results shall meet thresholds set forth in Appendix A with accepted limits determined by the product form submitted at testing.  
(C) If the cannabis concentrate used to make an infused product was tested for metals and test results indicate the batch was within established limits, then the infused product does not require additional testing for metals. However, medical marijuana concentrate, noninfused pre-rolls and infused pre-rolls must still undergo additional testing for metals.”

Our proposed changes to 10-8-1(i)(3) and 10-8-1(i)(4) are intended to create consistency in how the two classes of prerolls are tested. More importantly, we hope to ensure that concentrates being used to fill vape/vaporized cartridges would be treated more akin to prerolls than edibles. The chance of contamination at this point in manufacturing and the commendable move towards final form testing argue in favor of a rule that eliminates any confusion about how vape/vaporizer cartridges should be treated.

#### 442:10-8-1(i)(6) Potency

Proposed Change to Proposed Rule:

§ “Processors and growers shall test harvest batch and production batch samples for levels of total THC and terpenoid type and concentration, including but not limited to:  
” ...

(M) Terpenoid Types and Concentration”

This proposed rule mentions testing THC and terpenoid type and concentration. However, the rule then goes on to list only cannabinoids. Even though the rule includes a non-exhaustive list, we believe it is important for the rules to not confuse cannabinoids with terpenes. To eliminate any confusion and to maintain the important, existing practice for testing for and reporting terpenoid type by testing labs, we suggest adding a line (M) that specifies “terpenoid type and concentration”.

442:10-8-1(s)(1)(B) Noninfused Pre-Rolls

Proposed Change to Proposed Rule:

§ “If the noninfused flower, shake or trim come from a single harvest that has passed full compliance testing, growers, processors or dispensaries must conduct additional testing on the pre-rolls only for heavy metals, filth and contaminants, and potency which includes THC and Terpenoid testing.”

Currently single harvest pre-rolls are only required to be tested for THC potency. We think that terpenoid testing provides valuable information for patients and suggest this change to ensure patients choosing to purchase single harvest pre-rolls are not denied this information.

442:10-8-1(i)(s)(3) Infused Pre-rolls

§ “Only processors may create infused pre-rolls. Infused pre-rolls shall be tested in the same manner as noninfused pre-rolls in accordance with OAC 442:10-8-1(s)(1).”

It appears that with this rule OMMA is treating single harvest pre-rolls the same, regardless of whether they are infused or not, and they are treating multiple harvest pre-rolls the same, regardless of whether they are infused or not. To avoid confusion, we suggest the following:

§ Update the testing guideline/flowchart document published by OMMA (last updated in June of 2022) to reflect the updated testing requirements for pre-rolls;

§ Provide clarity on how licensees should record testing for pre-rolls in Metrc. As you are aware, Metrc offers the following testing types that do not include an option for infused pre-rolls:

§ Additional Metals - Infused Product

§ Additional Other - Infused Products

§ Additional Pesticides - Infused Products

§ Additional Residual Solvents - Infused Products

§ Flash Frozen/Whole Wet Plant

§ Infused Edible

§ Infused Non-Edible

§ Non-Solvent Concentrate

§ Raw Plant Material

§ Raw Pre-Rolls (Multi-Harvest Batch)

§ Raw Pre-Rolls (Single Harvest Batch)

§ Retest (All)

§ Solvent Based Concentrate

Kevin Pattah, Mango Cannabis, Inc.

**OMMA Evaluation:**

The Authority will be making changes to permanent rules to clarify testing THC and terpenoid

type and concentration in response to this comment. Clarifying language in **OAC 442:10-8-1(i)(6)** provides guidance regarding THC and cannabinoid concentration and terpenoid type and concentration. The addition of “THC and cannabinoid concentration” in **OAC 442:10-8-1(s)(1)(B)** will provide additional guidance for licensees.

**Change:**

The Authority will clarify **OAC 442:10-8-1(i)(6)** by striking “total” before THC and adding “and cannabinoid concentration and terpenoid type and concentration” and listing THC and cannabinoid concentration and terpenoid type and concentration in **OAC 442:10-8-1(i)(6)(A)** and **OAC 442:10-8-1(i)(6)(B)**. The Authority will clarify **OAC 442: 10-8-1(s)(1)(B)** by striking “and potency” and inserting “THC and cannabinoid concentration, and terpenoid type and concentration.”

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**Comment:**

The state law reads that OMMA has 90 days to approve or deny. It doesn't say 90 BUSINESS days. That is a BIG difference. If OMMA gets 90 days, the people that pay OMMA should get ninety days.

It is very difficult to do business with an Expired license. It should be 14 days still.

A business with no changes in ownership or management for 2 or more years should not have to submit proof of residency with renewal of their application.

Why would they need to prove that they are residents, when they have already done so?

Oklahomans are ashamed of the people within the “authority” who continue to try and destroy the small business's in Oklahoma on behalf of third party monopolies.

This is ridiculous.

We have had 2 applications rejected for invalid proof of residency. After resubmitting them exactly the same as the first time, we were approved. What is going on? Why

The rules impact statement said, this has no significant financial impact on the business. Who writes this statement? Why aren't they honest? Any increased costs are a negative impact on an industry that is struggling. If these costs are not significant , why doesn't OMMA pay for any new costs?

According to the official impact statement. There is NO benefit to any citizen or any persons proposed in the new rules.

If there is no benefit to the people, why are new rules needed?

The only beneficiary of these rules is the agency.

The agency is supposed to write rules that help the citizens, not to help the agency.

Now you know why we are where we are as a country. Your new rules make it pretty clear, the only people benefiting from these new rules( which are not the law) is the agency.

What a shame, all this money is being wasted and you can't get anything done with the law the



way it was written. What's the solution?

OMMA changes the rules to accommodate their inability to do the job.

Perhaps it is not clear to anyone reading this, the reason why the citizens are so angry with OMMA the reason is, "do as we say, not as we do".

I was supposed to have a letter certified and delivered after my inspection according to the "rules" that OMMA wrote. I have had 3 different inspections and have not received one letter...

OMMA doesn't follow its own rules, why should we?

I am ashamed of any person that doesn't see this as a concern.

We the people are tired of bureaucrats taking advantage of our hard earned money. We will not stand idly by as the state continues to abuse and mistreat the citizens with their flagrant threats of penalties & nonsense "rules".

We the people will be victorious in this endeavor. The litigation is moving along quite well.

The sad part is, if OMMA genuinely cared about the citizens, they would have accepted their outlined responsibilities written in the original state law.

OMMA's inability to do so, is a good indicator that these new rules are just another way to push the accountability process back further.

No more rules.

Not one time in the entirety of the rules is OMMA held to any standard or timeline. If we were reading the rules the way they are written, the expectation upon OMMA IS ZERO.

What a shame.

Glenn Girone

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

These fines are excessive with no real clarification

Natalie

**OMMA Evaluation:**

Disciplinary actions imposed upon a medical marijuana business licensee by the OMMA are set forth in state statute, specifically 63 O.S. § 427.6. Changes to this requirement can only be made by the legislature. Otherwise, this comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Sure seems like a huge money grab based on a single OMMA agents opinion of a violation. I do not support this.

Cody Hooper

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

The batch size of final marijuana products of 1,000 grams of THC is too small. it should be 4,000 grams. It causes too many errors when storing and delivering products. It is also too costly to test such a small amount.

Randall Gibson

**OMMA Evaluation:**

The requirement that final products be tested at least every one thousand (1,000) grams of THC is set forth in state statute, specifically 63 O.S. § 427.17(R). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

As a mentally disabled veteran owned 1 person business I'm pretty upset by this. How would OMMA employees like it if they were fined \$5,000 every time they made a mistake on paperwork or computer work or didn't have the work done on time. You should not be fining hard-working people for being behind on work or making clerical errors! That is tyranny of the sort I joined our military at 18 to fight against. OMMA is funded off the money people earned in medical marijuana businesses most of us have put our entire life savings and work into starting. The overregulation of our industry is causing a mental health epidemic amongst business owners

who invested everything. I bet there have been many suicides not linked to the over regulation that has been imposed. Many hard-working people's lives have been destroyed this year between metrc implementation and a hostile legislative session aimed at putting us out of business! Metrc has taken up way too much of our time it is too time-consuming to run unduly burdensome on small businesses giving the huge corporations who can afford to pay somebody to sit there all day and play on the computer a massive advantage while running the small Mom and Pops this program was intended for out of business. The overregulation and Metric implementation completely ruined my first crop with last spring demanding all of my time allowing me zero to work on plants and construction of my new business. Taking food off of small business owners dinner tables for nitpicking paperwork and computer work mistakes is complete nonsense! This is evil we should just do away with the government completely if this is what y'all are going to do while allowing foreign cartels to operate for years killing people left and right in our state now you're looking to weaponize inspections against small business owners 788 was supposed to be an opportunity for that is tyranny! Please leave the people that grew up around here trying to run an honest business alone and let us live in peace. I have been searching for peace since returning from overseas overreaching government is very much robbing me of it! Also note my backyard is private property I'm blatantly obviously not doing anything illegal here I'm probably the smallest Farm in the state I don't come peeping in your backyard with helicopters I live 260 ft from the road on top of a mountain I worked hard to purchase with my over-dimensional Heavy Hauling Company where I have a very reasonable expectation to privacy so please have the respect to quit peeping over my privacy fence with a helicopter sometimes I'm not dressed they have flown over while I am changing for IPM purposes but ass naked that is peeping Tom perverted b\*\*\*\*\* as a veteran I shouldn't have to put up with it!

Karl Brown

**OMMA Evaluation:**

Disciplinary actions imposed upon a medical marijuana business licensee by the OMMA are set forth in state statute, specifically 63 O.S. § 427.6. Changes to this requirement can only be made by the legislature. Otherwise, this comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

I think signage is an issue, being a farmer in the a rural area, I would be more comfortable not broadcasting what is exactly going on in my building

Bradley Umoru

**OMMA Evaluation:**

The requirement that medical marijuana commercial grower licensees post signage at the site of the commercial grow operation is set forth in state statute, specifically 63 O.S. § 427.21(C). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Make certificate of compliance by location instead of by business.

April Harrington

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

The wording is vague on the section that discusses denial of application for anyone incarcerated during the application process. This should be anyone found guilty of a violent or non-violent felony. Incarceration alone does not imply guilt, as many people are imprisoned before being found guilty of a felony. This section should be removed.

Thank you

Jessica Baker

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Specifically referring to:  
Subchapter 6. Commercial Licensees  
442:10-6-1 General Security Requirements  
(c) Signage

I cannot for the life of me, see any advantage to forcing a LEGAL Growers License holder to post this information at the outer perimeter of the property, facing the road. This might as well be a target inviting criminals to know, without a doubt, what is happening within a building. OMMA already has all names, addresses, geo-locations and contact information for each business. It is also on the website, should someone take the time to look. Why then, is it necessary to post this for every person who passes by, and may not have known, to now know??? As the federal banking laws are still not "cannabis friendly".... the automatic assumption is that there are not only valuable plants but large amounts of cash on hand at such businesses. This

assumption, along with blatant advertising to the public by way of road signage, puts every LEGAL license holder and property occupant at risk of theft and violence. What possible advantage or perception of public service reasoning outweigh the safety and well-being of normal people just trying to do business legally? This truly is a matter of the safety of every Growers License holder, predominantly those who also live on the property on which the grow facility is located. Please reconsider this requirement.  
Thank you.

Susan Stewart

**OMMA Evaluation:**

The requirement that medical marijuana commercial grower licensees post signage at the site of the commercial grow operation is set forth in state statute, specifically 63 O.S. § 427.21(C). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

After attending the comment meeting this morning I wanted to reiterate the need for larger batch sizes and less testing. If I buy a full batch of crude to make distillate, I will not get a full batch of distillate. Having to test before the final product should not be necessary.

BRIE TRUETT

**OMMA Evaluation:**

Testing requirements for harvest or production batches are set forth in state statute, specifically 63 O.S. § 427.17. Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

In the definitions 442:10-1-4 : "Shipping container" means a hard-sided container with a lid or other enclosure that can be secured into place. A shipping container is used solely for the transport of medical marijuana, medical marijuana concentrate, or medical marijuana products between medical marijuana businesses, a medical marijuana research facility, or a medical marijuana education facility."

Comment: The term "hard-sided" has led to some confusion. Some believe that "hard-sided" must mean the plastic totes which are expensive, come in a variety of sizes, and can sometimes be difficult for drivers to handle. Transporters need to be able to use cardboard boxes for transport for several reasons. While a cardboard box is in fact "hard-sided", some have questioned whether cardboard is permissible. It is convenient to utilize cardboard boxes, which can

be “secured” with tamper evident tape. It is suggested to change the definition to “...means an opaque container with a lid or other enclosure that can be secured into place”. The regulations require an “opaque container” when removing product from a dispensary. Why not the same when bringing product into the dispensary?

This definition also leads to a comment to proposed Rule 442:10-3-2, which provides, in part:

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

(a) With the exception of a lawful transfer between medical marijuana businesses that are licensed to operate at the same physical address, all medical marijuana and medical marijuana products shall be transported:

- (1) In a locked shipping container, shielded from public view, and clearly labeled "Medical Marijuana or Derivative"; and
- (2) In a secured area of the vehicle that is not accessible by the driver during transit.

Comment: the term "locked" shipping container has caused some confusion. Some have thought that some sort of mechanical "lock" must be used, but the definition of shipping container requires only that the container have a "lid or other enclosure that can be secured into place". Commercial transporters would like to be able to use cardboard boxes secured with tamper evident tape. The boxes are lighter, more economical, can be "broken down" to save space, and a number of reasons which fit the task at hand. Accordingly, the suggestion is to change "locked" to "a secured shipping container".

With respect to Commercial Transporters, an inconsistency exists within the METRC system in that the regulations clearly provide for a commercial transporter "to transport, store, and distribute, but not take ownership of, medical marijuana and medical marijuana products to and from the licensed premises of commercial licensees." (See definition of "Commercial Transporter", and 442:10-3-1 (b)) However, METRC apparently does not have a setting to allow for a grower or processor to "transfer" to the commercial transporter for storage or distribution to other licensees. A "pass through" setting within METRC where a transfer may be made to a commercial transporter would allow for continuous tracking - whereby the grower or processor can transfer to a Commercial Transporter (transfer possession- not ownership) such that the METRC system can track and identify when a commercial transporter is in possession of product for warehousing, distribution, and transport. It seems that the time of warehousing and transport is "missing" in the METRC system.

This leads to a related question as to the interpretation of 442:10-3-1. License for transportation of medical marijuana...(b)... 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 multiple warehouses at licensed premises that are approved by the Authority for the purpose of temporarily storing and distributing medical marijuana and medical marijuana products.

Comment: The use of the term "temporarily" in (b)(3) has led to some confusion. Of course, all

transfers to a commercial transporter would be "temporary" in that the transporter will ultimately distribute products between and among other commercial licensees, but no one really knows what this is intended to mean.

Comment: I am advised that confusion exists with respect to the use of the term "printed" in the following Rule (442:10-3-6 (2)) , because transport agents need to be able to print their names on a manifest (or add their name to a manifest previously "printed") to address the following scenario: A commercial transporter picks up a load from a grower and takes the product to the commercial transporter's warehouse to be delivered the next day. The next day, a different driver is tasked with delivering the product to the dispensary. The "second driver" in this case needs to be able to print his name on the manifest.

442:10-3-6. Inventory manifests....

(F) The printed names, signatures, and transporter agent license numbers of the personnel accompanying the transport; and

(G) The printed names, titles, and signatures of any personnel accepting delivery on behalf of the receiving licensee.

Comment: Does "printed" mean "typed" or pre-prepared? Or may the transport agents print their name on the manifest? Perhaps have some clarifying language: "...hand printed or typed..." ?  
442:10-5-6. Inventory tracking, records, reports, and audits(B) Medical marijuana products may only be combined in a single wholesale package using one RFID tag if all units are from the same production batch....(6) Commercial licensees' inventory must have a RFID tag properly affixed to all medical marijuana products during storage and transfer in one of the following manners:.. (B) Medical marijuana products may only be combined in a single wholesale package using one RFID tag if all units are from the same production batch.

Comment: With reference to Appendix F - Required Testing by Batch Type, it provides: Any amount of medical marijuana concentrate or nonliquid medical marijuana products, not to exceed production batch sizes allowable under OAC 442:10-8-1(b), of the same category and produced using the same extraction methods, standard operating procedures, and an identical group of harvest batch of medical marijuana ; and ...Any amount of finished medical marijuana product, not to exceed production batch sizes allowable under OAC 442:10-8-1(b), of the same exact type, produced using the same ingredients, standard operating procedures, and same production batch of medical marijuana concentrate or same harvest batch of medical marijuana.

I am told that the harvest batch and production batch definitions and sizes creates an untenable and wasteful procedure in that small amounts are often "left over" and cannot be economically tested. It seems that if two harvest batches pass testing, a combination should be permitted in processing. Otherwise, much of the quality material will be wasted,  
Confusion has arisen with respect to the remediation provisions and the permissions within METRC.

Rule 442: 10-8-1 (d) (1) provides, in part: "Remediated and decontaminated medical marijuana may only be returned to the originating license commercial grower." -

Comment: METRC apparently does not "permit" a transfer back to the originating grower even though the regulation provides this as the only option.

Joe Byars, Attorney at Law

**OMMA Evaluation:**

Testing requirements for harvest or production batches are set forth in state statute, specifically 63 O.S. § 427.17. Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment. Requirements regarding transfer for the purposes of decontamination or remediation of medical marijuana that has failed testing are set forth in state statute, specifically 63 O.S. § 427.17(V). Changes to this requirement can only be made by the legislature.

The Authority will be making changes to provide clarity regarding decontamination in response to this comment. The definition of “decontamination” in OAC 442:10-4-1 has been changed to mean “a type of remediation process that attempts to remove or reduce to an acceptable level a contaminant exceeding an allowable threshold set forth in these Rules in a harvest batch, provided it is not processed into a solvent-based concentrate.”

**Change:**

The Authority will clarify the definition of decontamination in OAC 442:10-4-1 by inserting “type of remediation” before process, removing the term “or production batch”, and inserting “provided it is not processed into a solvent-based concentrate”.

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**Comment:**

Realize this is not a proposal, but all are underlined to adopt as a stand alone agency so I am going to comment for possible future changes

442:10-3-4. Employer deactivation of transporter agent license

I can see there being cases where the employer will not be able to retrieve the transport license for destruction or return in the case of disgruntled employees. I feel there should only be a requirement of online deactivation for the commercial entity responsible for the transport agent application.

442:10-4-2. Licenses part (e)

"material" change is not defined anywhere. I feel there should be examples of what would be considered a material change

442:10-5-2. Licenses

(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.

**COMMENT**

If a publicly traded company acquires and owns 40% equity, then is the Oklahoma owner requirement 60%. It is not that I am opposed to this because obviously this opens up opportunities for our business, but I would like it to be clearer in the rules what the Oklahoma



ownership requirement would be if 40% of the equity is acquired by a publicly traded company  
442:10-5-3.2. Persons prohibited from holding a commercial license

- (a) A medical marijuana commercial license shall not be issued to, renewed, or held by:
- (1) An applicant who has failed to pay the required application or renewal fee;
  - (2) A corporation, if the criminal history of any its officers, directors, or stockholders has a disqualifying criminal conviction;
  - (3) An owner under twenty-five (25) years of age;
  - (4) An owner of any commercial licensee who, during a period of licensure or at the time of any commercial license application, has failed to:
    - (A) File any taxes, interest, or penalties due related to a medical marijuana business; or
    - (B) Pay any taxes, interest, or penalties due related to a medical marijuana business.

#### COMMENT

State and local sales tax, in addition to excise tax are taxes related to a medical marijuana business. Whether or not the business is "current" on their tax payments should be checked and no license should be renewed unless they are paid. Is this actually being done?

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

- (3) Processor reports shall include:
- (A) The amount of marijuana purchased in pounds;
  - (B) The amount of marijuana sold or otherwise transferred in pounds;
  - (C) The amount of medical marijuana manufactured or processed in pounds;
  - (D) If necessary, a detailed explanation of why any marijuana cannot be accounted for as having been purchased, sold, processed, or maintained in current inventory;
  - (E) The amount of marijuana waste in pounds; and
  - (F) Any information the Authority determines is necessary to ensure that all marijuana grown in Oklahoma is accounted for as required under 63 O.S. § 420 et seq. and the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.
- (4) Upon implementation, submission of information and data to the Authority through the State inventory tracking system will be required in accordance with the Oklahoma Medical Marijuana Protection Act, 63 O.S. § 427.1 et seq., and these Rules, and submission of the information and data to the Authority through the State inventory tracking system shall be sufficient to satisfy monthly reporting requirements.

#### COMMENT:

Why we are tracking in pounds? Inventory should be tracked in grams. How does this language even account for "marijuana products" being transferred to dispensaries. Packaged products are not transferred in pounds. This part needs to be revamped

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

- (f) Inventory tracking system requirements.
- (1) At a minimum, commercial licensees shall track, update, and report inventory after each individual sale to the Authority in the State inventory tracking system.
  - (2) All commercial licensees must ensure all on-premises and in-transit medical marijuana and medical marijuana product inventories are reconciled each day in the State inventory tracking system at the close of business, if not already done.
  - (3) Commercial licensees are required to use RFID tags from an Authority-approved supplier for the State Inventory Tracking System. Each Licensee is responsible for the cost of all RFID tags

and any associated vendor fees.

COMMENT:

On the reference to "Authority - approved supplier", is there going to be a list published of approved suppliers or is this only a reference to METRC?

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

Will there be another advisory board created of industry professionals? I feel this is important. If so, how will they be selected?

442:10-5-10. Medical marijuana waste disposal

(a) All medical marijuana plant material and waste generated during the cultivation, production, processing, handling, and testing of medical marijuana and medical marijuana products must be stored, managed, and disposed of in accordance with these Rules, the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 427a et seq., and any other applicable Oklahoma statutes and rules, except that medical marijuana waste shall not be subject to the provisions of the Uniform Controlled Dangerous Substances Act, 63 O.S. § 2-101 et seq.

(b) Licensees may dispose of root balls, stems, fan leaves, seeds, and the mature stalks or fiber produced from such stalks at the licensed premises by open burning, incineration, burying, mulching, composting or any other technique approved by the Department of Environmental Quality.

COMMENT

In part (b), the wording does not address the need for CO2 processors to dispose of plant material waste left in the vessel after the extraction process. By part (b) definition, we would not be allowed to burn it. It is either flower or sugar leaf or trim - not "fan leaves" that we process. The material is not of value to the black market after the extraction process. I feel that we should be allowed to burn verses paying for waste transport.

442:10-5-16. Prohibited acts

In regard to pre rolls not allowed exceeding 1 gram-- I don't disagree with what has been done with pre rolls, but why are pre rolls the only focus? There are 1000 plus mg edibles on the market that are not even packaged in a multiple dose regiment. Further, the oil being used to produce these edibles are low quality narrow spectrum distillate. This means people who are uneducated could possibly take a 1000 mg of "just" THC. This is why people are ending up in the emergency room. Will they die? No, but what if this is an elderly person? Cannabis can help this population, but if they are sold a product like this and have a terrible experience they will never be back. The dosing on edibles needs to be regulated and enforced.

442:10-5-16. Prohibited acts

(s)(4)Dispensaries must place medical marijuana or medical marijuana products into a child-resistant exit package at the point of transfer to a patient or caregiver if those items are not already in child-resistant packaging.

COMMENT:

Above contradicts wording in

442:10-7-1. Labeling and packaging

(d) (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 other transfer to a patient, a patient's parent or legal guardian if patient is a minor, or a caregiver.

The OMMA definition of "package" or packaged = "Package" or "Packaging" means any container or wrapper that a medical marijuana business may use for enclosing or containing medical marijuana or medical marijuana products, except that "package" or "packaging" shall not include any carry-out bag or other similar container.

I believe the spirit of 442:10-7-1 directs everyone to use child resistant packaging and is simply saying that if you use a child resistant package with a clear window, then the dispensary must place it in an exit bag the same way a pharmacy puts medication into an opaque bag. However, when you use the wording like you have in 442:10-5-16 you are providing processors an avenue to argue that it is ok to package in non CR packaging which will put the responsibility on the dispensary to decide whether or not to place the product in a CR exit bag. This will not happen correctly.

According to 442:10-7-1, there should never be a time that a dispensary should need to use a CR exit bag because according to these rules even flower they sell should be placed into a CR bag.

(g) Storage requirements for growers and processors.

(1) Growers and processors 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 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 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.

#### COMMENT

The sealed requirements should be for bulk plant material, bulk oil, and medical marijuana products in a "non-packaged state". To require us to store fully packaged marijuana products in "sealed" bins is unnecessary if the issue at hand we are trying to address is sanitation. Please consider qualifying this rule as bulk plant material, bulk oil, and medical marijuana products in a "non-packaged state".

442:10-7-1. Labeling and packaging

(13) 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.

#### COMMENT

While I agree with this in theory because I believe it is better for the patient and ultimately better for the producers to have a range of accuracy, I disagree with implementing this requirement without standardization of the labs. I disagree with the timeline for lab standardization. It is irresponsible and poses a danger to the patients.

442:10-9-6. Security requirements

(c) Transport.

(C) Medical marijuana waste facilities or medical marijuana commercial licensees transporting waste to licensed medical marijuana waste disposal facilities shall maintain updated and accurate records and information on all vehicles engaged in the transport of medical marijuana waste

#### COMMENT

If as a company we are allowed to transport our own waste to a waste facility, then doesn't this language need to be adjusted to include commercial transport "agents"

As a stand-alone agency, it seems you have the power and authority to move up the lab standardization deadline if you deem non standardization as a risk to the public -- which it is. If I am misunderstanding what you have the power to do, then I feel like this needs to be addressed in the next legislative session.

We cannot be 6 years basically into a "medical" marijuana program before getting control over lab testing. It poses great risk to the patients. All infused products are doses off a bulk oil result. If a lab gives us an incorrect test at this stage, then it becomes problematic on down the line.

There have been some many instances where we have had to take edibles for multiple tests despite accurate dosing only to eventually trace it back to it must have been inaccuracy in the bulk oil. All this occurs on our dollar. There are zero monetary consequences to the lab for producing materially inaccurate results. The labs are the only license holders making a profit.

The validation of SOP's needs to occur as soon as possible so that our product testing intervals can be more in line with other regulated industries such as the food and pharmaceutical industries. The overall testing costs are out of line and that along with a saturation of the market is impacting our ability to cash flow. Our sales are down 52.53%, yet our testing costs are only down 7.81% with the volume reduction. So essentially, we are spending the same on testing for 47.47% less sales. This is not sustainable.

People are combatting these costs by cheapening up their products. Unfortunately, the biggest cost savings comes in narrowing the spectrum of cannabinoids in the oil (switching to distillate). If you ask any medical doctors who have experience with research or treating patients with cannabis, they will tell you that a market full of narrow spectrum products is not a good market for the patients. We cannot call ourselves a medical market if we continue to allow this to happen.

Products that produce a head change and are lab created like Delta 8 need to be dealt with. They are hurting legal cannabis businesses. Because they are unregulated and do not have the same regulatory cost structure, they are able to sell these products for cheap and not sell them under a 280E tax structure which is also an advantage. Can you coordinate with the Department of Agriculture to protect the industry the OMMA serves to facilitate a change here?

Brandee Spillman

**OMMA Evaluation:**

The requirement that any medical marijuana, medical marijuana concentrate, or medical marijuana product be placed into an exit package at the point of sale and transfer to a licensed medical marijuana patient or caregiver is set forth in state statute, specifically 63 O.S. § 427.18(B)(7). Exit package is defined in state statute 63 O.S. § 427.2(16). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

INTRODUCTION

PathogenDx is a company focused on developing microbial and pathogen testing methods, equipment, and kits for cannabis and hemp. We believe that testing is an integral part of any cannabis program, and appreciate OMMA's continued work in improving these regulations as the state program matures. Our methods are currently in use at over 120 labs in 36 cannabis programs throughout the country, providing us with substantial experience in emerging best practices that we would like to share with OMMA.

We strongly support the proposed changes that will help increase compliance through Oklahoma's program. As another way to improve the testing program, we also respectfully suggest that OMMA provide clarity on testing method approvals.

SUPPORT FOR CHANGES TO INCREASE COMPLIANCE

Compliance and enforcement are always a concern, especially for programs with as many licensees as Oklahoma's. Because of this, we strongly support the various proposals aimed at increasing testing compliance.

First, we support requiring samplers to affix samples with a tamper-proof seal at the time of collection. While we hope that no labs or licensees are tampering with samples, this requirement will help ensure that is the case, reducing that temptation and strengthening the chain of custody.

Second, we support requiring that the Certificate of Analysis (COA) for each sample analyzed by a laboratory must include the state inventory tracking system tag number, the sample tag number, and the source package tag number. Like the change noted above, this will help strengthen the chain of custody and increase compliance.

I can personally attest that labs in Oklahoma that are using PathogenDx, all results are in our cloud-based system, so any nefarious or suspicious activity in tampering with the data is flagged in our system. We also have the capability to flag based on the sample ID number to spot re-runs from one lab to another in the event there is 'lab-shopping' going on.

## REQUEST FOR CLARITY ON TESTING METHOD APPROVALS

While testing method approvals were not addressed in this latest revision, we'd like to take this opportunity to comment on the issue since it is an ongoing concern with Oklahoma's testing program. The existing regulations are very sparse when it comes to the validation and approval of new testing methods, which has led to confusion and slowed down the process for getting new and improved methods into use in labs.

A regulatory approach that we've seen many states successfully implement is requiring that new methods be validated by established and trusted third party organizations, such as AOAC, to be equivalent to a reference standard. By requiring test manufacturers to certify their methods through the AOAC, this approach ensures action limits are set properly, correct validation protocols are written, independent labs validate those methods, and peer-reviewed scientific certifying bodies oversee the final approval and certification of these tests. This ensures a standard is set with no room for interpretation error. Ultimately, this leaves state regulators in control of final approval after reviewing the AOAC certification and validation data, but frees the state from the resource-intensive scientific process of validating testing methods.

This general approach is used by AZ, CA, CO, CT, FL, ME, MI, NV, NJ, & RI. We would be happy to share regulatory citations and other info upon request.

Adding language to this effect would make it easier for developers of new testing methods to understand the path to approval, reduce the work for OMMA staff to review such methods, and mitigate any confusion with testing labs so they can focus on what is critical and important.

THANK YOU

Thank you for your consideration. We look forward to continuing our engagement with this and future rulemakings, and would like to offer our support if you ever have any questions about the science or policy of cannabis testing.

Milan Patel, Co-Founder and CEO, PathogenDx

### **OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

### **Change:**

No rule changes are recommended.

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### **Comment:**

I think that the fines are too steep for the offenses and the signage of all growers is dangerous and can cause major harm to the owners

Billy

**OMMA Evaluation:**

Disciplinary actions imposed upon a medical marijuana business licensee by the OMMA are set forth in state statute, specifically 63 O.S. § 427.6. Changes to this requirement can only be made by the legislature. Otherwise, this comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment. The requirement that medical marijuana commercial grower licensees post signage at the site of the commercial grow operation is set forth in state statute, specifically 63 O.S. § 427.21(C). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Sign Rules are dangerous for us who live in rural Oklahoma as they make us vulnerable to theft and crime. Testing is redundant and excessive and outrageous fines fo

Stancie Bowers

**OMMA Evaluation:**

The requirement that medical marijuana commercial grower licensees post signage at the site of the commercial grow operation is set forth in state statute, specifically 63 O.S. § 427.21(C). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

Testing requirements for harvest or production batches are set forth in state statute, specifically 63 O.S. § 427.17. Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment. Disciplinary actions imposed upon a medical marijuana business licensee by the OMMA are set forth in state statute, specifically 63 O.S. § 427.6. Changes to this requirement can only be made by the legislature. Otherwise, this comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Please do not make growers put up signage. We provide address and GPS coordinates in longitude & latitude to OMMA. We are not a store front and do not welcome unsolicited visitors to our grows, signs advertise and bring negative attention to our business with additional unnecessary security threats. Please reconsider putting a target on us for doing this legally and following the rules.

Stacy Graeff

**OMMA Evaluation:**

The requirement that medical marijuana commercial grower licensees post signage at the site of the commercial grow operation is set forth in state statute, specifically 63 O.S. § 427.21(C). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

I would like to see where the material came from on all edibles or infused products

Tommy

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

I would like to see Shake tested separately and not let it go on a flower pass through test . It's a different form and should have its own test . Plenty of stores sell shake very few if any actually sell it properly . They sell under flower batch test . So effectively a huge chunk of shake sold is not tested at all

Mark kendall

**OMMA Evaluation:**

Testing requirements for harvest or production batches are set forth in state statute, specifically 63 O.S. § 427.17. Changes to this requirement can only be made by the legislature. Current proposed permanent rules allow growers and processors to collect shake and trim from multiple harvest batches provided all harvest batches have passed all testing requirements under OAC 442:10-8-1(i). The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

- 1.) The signage being posted is dangerous for business owners of Oklahoma. Might as well just post a sign that says "Schedule 1 Narcotics Here! Rob Me Now"
- 2.) Shame on OMMA and the OBNDD for ever allowing the licenses to get this out of hand. No excuses! This has posed an absolute risk for all citizens of Oklahoma. When someone applies for a business license there should be much stricter requirements including in person interviews, a passed law exam to ensure they understand the laws they are supposed to be abiding before



getting a license.

3.) Multiple dispensaries are nothing more than a cover up for selling illegal narcotics. Looking at advertised prices will reveal that. I know what the cost of goods are and I see other dispensaries selling those items at wholesale pricing. I can't imagine how a business can make it paying their bills and employees when they are not profiting at all if not losing money....unless some of the dispensaries are possibly non profits (which I doubt very much so)

4.)Labs are so inconsistent with their testing.

5.)METRC??? Why is all that money going out of state to METRC when OMMA a could have developed their own see to sale system and require all businesses in Oklahoma to use it. There is no need to reinvent the wheel, surely there's they website programmers on the staff that could have developed a system similar to METRC and keep that money in the state of Oklahoma.

Kari Wilkerson

**OMMA Evaluation:**

The requirement that medical marijuana commercial grower licensees post signage at the site of the commercial grow operation is set forth in state statute, specifically 63 O.S. § 427.21(C). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

The rules need to address LABS! thats the only comment

Brian Hallum

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

OMMA Comments – Golden Trends, LLC

12/15/2022

Transportation Labeling

442:10-3-2 (a) 1.

(1) In a locked shipping container, shielded from public view, and clearly labeled "Medical Marijuana or Derivative"

If the package needs to be shielded from public view, labeling doesn't seem to make sense. Additionally, this creates a potential safety issue for transporters during loading and unloading, by drawing attention to the contents of containers being handled in public.

Batch IDs on Transfer Manifests – We have been instructed by an auditor that the Batch ID for a given package needs to be on the manifest. MetrC doesn't add them electronically, meaning we must add them by hand or modify them outside of MetrC before printing them. Additionally, in the event of an electronic audit, MetrC's records will not show the Batch ID.

Multi-destination Transfers – Acceptance by one recipient renders the entire manifest un-editable. If one recipient on a multi-destination route accepts a transfer, the remainder of the manifest cannot be edited. This is problematic, as any schedule changes i.e. mechanical issues, traffic delays or errors on our part, or on the part of another recipient on the manifest, cannot then be corrected. This may result in failures in maintaining the required records.

Recourse for Testing Results – There have been instances in which the accuracy of laboratory testing results have been called into question. Often, re-testing produces significantly different results. Generally, dialogue with the laboratories has produced an acceptable explanation and resolution. However, except for safety tests, there doesn't currently appear to be a sanctioned route by which a re-test of material can be requested, and for those results to replace existing results if those were found to be inaccurate.

#### Production Batch Packaging -

A recent OMMA decision indicated that the 'Final Form' of a material is defined by its final physical and chemical form, and that packaging is not relevant to this. From a compliance standpoint, this allows us to package a given marijuana production batch into different sized packages for sale, using the same test results. However, in MetrC, it is not possible to differentially package a batch without converting it into two or more different Items as defined in MetrC.

If a package, i.e., the Production Batch, is converted into a different Item, much like with the creation of the Production Batch itself, existing testing results do not flow with the material. This basically puts us back in the original position of needing to create a Production Batch of only one Item type, and packaging it into "Eaches" of that item type, precluding the use of differing package sizes for a single Production Batch.

#### Sampling and Sample Transport -

##### 442:10-8-3. Sampling requirements and procedures

(3) All commercial transporters, growers, processors or dispensaries transporting samples to a laboratory shall be prohibited from storing samples at any location other than the laboratory facility. All samples must be delivered the day of collection.

Accurate and compliant collection of samples from a given production batch typically means sampling the day of production. This results in a need to transport samples to a testing laboratory every day that there is a production run. This is time-consuming and inefficient. I would suggest that a two- or three-day window be allowed between sample collection and delivery to a laboratory for processed material, to allow consolidation of sample deliveries.

Jason Davenport - Quality Control and Compliance, Golden Trends, LLC

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

442:10-3-1 One photo id commercial transporter/agent license should AUTOMATICALLY be issued with the issuance of a grower, dispensary or processor license, without any additional fees.

442:10-3-2 A licensed commercial transporter SHOULD be able to carry marijuana in the back seat of a vehicle (which is not accessible to driver during transit), AS LONG AS it is in a locked, sealed container, as the current requirement reads

\*\*ADD 442:10-5-2 (1A) It is the responsibility of OMMA to complete renewals, if there are no changes from the previous year, WITHIN 30 days of renewal receipt. (OMMA needs to have accountability to licensees)

442:10-5-3.1 a.1 Oklahoma residency for at least FIVE (5) YEARS immediately preceding application

442:10-5-6 ELIMINATE this section completely for business licenses, since reporting is done through a state tracking system

442:10-5-6.1 ELIMINATE "a" and "b" since there is no monthly reporting

442:10-5-11 There should be ZERO "foreign interest" in an Oklahoma medical marijuana business, since the program is a STATE issued program which is prohibited on a FEDERAL level

442:10-6-1 "(c)" is in DIRECT CONTRADICTION to "(a)". ELIMINATE THE SIGNAGE REQUIRED! It is an attractive nuisance and is encouraging illegal behavior and threatens the security of the business, owner, and employees.

442:10-8-1(s) If harvest batch passed testing, trim should not have to be tested separately, if being made into non-infused pre-rolls. The final pre-roll product should be tested according to the rules. This step of testing the trim separately is merely a waste of money to a grower. The final product is what needs tested to ensure patient safety.

442:10-8-2 All labs should have standardized equipment, protocols, procedures, quality assurance and methodology, as well as standardized product limits.

APPENDIX C (SCHEDULE OF FINES (NEW) - The fines related to record-keeping are UTTERLY RIDICULOUS! This is a money-grab by OMMA and is designed to obliterate businesses who may make a simple mistake. If licensees are required to report "in a timely

manner" - define it! And OMMA should be held to the same standard of whatever that definition is. Inventory-tracking violations "\$500" - are you kidding me? Either eliminate METRC and find a different tracking system, OR make METRC more forgiving and easier to correct when an error or mistaken entry was made. ELIMINATE "Monthly Reporting Violations" fees since there is no monthly reporting. I agree with fines relating to false representation, illicit actions, improper influencing of labs, but some of these are ludicrous - there must be some forgiveness and encouragement somewhere.

Jackie Dayberry - ColaZone Farms LLC

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Signage at Grows

442:10-6-1(c)(2) regarding signage at grows states that failure to erect the proper signage within 60 days after the renewal of each license shall result in the immediate revocation of the grow license. We feel this rule is problematic as it does not provide a notice period in order to allow a licensee the opportunity to correct this oversight. An immediate revocation could result in an active grow that has been operational for several years to suddenly have to shut down with no opportunity to submit an application for a new license until the licensing moratorium is lifted.

We suggest: "Failure to erect the proper signage within sixty (60) days after the renewal of each application for a medical marijuana commercial grower license in accordance with the provisions of this subsection shall result in the Authority issuing a Notice of failure to comply. Such Notice shall be served on the license holder and said license holder will have 60 days to comply with this rule. Failure to comply within 60 days of the issuance of the Notice shall result in immediate revocation of the medical marijuana commercial grower license." Alternatively a 30-day period would typically be sufficient time to allow a licensee to remedy this problem.

Our cannabis grow clients have serious concerns about what is in essence advertising to the community that behind their closed doors, or in the instance of an outside grow, behind fencing, is cannabis, a product easily sold on the black market. This results in licensees either having to invest in increased security, or assume the increased risk of their business having a target on it.

We suggest: The Authority consider removing this rule.

OBND Financial Interest Attestations

442:10-5-11 Attestation confirming or denying foreign financial interests ("FFI Form"). As this rule currently reads, the Authority can immediately revoke a medical marijuana business license

that failed to submit the FFI form.

We suggest: “OMMA shall immediately file an application to revoke” as opposed to “OMMA shall immediately revoke” the licenses. The revised language is in line with how these situations have historically played out in our experience, and we believe that it is in the public interest to have the rules clearly reflect what will happen under such circumstances.

Prohibited acts under 442:10-5-16(p). A plain reading of this restriction would also seem to apply to receivers.

We would suggest that this language be changed to something along these lines: “Licensees shall not allow any other entity or person to use their OMMA license number who is not an owner, employee, or authorized contractor of the commercial licensee while conducting business on behalf of that commercial licensee, except that this provision shall not limit the ability of a receiver who has been appointed by a district court of this State to oversee the liquidation of any such commercial licensee.”

Denial after two attempts (PART 1 of 2)

In July 2022, the OMMA website read that “Most applicants for new and renewed grower, dispensary and processor licenses may still resubmit a corrected license application once if the initial application is rejected after Aug. 1. Some circumstances may require a denial, and other circumstances could allow an additional chance to resubmit a corrected application. After Aug. 1, any applicant for a grower, dispensary or processor application whose application is denied may not apply for a new license until the moratorium is over.”  
(emphasis added)

The current proposed language contained in 442:10-5-3(f) and 442:10-4-3(h) appears to indicate that:

- If an incomplete application is submitted, it will be rejected
- Upon rejection, the applicant has 30 days to submit a complete/corrected application
- Failure to do so within 30 days results in expiration of the application
- Even if a rejected application is resubmitted within 30 days, any error or incomplete portion results in denial, unless OMMA determines otherwise.

Thus, it appears that the default rule is that applicants will typically only get one attempt to cure an incomplete/incorrect application. However, this language is ambiguous. Following the passage of House Bill 3208 establishing a 2-year moratorium on new licensing, in the event a renewal application is denied, the licensee has no choice but to immediately shut down their business.

We have submitted hundreds of applications over the years and have observed that different reviewers apply seemingly different criteria when deciding whether to approve or reject an application. For instance, a particular Resolution form may be deemed sufficient with respect to showing the ownership structure for one applicant but when the same form is used in connection with another applicant, the form is rejected.

By way of a second example of how problematic the “one resubmission” rule may be, we recently had a client who submitted his own application which was rejected for failure to fill out two “required fields” (one, attesting he was a U.S. Resident and the second, answering the question regarding being named on any other OMMA licenses). In our experience of submitting dozens of applications in the new system, it is impossible to move to the next section unless all “required fields” are filled out. As such, our client’s rejection appears to be a software glitch. Furthermore, when my paralegal reviewed the application to input the missing “required” information, she noted that an Affidavit of Lawful Presence was no longer attached to the application. Again, in our experience, it would be impossible to submit an application without uploading a document to this section. OMMA did not note in their rejection that the required Affidavit was missing. As such, it is our assumption that again, a software glitch resulted in a faulty application.

By way of a third example, we have a client who obtained a grow license in 2020. In 2021 the client applied for a processor license under the same ownership and the same corporate structure as was presented for the grow license. The first rejection of the processor application was due to OMMA’s reading one owner’s residency incorrectly. The second rejection of the processor application was due to OMMA interpreting the corporate ownership documents differently than they had previously treated the same documents during the grow license renewal process earlier that year. The third submission was accepted.

Denial after two attempts (Part 2 of 2)

Lastly, we have in the past had applications rejected on the erroneous grounds that the client had not met the rule that 75% of the entity must be owned by 2-year Oklahoma resident(s). After multiple attempts to communicate the breakdown of the structure via various charts and summaries outlining the exact ownership percentages of each LLC and individual owner, and after exchanging several emails with personnel in OMMA’s compliance department, OMMA approved the application based on the information provided with the original application.

The above examples are only a few of the many that we could provide as to why the “one or possibly two” chances to submit a corrected application could cause irreparable harm to applicants who have invested considerable time, money and resources to set up and legally operate a cannabis business.

We suggest: “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 via email through the electronic application account 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 three (3) times but is still incomplete or contains errors that are not typographical in nature shall be denied unless the Authority agrees to an exception”

Receivership issues under Subchapter 10

Under 442:10-10-2, Certificates of Authority are, by default, only valid for sixty days, with

OMMA having discretion to allow additional time as “necessary to allow for the orderly disposition of the business.” We have had receivers express concern that this is nowhere near long enough, and that it does not make sense for a receiver to have to request authority every 60 days.

We propose that the period be extended to 120 or 180 days by default, to allow receivers and similarly situated persons/entities to fulfill their duties to the court without the risk that a renewal request will be denied due to a single OMMA reviewer’s belief that renewal is unnecessary.

We further suggest that, where a license holder fails to cooperate with a receiver for the purposes of renewing the license in a timely manner, OMMA shall have discretion to extend the term of a Certificate of Authority beyond the expiration date for the underlying license in accordance with the policy underlying the general authority of receivers under Oklahoma law.

Rule requiring disposal and disallowing liquidation of product upon expiration of a commercial license

Under 442:10-5-2(d), a licensee who fails to renew their license before it expires “shall cease all operations immediately upon expiration of the license and shall dispose of any medical marijuana products . . . that were not liquidated prior to licensure expiration . . .” This seems harsh, particularly if it were applied to our receivership situation.

To remedy this harshness, we suggest that “shall dispose of” be changed to “shall liquidate or dispose of,” as this would both protect the licensee’s property interest in product that is ready for sale in some form while also protecting the State’s expectancy in tax revenues for product that would otherwise be destroyed.

Rule requiring disposal and disallowing liquidation of product upon expiration of a commercial license

Under 442:10-5-2(d), a licensee who fails to renew their license before it expires “shall cease all operations immediately upon expiration of the license and shall dispose of any medical marijuana products. This rule seems very harsh as the grace period set forth in 442:10-4-2(c)(6) preserves the opportunity for the license holder to submit a late renewal application, but said licensee must immediately dispose of all product and close its doors.

Proposal: If a licensee fails to renew their license before it expires, licensee shall have 30-days from the date the license expires to cease all operations and dispose of any medical marijuana products. A late renewal application will be subject to the \$500 fee described in 442:10-4-2(c)(6). This would allow a license holder who has inadvertently allowed a license to lapse, a short but reasonable time, to submit a late renewal application without the need to shut down a business and dispose of medical marijuana products immediately.

John Hickey, Esq.

**OMMA Evaluation:**

The requirement that medical marijuana commercial grower licensees post signage at the site of the commercial grow operation is set forth in state statute, specifically 63 O.S. § 427.21(C). Changes to this requirement can only be made by the legislature. The Authority will not be

making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

My name is Todd Davis, owner of Leaf Logic and the comment or the concern that we have is over the testing and in a nutshell, we are a single source grow solventless nonhazardous processor. We're on the processing side. We only utilize ice water motion and pressure. So, everything is naturally with the testing requirements today. They're coming close to putting us out of business testing on the average cost \$300.00 per test. For example, if I have 6 strains in my room, that's \$1800. This in my understanding should be testing should be for two reasons. Patient safety first and foremost, number two is limited liability on the organization, which is why we also have insurance. If we take a look at, I harvest a room. I freeze it immediately, right then when it's frozen, I take that product, that raw product and I open a door, we're under/we have two licenses, but we're one company. I open a door; one under one roof and I hand it to my lab guys and they process it. That is when our final product should be tested - before it hits the dispensary, before it hits the patient. The requirement that I must test frozen, in my mind and several other entities that I've visited with, is nothing more than a waste of money. That test is never shown to anybody. If you look at the true meaning of concentrate, if I have an issue with my frozen, it's going to be 8 to 10 times more concentrated on the final product. So that is where the testing needs to reside. When your testing costs come close to your labor cost, something is wrong with this scenario, so I'm asking with all humility that we take a hard look at these laws and be proactive. Born and raised in Oklahoma City, I'm a John Marshall boy and been here my entire life. I truly believe in the medical aspects of cannabis and it is why we got in this business. We were one of the first, so we're going on year 4. And the one thing on the on the plus side, I believe OMMA is doing a wonderful job. You guys have grown substantially and take great care of us as your business partners and your customers. So, I just once again humbly ask that we take a hard look at this and see what benefit it provides, because not only from a monetary standpoint, from a time standpoint - I have to take my frozen, I send it to a lab, I've got three to five days, sometimes seven days before I even get that frozen testing back before I can even process it. Then I process it two to three days. Then I got to send it in for testing again. I lose another week before I can make money to make payroll. We could cut this in half if we did away with that first test that is bringing in my personal opinion no value to the patient. Thank you for your time.

Todd Davis

**OMMA Evaluation:**

Testing requirements for harvest or production batches are set forth in state statute, specifically 63 O.S. § 427.17. Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**



Good morning, ladies and gentlemen. My name is Kevin Patam, the founder and CEO of Mango Cannabis. I wanted to speak today on behalf of our team. We're the largest retailer in the state as far as sales; we're the largest cannabis sales tax contributor in the state. And we would love to have a few comments and discuss some of our concerns. We submitted some proposed rule changes on frequency, residual solvents, metals potency, non-infused prerolls and infused prerolls. But today I wanted to talk. There's a long list of issues that I want to talk about and I'm going to try to keep this as short and talk about the biggest issue that I feel like is really burdening operators like Todd from leaf logic and myself. There are a lot of illicit operators on the market today and unfortunately, we feel as if the OMMA and OBNDD are not doing enough to stop these illicit operators and what happens with these illicit operators is it hurts the good operators such as ourselves that have integrity and values and contribute to the system. And what we're seeing right now is the black market or the streets are kind of defeating the good operators such as ourselves. I came here today to speak to you guys to hopefully we could discuss increasing the rule changes as far as getting more officers out there to do compliance checks; make sure all these operators are operating correctly; make sure they're all following the rules and really just ramp up enforcement. We're not seeing a lot of enforcement and last time we spoke to the OMMA, they had mentioned that right now it's kind of a learning curve and we're not really enforcing anything on anyone because everyone is still in that learning stage. So I wanted to hopefully spread that awareness to you guys so we could step up that enforcement and shut down these illicit operators so the state the people of the state and the good operators benefit from this. That's all I had to say. Thank you so much.

Kevin Patam

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Hey, everybody. My name is John Coombes. I own JKJ processing and I'm here today for mom and pops. But my first question is - why is the director not here? I mean, she is OMMA. So that's my first question is; I would have appreciated her to at least be here. But I digress. I wanna talk about testing as well. I wanna talk about what a racket testing is and why are we punishing mom and pop processors, growers, dispensary owners? And we're not focusing on labs. Why do labs not have a standard operating procedure where they're all doing it the same way? I can take one sample from the same batch to five different labs and get five different results. That's a problem. And the problem is not that they know what they're doing, but the problem is it costs me money. I have like 8 different flavors of gummies. It cost me 250 to \$300 to test every single flavor. Mom and pops cannot sustain that, so I would like instead of us putting a stupid sign up at a grow in the middle of nowhere that when you call 911, it takes 30 minutes for anybody to react, I would like to see us focus on the medicine and the testing facilities because if I had to do this all over again, I would have opened a lab and I would be sitting on a beach in Cabo somewhere

because it's a racket. So I would like to focus on the labs. I would like to do away with this signage on grows because it's basically saying "Hey, here we are. We have marijuana in here". A lot of these groups don't have on-site 24-hour people there, they just have security cameras. Other than that, man, all you mom and pops that are watching on my Facebook, Darrel's Facebook, whatever. God bless y'all. I'm here for you guys. I'll stand up for you anyway I can, but I really would like to focus on the labs first and foremost, because it it's killing mom and pops. I mean, it's killing us, so that's all I gotta say. I appreciate you guys time. Thank you for letting me speak. I appreciate everybody.

John Kumbis

**OMMA Evaluation:**

Testing requirements for harvest or production batches are set forth in state statute, specifically 63 O.S. § 427.17. Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Darryl Carnes, of Mary Jane dispensary. Historically Moore's, very first cannabis license. So we've been in this a while and also the original member of Pitchfork, potheads, Oklahoma advocacy group. So I want to start by once again reiterating the fact that the Director is not here is absolutely crazy. But we'll move on with that. I want to talk about the safety of you know, Senate Bill 1737 and what we found in research and maybe what the purpose of Thentia was supposed to be. So a lot of us know that in recent media reports that there was a massive crime at a growth that recently happened that was in a rural area, a 911 call came in and by the time that the police had arrived, there was four fatalities. How in the world is it appropriate for us to have a sign that is black and white in the middle of a rural area with 30 to 45 minutes for the 911 call and for help to show up for stop and go crimes? We're literally saying, "hey, come rob us come harm us come hurt us, come do worse to us". So I did my research, you know, as an advocacy group member when major changes happen within Oklahoma cannabis, we try to stay on top of it. When the director, director Barry, which once again is not here, you know, implemented Thentia, I wanted to know why. And so I started to do that research and digging in I found within the frequently asked questions on Thentia that it was designed and the purpose of it being here in the state of Oklahoma was for interagency communication. When we sign up for our licenses, we don't just give our address. We give latitude and longitude and if the Thentia purpose thereof was for interagency communication, what is the purpose of a black and white sign outside of a grow when we could give them access to Thentia as its purpose was intended? And we could save the absolute public harm that will be incurred if the legislature, hopefully there's some here watching this, listening this or we'll watch it later. We'll do something about 1737 of this legislative session. Now, once again, we know that the OMMA has to implement the legislation that has happened, but this was a blatant disregard for the safety of licensees, and we'll get somebody not only harmed, but it's going to get people killed. 1737 is dangerous. I just want to talk about it. We're going to talk about Appendix C and how we feel about that and the fee schedule. Being absolutely excessive, extensive and it feels like retaliatory against a legal market for the

wrongdoings of a black market industry now as early as March or May 2021, which I helped to lead that March to the doorsteps of the OMMA. We knew that hundreds of licensees were illegal in recent reports. The OBNDD reports that up to 25 or 25% of the licensees here in the state of Oklahoma were obtained illegal and by ghost ownership. Now, while they don't say that that's the fault of the OMMA, it's absolutely the fault of the OMMA. Not a single person in this room licenses those entities. Yeah. We continuously have been forced to endure death by 1000 cuts, whether it's House Bill 2179, which sets to implement in June of 2023, which illegally and unconstitutionally in violation of state question 640 in regard to supreme majority for tax and revenue raising measures as we know that these are not collected as fees. They may be titled as fees, but they're collected as revenue. It should have been put to the vote of the people. So let it be a matter of record that House Bill 2179 is unconstitutional and the implementation thereof will be illegal. We ask that the DA takes considerations and works with the legislature in order to address that issue. Otherwise, to be addressed in the courts. Death by 1000 cuts in Appendix C Let's talk about that. So we've had now 1737, which scared many licensees out of the industry. You have house Bill 2179 that threatens the livelihoods of many of the licensees in this industry against the intent of 788. We've now had the moratorium. All of these are due to the failures and the inadequacy of the OMMA, not the licensees we've had the failed implementation of metric. We've had no adequate help. In a timely period now, with Appendix C, We wanna nickel and dime our small businesses, of which Oklahoma is supposed to thrive on and what this industry is built on. And you want people to be compliant, right? We want our legal businesses to be compliant, absolutely. But how quick do you think when they're at risk of a \$15,000 fine for a simple clerical error that they're going to pick up the phone? And ask for guidance from the OMMA of how to solve that problem, solve that issue. You treat all of these licensees in Oklahoma as if we are licensees, you know 200 Max in an industry of built on millionaires. These people are barely surviving. They're fighting for every penny that they can get. And now it's death. By 1000, cuts with Appendix C You're talking about 15 thousand \$500.00 fines, but yet you want. People to remain compliant. I'll wrap it up and I'll wrap it up with this reference. For four years as a small business owner, I've not taken a full paycheck. Yeah. Appendix C threatens my livelihood for simple mistakes. I ask you this in comparison, and we know when this job came about that the director salary was right around \$100,000 a year. Many of these businesses have a footprint dispensary, small dispensaries of \$100,000 a year. If I started to swipe for all the inadequacies of the OMMA and for every clerical error in every operational error, \$5 thousand, 500 out of the director salary, how much would she have left? Thank you. I'm DC.

Darrell Karns

**OMMA Evaluation:**

The requirement that medical marijuana commercial grower licensees post signage at the site of the commercial grow operation is set forth in state statute, specifically 63 O.S. § 427.21(C). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment. Regarding fees, this comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

My name is James Ladabouche. I'm with Vetmaps. I get cannabis carts for veterans, for free. Try to get them from opiates and other pill medications over to a less hazardous drug, something safe. Something I've went to, something to save my life. Something gave me new life. Over the past couple of years been awakening for me from losing everything, including my best friend, to opiates. Donnell was an AA sponsor and spiritual advisor for 30 years. He helped me through a lot of life circumstances, getting me through the separation from a lot of things that happened with me through suicide over to something sustainable in life, which is cannabis. I've been on the other side. I've been 12 hours since stated 3 days in a coma. My friend Donnell did die. I'm advocate for cannabis for veterans now, but my problem is when I get cards form it cost me 100 and 4:50 fee. That I'd like to find out how to get that gone, asked Ashley because I guess it's through legislation. Is that not correct? Am I not talking to the right person? When I asked this 100 and 4:50 fee, are you the one that I should be talking to, to go through legislation? If it is, I'd like to talk to you afterwards. Also on that fee, you know, you have a doctor's fee afterwards, a filing fee if we're a medical state and you say we're a medical state and you guys want to help my veterans remove this blockade. Remove this out of my way so I can medicate veterans. I went to the VA, seen my psych after three years. OK, I went to see him/see her, and this is what they gave me. Risperidone. I tried it two days. It's just like Prozac. It's mind numbing numbs you. That's exactly all they can do is give you this. I give veterans an opportunity and alternative from this. I give them a chance to be not mind numbing through Seroquel and Trazodone and morphine and hydrocodone, Xanax, all the other stuff that's out there. I was there. I was dead. I'm alive now and I'm an advocate, and I will be here and I will see what we can do about removing these fees and these blockades to get veterans medicated. I'm motivated, very motivated and I will be around. And I don't mean to be that in a threatening way at all, but I will be here to help in any way I can to see this fee going and also on the dispensaries, I'm talking for elevated native. He can't be here. Why can't dispensaries get their cards and their own dispensaries for patients? It's their business. They try to get their clientele. Why do I gotta bring up better bloom cannabis with a trailer and a pickup to their location? Because they can't do cards in their own location. That is crazy. If they have the capability to do it within their own location. If a dispensary wants to do that, to get cards for their patients, why not? Well, it's stopping that you guys. This is another roadblock to stop people from getting their cards, sending them to a virtual or sending them to somewhere else or having me bring out a van in it. And I do this. I paid \$12,000 out of pocket. This year I've gotten over 85 veteran cards. I've got 10 right now on my phone. 10, they've called me waiting for cards I don't have funds for yet because it is 100 and 4.50. Some if there are 100% rated, they get the 22.50 subsidy. But if they're 80 or 95% rated, they could come in with a crutch, be falling down no 22.50 until they get the 100%. A veteran usually takes three or four times at a rating to get to that 100%. Well, they're at the 20% or the 30%. They're still messed up. But yet they can't get the subsidy till the 100%. It's not right. It's not right. Thank you. Have a good day.

James Laubishay

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not

be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Hi, I'm April Harrington and I'm with shared Kitchen and I have a very unique situation that I'd just like to bring up. Concerning the concerns certificate of compliance that is required right now. It is stated that it has to be a certificate of compliance is required per business. I've been asking for that to be changed to per location. I have a shared facility so I have up to 10 to 12 processors who use the kitchen based off of an online calendar and so last in the last 26 months we've had 172 inspections, 33 building plan reviews. On the 34th one, they decided that we needed all new plans and basically shut us down to not get any more certificate of compliance until we restarted the process - which if there were problems, I could see that being an issue. But since I've passed 33 times with 172 inspections to get that done, it seems like it's a little excessive, a waste of time for the city, and it's a very minor change. It's basically requesting that the certificate of compliance be to the location instead of to the business. Thank you.

April Harrington

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Hi, I'm Lacey Burton with Bees Knees Dispensary and we are a processor as well, and I just want to say thank you for the opportunity for allowing me to speak today. We serve in Stevens County. A lot of patients age variants, OK, and a lot of our patients probably over 50 to 60% of them are in the ages of 50 to 70 years old and they like our edibles. We have to test every nine pounds when I'm trying to dose my patient of 70 years old on a 25 milligram muffin, it's not feasible due to testing, OK. We need more testing piles like I would say 30 to 40 would be at least a help to us to be able to sufficiently dose our patients on our edibles. OK, we make brownies, cookies, brookies, muffins, all kinds of things. She needs a 5 milligram, not 100 milligram muffin. But for it to be feasible for us to be able to dose them, we have to dose like a 25 milligram muffin, like 100 milligrams or 50 milligrams and they have to cut that in so many pieces. It's just really hard for them. So I would really like to get something done on the processing edible sides for the weight or the poundage that we're having to test that I think we each one of our edibles go out our door haven't been tested two times, that's with our distillate. I've already been in tested from where we're purchasing the distillate from plus on top of we do get it tested sometimes just to make sure, but we infuse our coconut oil so then it's tested again and then of course our product is tested and we do low heat. So I mean it's a lot of testing every nine pounds and it's just a little overwhelming and our patients would, you know, appreciate it as well if OMMA could work with us on this. And Director Berry as well, I would like to have met

her as well, been looking forward to that. So sorry we missed her. Other than that, I mean, I we're here to help any way that we can as a dispensary or processor to be able to educate you guys on how this works. We want to get educated as well. I will come up here every day if I need to. I will come up here when you're willing to meet with me. The thing is, just meet with me. Right. Because I'm here. I need you guys to be there for us. We're making a difference here and we really appreciate the help. So I'm going to leave my name and number for Director Berry. She is invited to my dispensary and processing. I would really love to show her how we operate and maybe she can interact with some of our patients as well to understand how crucial and important it is that we cannot afford to continue like this as well as we don't want to really up the pricing on our patients either. They need to be able to afford it as well. That's all I can really speak on, so thank you very much for having me.

Lacey Burden

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Hello, my name is Parker Jones. I'm here on behalf of Borough Farms. I just want to say thank you for allowing us to be here today. First and foremost, my questions has kind of already been asked, so I won't take too much time. I just want to reiterate the importance. Like the gentleman with leaf logic said testing for a vertically integrated company is, the way the rules and legislation is written right now is very difficult. We have to get product tested multiple times before it goes to a patient and that's an increased cost that doesn't in our opinion doesn't add any safety towards the final product. I believe the testing should be done before it goes to the patient, absolutely, but anything that happens before that we grow, we have an increase of 50 to \$60,000 a year that we have to go to testing specifically to just get filed in the filing cabinet and never get used because that product has to get retested and that's unfair to the business and it's an increased cost that has to get shared down the line that the patients end up having to pay for as well. And that's not fair to them. So like I said, I just wanted to reiterate that that had already been done and that's of the utmost importance to us. So that's all I have to say. Thank you for time.

Parker Jones

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**



To the tribunal appreciate you having us here to offer our public comments. My name is Nathan Richter. I'm the CEO and cofounder of Natures Key edibles processor here in Oklahoma City. I'm going to echo just a couple of things. If the OMMA isn't familiar with the two hotbed issues at this public hearing, testing and illegal market is obviously the primary target, and I think within the rules you have done a fairly good job of addressing some of the testing concerns. The problem is that redundancy and over regulation lead to what you're hearing today, and that's essentially what these rules have done, and I want to point out one on the testing side that is very critical to us. Processors with bees knees who just mentioned it, and I appreciate that comment is that you're holding processors to a standard that's less than what you're holding labs and that issue that that causes in our math when we're dosing patients is exactly that. We're going to be out of the variance. Not compliant with the rules when we want to be because our labs are not being held to a tighter standard than edibles processors. So in your rule this is in sub chapter seven of your rules. Four 4210-7-1D13 is where you guys have set forth the 15% variance for edibles processors. Wonderful. I think everybody in the room would love to know and love to put product on the market that is accurately and consistently dosed so that patients can trust it. We're all for that. However, we can't do our jobs unless the labs are doing theirs and being held to a tighter standard. So I would urge the OMMA to review the testing rules to hold labs to a tighter variant standard when they're providing us input material so that we can do our jobs and accurately dose our products. The second thing I would point out is obviously the illegal market is hindering the entire industry and everybody in this room wants to do something about it but doesn't understand or doesn't know how we can do that. You have proposed in some, some chapter one of your rules, the ALJ rules, you've proposed a duty of disclosure and the language in that rule leads me to a question of whether or not that disclosure is mandatory within our operation or if it's mandatory when we know somebody else is doing something illegal. I think to Mr. I believe it was Qatar with Mango to his point, if there were a duty on the industry to mandatorily report when other operators are operating in the illicit market, we might go a long way as to cleaning this up so long as the OMMA and OBND can enforce it, and that duty of disclosure should be incumbent upon all of us to make sure that we clean up the industry so that we all have jobs and we can provide jobs and we can make money and help patients. Thank you.

Nathan Richter

**OMMA Evaluation:**

Testing requirements for harvest or production batches are set forth in state statute, specifically 63 O.S. § 427.17. Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

I'm Darren Wells and with 1G farms. Pretty much everything's been said that I was going to speak on today, so I just like to reiterate that the testing is completely ridiculous. The only time this stuff really needs to be tested is when it goes to or when it's going to be sold to a patient. And it's not beneficial. It is absolutely killing us. I've got bags of stuff setting that is literally, it doesn't even pay to go have it tested. It's made it useless. And the other thing is a sign. You

know, my family's been here for 130 years in Oklahoma. I live on a family farm. My farm and ranch, and having that sign out there like he was talking about earlier is that it is, it is worrisome. It's worrisome to have to have that sign out there and to put a target on our backs. The response time in rural areas is not great, so that's all I got to say. Thank you.

Darren Wells

**OMMA Evaluation:**

Testing requirements for harvest or production batches are set forth in state statute, specifically 63 O.S. § 427.17. Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment. The requirement that medical marijuana commercial grower licensees post signage at the site of the commercial grow operation is set forth in state statute, specifically 63 O.S. § 427.21(C). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Hello, thanks for having us. I've never been to one of these before, but I felt like I needed to and that's a big deal for me. I'm not a political person. I don't get involved in things like this, but as a business owner, small business owner, mom and pop in Oklahoma, I feel what's going on that you guys need to have a clear picture of how it's actually affecting the public, which is who we're here to provide for and protect. And I second everything about fees and testing prices. And I'm a processor. I'm a non-solvent processor we make and we use the full plant and everything that we make and it is medicine. Part of my story is I'm a former alcoholic and opiate. I worked in pharmaceuticals for 20 years running Walgreens drug stores and I'm a compounding licensed pharmacy technician. And I watched those products kill people. I never saw people actually get helped and they were maintained. That's it. After I became an opiate addict, being exposed to that, and I had my eyes open, I was, I was skeptical to what plants could really do. Umm, after being set free from all that I've been nine years clean from any substances at all. I'm off all of my pharmaceuticals and we're not just talking about opiates. Xanax, Prozac. We're talking about blood pressure medicines. You name it, cannabis has helped save lives. And here's what's happening if you don't realize medical cards are dropping, why one? The fees are ridiculous. A normal person that is living day-to-day that can barely make ends meet is not going to renew their card. They're going to go to the black market because the fees are just too much for a lot of people. That somebody that's making below poverty line can't afford the 100 some odd dollar fee. And so then they're driven to the black market with testing the way it is. Me as a processor, I'm struggling. To make edibles, we had to draw most of our line because the testing requirements, because they're heavy and we're not, you know, we make things like brownies and they're heavy, 9 pounds is for me, when you do the math, which you can, you sit down and put "But I have to test this and this, this means I have to sell this much to make just as much as it costs to test it". My profit ends up being just as much as it was to test the product line. That's not sustainable. So then what do I have to do as a processor? I have to make cheaper options so that way it can go to the door and the patient. So who suffers the patient? Does you start removing



things like CBD, CBG, CBN. The patients are the ones that suffer from it as a processor. If I'm to keep my doors open, I have to make cheaper options to make product and get it to the patient. What does this do for the patient then? Especially new patients that are coming into the cannabis market with a hope and prayer that they can get off Prozac with a hope and prayer that can get off the opiates, and that the pain management facility will work with them. They go to a dispensary and they get a just THC product might help them some. But at this point, they've gotten a product that is, you know, you have distillate and you have prices for tiers of distillate and the processors are then having to select the cheapest distillate possible. And then give that to the patients when a patient has a terrible experience on something that's not really going to help them and they go cannabis can't help me and it's not truth. we're given patients options that are not options. It's so that way we can keep our doors open. I was a pastor before we started doing this. I got in this to help people and whenever we get in it to help people and then I get into an industry to where the leadership of the OMMA makes me feel like I'm doing something wrong. And as a as a Christ follower, as a pastor, I don't like living my life, though I have never worked in an industry to where I felt like I was the bad guy. When we're trying to help people. I hope that you guys can see the big picture that while you're trying to regulate businesses that are operating and providing clean medicine for people, what you're doing is forcing them to the black market. That's why cards are dropping and that's why black market sales are going up because the quality of product that is going to the market is having to drop to maintain the fees. When you guys started introducing all the new inspectors, I was happy. But at the end of that I went how were they going to fund this? And then you started introducing the fees that are coming up now, the \$15,000 fees. I would understand your payroll is through the roof. I get it. You're a standalone agency, but the way to fund, it's not to increase and put \$15,000 fees on businesses that are barely struggling to make it through for something that could be a clerical error, oversight mistakes that can be fixed. I hope you guys see that. All of that is going to drive more people to the black market. The responsibility is not on the licensed businesses that are doing the right thing to keep people from going to the black market. It's the OMMA's responsibility, not ours. Thank you.

Kirk Rolland

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Good morning. My name is Jed Green. I'm the director of Oklahomans for responsible cannabis action, everyone's favorite troublemaker and what? First of all, I would like to congratulate the OMMA on becoming a standalone agency. That is something that a number of, yeah, that's something a number of folks in this room advocated for. And the surprise is now we've singled you out from the herd. So, you know, it's a congratulations on that. And also thank you for the modifications that have been made to this year's rules that it appears that they have hewn fairly closely to what we have in legislation, new law that was passed this year. And so ultimately, yes,

a lot of these issues definitely need to be touched on with the legislature. So a couple of quick housekeeping items. One is that under definitions, you may want to take a look at medical marijuana product. It says that these contain cannabinoids that have been extracted from plant. Material with what we see going on today with industrial hemp products that are sourced out of that federally legal program, there might be an additional word or two that may need to be dropped in there because consistently throughout your definitions and rules such as your definition of marijuana, OMMA is prohibited from dealing with D8 and D10 THC. So it's just a, you know, it might want to say marijuana plant just something like that also. When you look in, when you're looking in your definitions, take a look at processes. There are some of the things when we talk about the administrative hearings process that you may want to take a look at and see under the definitions of, say, adequate notice or failure to appear that you take a look at that and maybe possibly define that a little bit more to give. Your counterparts that you deal with, some you know, opposing potentially opposing counsel, some idea of what those things might be, the so those are, you know, those are a couple of minor items. The next thing that I want to touch on is something that has been touched on, which is the outdoor signage law. Obviously that is something that is specified in statute, but I want to just quickly run down and make a couple of points about it. Number one, there are in that in the law. In the past, we are also required to have grows file with register in the sensitive crop registry with ODAFF. That is something that is a recommendation that ORCA made. We thank the legislature for doing that. The concept was to give state agencies who, from our understanding had requested this sign the ability to see what's going on at these properties before there. You know, when we when business is registered with OBNDD, when they file a license application, knowing when they now file with the sensitive crop registry, there are two or three points of contact where they provide even the GPS coordinates of that, as Mr Carnes made the point earlier, one of the big selling points of Thentia is that it is software that allows state agencies to talk to each other. So our licensees are providing the information twice already. They are paying for it through their fees. So what we would hope to see is that the state and in your collaborations with other agencies that you would say, OK, hey, we have this tool, we're paying for it, let's use that. Again the concept that the concern with outdoor signage is it puts a target on those grows. It also is a makes insurance unavailable to some growers out there. So when the we've just got to duplication here and this is something that the. The other thing that I want to point out on the signage law is due process. The way it is written, this was done by the legislature is that license revocation is automatic if you do not have that sign up 60 days from renewal. Well, constitutionally that's probably a violation of due process. And when we look at what the other fines and such are a say a fine for selling to a minor is \$2500. You have all of these license fees for things like illegal sales and all of that that there is a fine associated with it. Yet with the signage, it's automatic revocation, and so this is something that we asked that, you know, hopefully the legislature will go back and take a look at because not only is it duplicative, it's unnecessary. And if it really comes down to it, it could probably wind up in District Court if it's attempted to be enforced. The other thing that I'd like to the other thing I'd also like to address, I'd like to address simply, especially for our legislators, that the biggest gaping hole that we have in consumer safety and cannabis products in Oklahoma revolves around cannabinoids D8, D9, D10 that are sourced out of the industrial hemp program, be it here in Oklahoma or coming in from out of state. You know, we can go online right now and purchase Delta 9 gummies online. They can be shipped here and there is no labeling requirement. There's no consumer safety. Obviously addressing this is going to require collaboration with, with Department of Agriculture.

And so I hope that you all are able to, you know, engage in those talks constructively with them and engage with the legislature when they say, hey, guys, how could we possibly do this? Ultimately, I believe it comes down to, you know, redefining marijuana as we have it. We need to have a broader definition that will allow the regulators to stay ahead of the innovators and provide for that consumer safety. Those you know, gas stations across Oklahoma have got D8 and D9 and D10 products that there is no enforcement on. And that is simply competition to all of the folks that are in business that are doing this the right way. So the other thing to reiterate on is the testing and I want to note that House Bill of 4056, I believe. I know that OMMA is working on quality control with the labs and it's good to see some of the progress there. We hope to see more of that in the future as that kind of comes about as far as what we're seeing here. The fundamental thing is we want to not only have more enforcement, which really comes into an OBNDD type of a thing when you talk about the large numbers of illegal grows, they've got that estimated at 2000, the really bad actors, that's on them. Well, I'll wrap it up then and simply say this that when it comes to testing, that is something that it's, it's really simple. You've got to let these businesses be competitive against the black market, to beat the black market. It's that simple. And so you know, I know the process validation is potentially being considered. We've got a law on that. Y'all got a year to work out the details on that, but fundamentally, the product needs to be tested before it hits the consumers, and there are a number of things that you know that can be done there to streamline that. So I'll get off the microphone because I took my 5. Thank you.

Jed Green

**OMMA Evaluation:**

The requirement that 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 is set forth in state statute, specifically 63 O.S. § 422(F). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment. The requirement that medical marijuana commercial grower licensees post signage at the site of the commercial grow operation is set forth in state statute, specifically 63 O.S. § 427.21(C). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Hello I'm Brie Truitt with Lex cannabis. Many of the things I had wanted to say have already been said. The testing before going to the consumer should not be required. The batch sizes should be larger. And I hope that OMMA will take these comments and do something with them, because you've gotten a lot of good comments from people here who care about the patients and the industry. We're not criminals. We're trying to do this the right way. And so it would be nice to be treated like that. That's all I have to say. Thank you.

Brie Truett

**OMMA Evaluation:**

Testing requirements for harvest or production batches are set forth in state statute, specifically 63 O.S. § 427.17. Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Good morning. My name is Michael Thomas. I'm a retired Water wastewater operator from Seminole County. I'm a patient. And I want to talk about THCV. On section 10-4-2, there's a definition for THC but not THCV. When this program first started, I had went before that to the doctor, Doctor told my wife and daughter I had about a year left to live. My daughter got me some of this Durban poison. Sativa. And I started this. I started losing weight. I started any kind of stresses that I had. Anxiety had kind of disappeared when I would use this. I lost about 70 pounds. In this thing is a. The fellow here with veterans this, this helps people with. Post Traumatic stress disorder. But it's helped me out so much. I mean, I'm here. I'm alive today. I'm. I'm productive. I'm working on my farm. I got an organic farm. I'm trying to do organic vegetables. In. I just wanted to ask for a separate dispensation for THCV, even THCV dispensaries. Majority, there's a lot of Oklahomans that have diabetes, type 2 diabetes that are insulin dependent. I've cut my insulin in half with. I had kidney disease. It's gone. In. I call it a gift from God. In. The testing and I know there's a lot of concern with testing and but they're the chain of custody and certificate of analysis for testing. To get a stable standard medicine, not a product, but a medicine should be encouraged. And as far as growers, everybody's growing different strains and different, you know, genetic modifications. Well, I think if the growers got together and maybe done specialized in their medicine, in what they give to the people, it would not only enhance their sustainability, but it would offer more benefit to the patients. I attended a board member training meeting at Seminole State College for Rural Water Board members and they were concerned about the grow facilities, about the criteria for infrastructure sustainment, you know for like water, sewage and solid waste, and they were asking if that could be incorporated on application the criteria for grow operations. Because it's put in place in the burden on some of these water districts, being able to supply their regular customers and then they're having to supply more water for these grow facilities. And you know there's someone might come in and buy the property and then sell it and they have this this 1 meter there, but they can't supply them enough water. The other thing I wanted to talk about was certified seeds. Now, if you can't get the medicine that I'm needing because I've stopped losing weight because I can't find it no more. I can't find the Durban poison with the with the. Levels of THC and that that they're serving, and so if I had a certified seed program, maybe I could grow up myself. You know, these old landrace strains from Durban poison comes from South Africa. In the original strains it's not modified is what I'm, what has been beneficial to me. And I also want to thank you guys for serving on this rulemaking body. I mean it's a tremendous job you got ahead of you and really appreciate it with that. I'm going to close and thank you very much. Thank you.

Michael Thomas

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Hi, I'm Sherry Roberts with big dream cannabis company and I feel like hopefully you guys are seeing a trend that everything I had on my list to talk about today is already been talked about and it's a very few things with hundreds of pages of laws that that has been brought up today. So there's really concentrated things that I feel like people are trying to say to you that hopefully you're listening. One of the main things I came for today was to talk about the signage. I'm almost a 60-year-old. A woman and I own a majority of our grow and processing, and we've already been robbed once And now I have to put a sign outside of my building that says my contact information and what I'm doing and I'm scared. Frankly, and I don't understand why this would even be put into law, and I feel like that's something that you guys need to look at ASAP, because if you've heard everybody in here, they've all brought up the same thing. It's a very huge safety concern to the majority of the people in this industry. The other thing that I had come to talk about was about the testing, which has already been brought up. We have a grow and a processing and we have to test going from our grow to our processing and then then do our final well multiple tests along the way which is really by the time we get done with the way the market is now with the oversaturation and the stuff going on in the black market, we're barely selling stuff to even break even, and now, and we're testing like say pre rolls like we're having to test all this stuff in between when we could just test the final product and get the same results. It's our product. We're moving it from grow to processing. It's our product at the end. Now if I'm buying stuff from another party, I understand I need testing, but if it's my stuff, I'm moving all the way to the end, why can I not just test the final product you're getting what I'm giving the consumer? At the end, and that's the most important thing to make sure that's safe for our patients. But the extra nominal fees I'm paying along the way are not even making it feasible to sell my product at the end, so that's really important. I think everybody's really concerned about all the illegal grows, all the stuff going on out there. I think some of this is pretty obvious with these farms coming up with 40 greenhouses and people living on site like it shouldn't be. It should be a no brainer to know what some of this stuff can be punched out really easily if people just go look at these farms. And the black market is killing us because it's being there's so many grows out there being, I think OBNDD posted something where with the patients we have in Oklahoma you only need 7% of what we're growing. So there is a huge problem with illegal grows, and I've been, I think I've had inspectors come through our place like five or six times and we're a small group. I don't understand how these people are continuing to operate. If we're getting inspected like we are, how they could even still be in operation. So I just I think this has all been said by everybody and I appreciate everybody coming out and speaking today because I think it's really important that that that we're heard and I appreciate you guys sitting and listening to us. And I would love to have more of these ways to communicate this kind of stuff to you guys, because I think it's important that our voices are heard. That's all I have to say.

Sherry Roberts



**OMMA Evaluation:**

The requirement that medical marijuana commercial grower licensees post signage at the site of the commercial grow operation is set forth in state statute, specifically 63 O.S. § 427.21(C). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment. Testing requirements for harvest or production batches are set forth in state statute, specifically 63 O.S. § 427.17. Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Don Kass with fire in the sky. And I wasn't here at the very beginning, so I don't know if this we talked about testing a little bit, but we have a grow. We have to test every 15 pounds. The problem with that is this: if we've got a strain that's doing very well and we've got 100 pounds of it, we're testing the same one over and over and over again. Not only that, but at the end of that, all the trim that we have, which is from the same plant, we're testing that again. And then we're testing pre rolls again. That's 250 bucks a pop. How do you sustain a small grow when you're getting beaten ahead by? 250 bucks, 250 bucks, 250 bucks. Constantly. It's impossible. What's happened is large industrial companies have come into this into our area. They've went in, they've lobbied lot, they've lobbied with lobbyists to change the rules so they can they can do what they want to do to push small people out of this business and that's what's going on. We have huge corporations coming into this state that was supposed to be for Oklahomans, I'm 56 years old. I've put everything I had in the in the what I'm doing. And we can't sustain it. Because we've got guys like in in the bigger corporations lobbying you guys to get the rules passed that they want because moneys no object for them because they got two 300,000 square foot facilities. I would just like to have it fair. Go to 50 lb, 15lb batches. It's a killer. And then to test again and again and again for the same product. It's absolutely killing any small Oklahoma business that's out there. It's unsustainable. All you're gonna have left is big corporations that are going to buy up all the bigger, smaller mom and pop shops, and they're going to run this deal and what's going to happen after that is Marvel and Winston. When this thing comes, federal regulated, they're going to buy all those. And that's just how that's just how this chain works. We need some relief. We've ask and ask and ask, and nothing's happening. I'm gonna say it one more time. It's unsustainable. We cannot continue down this path and expect small Oklahoma business people that got in this to be able to make a decent living. It's going to go away. That that's all I got to say. I sure appreciate your time, and I I wish Miss Berry was here because I think you guys need to go tour some facilities. You need to see what it's like seven days a week, 12 hours a day, some places being able to grind and grind and grind. Not to even make it work. You guys need to get in the trenches. You guys need to come out and see what it's like. And I guarantee you, if it was your money, come out of your pocket for \$250 for 15 pounds. Come on. You know, this is the only state that does that stuff. Not only that, but now you have to sticker everything you're doing. You might as well just walk around the sticker on your forehead. I'm being honest. I mean, everything's batch this batch, that sticker, this sticker. The system's broken. OK, I'm. I'm just being honest with you. I've never been to any of these meetings. I've never

spoke out anywhere, but it's broken from metric to OMMA. It's broke. And we are begging you to fix this. I mean, for the love of God. I've got my whole life on the line at this place. And we're not going to make it. It is today is unsustainable. Thanks.

Don Cass

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

My name is Bradley Moore. I'm from Zamir's house. I'm the owner. Good morning to everybody here. Everybody said a lot and I could say a lot too, but the main thing that I want to reiterate is the signage. I have a grow in the rural area as well and just to make a spectacle and draw attention to yourself in that way, I think is, you know unnecessary. So y'all should think about that. Thanks.

Bradley Moore

**OMMA Evaluation:**

The requirement that medical marijuana commercial grower licensees post signage at the site of the commercial grow operation is set forth in state statute, specifically 63 O.S. § 427.21(C). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Good morning. My name is Isaiah Bridy. I'm an attorney out of Tulsa. OK, I'll be speaking on behalf of some of my clients who reached out to me to speak on their behalf this morning. I'll be speaking on four items, fees and fines, certificates of analysis. Inspectors and inspections and then also just the general overall framework of what the state is trying to accomplish with their regulations, speaking first to fines, I was driving down the Turnpike and I was speeding and I received a ticket for \$250. I was intentionally speeding. I deserved that ticket. Let's use the example of a fake client that I have William Straw Man William is from Poteau. OK, all of his life, he's gone by Bill. He signed everything, Bill. He signs all of his OMAP paperwork with Bill. But his real name is William. His driver's license says William under Appendix C of the current rules and also the proposed rules. I think there are about 3 separate fines that William Straw Man. Could receive for signing and then stating that his name is Bill instead of William. Now, why are we penalizing Bill for not calling himself William when intentionally speed and did something wrong? William is from Poteau. OK. He's a good old boy. He's just trying to make a living. He goes home to his wife every day and he likes to have a good time. I think the state

will have to come to one side or another on what? The purpose of these fines. Is trying to accomplish whether that be to penalize and to discourage bad actions, or whether these rules are supposed to be encouraging good actors and people who are operating in good faith right now. I think most of the individuals in this room believe that the state is trying to penalize them going towards certificates of analysis. I have clients who have tried to decontaminate and remediate their product at present. They will have to get that product tested and then send that to remediation or for decontamination if there is a grow that has two different harvests coming out of the same room, one harvest 1-2 weeks before and then the second harvest two weeks after, they would have to get both of those harvests tested and then send both of those harvests for remediation. If the first harvest comes back as moldy, why do they even have to take the opportunity to get the? They can test it if they're just going to automatically take the second harvest to be remediated, you are penalizing. At present the people who are good actors, who are trying to be proactive and automatically sending out product that they know will be testing positive for mold and trying to remediate it for the benefit of the patient. Going to my third point with speaking towards inspectors, I have seen with some of my clients who I've sat in on operational capacity inspections and also compliance inspections a disunified formality of the of the application and interpretation of the rules. At present I've spoken with your office, as you all know. Some of my clients have had. I do believe 4 inspections in the span of two months for multiple different things all associated with the same license at the same location. I have had inspectors say things that on the face of the rules wasn't accurate and then had to challenge them to call their higher ups at the Oklahoma Medical Marijuana Authority just to get oops. I've had inspectors, I've had my clients reach out to inspectors for operational capacity visits indicating that they've had a passing or a death in the family. They would not be present at that day. Mind you, that they got, they got notice of the inspection at 9 and the inspector was supposed to be there at 9 and the inspector wasn't there. They're out of town, etcetera. They asked for a courtesy in getting the inspection rescheduled to. The next day or the next couple of days, just for the inspector to come back and say that that that indicates that they should be inspected even more and that they are somehow operating in bad faith or not in conformity of the rules. When I've had other inspectors say as a common courtesy, the state will reschedule inspections, rent requested at least once. So I see severe inequities in the interpretation and the application of rules, I also have never seen any guidelines or criteria for the inspectors themselves for any inspectors who are possibly acting in bad faith for inspectors, like the individual who claimed that my client was acting in bad faith for them trying to get an inspection rescheduled to a time that they were there. What does my client supposed to do in that situation? Do we make complaints to the Oklahoma Medical Marijuana Authority? Do I file an administrative procedure? Under the Oklahoma Administrative Procedures Act, what are businesses supposed to do if they have a cavalier or a crusader inspection inspector that is out to get them? I've seen the state in the right in the authority come a long way, and while some of the items can be appreciated in these rules, I still do believe on behalf of my clients that there are still. Severe disparities in where the industry is, where the Oklahoma Medical Marijuana Authority is and where we all should be. Thank you.

Isaiah Briley

**OMMA Evaluation:**

Disciplinary actions imposed upon a medical marijuana business licensee by the OMMA are set forth in state statute, specifically 63 O.S. § 427.6. Changes to this requirement can only be made



by the legislature. Otherwise, this comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment. Requirements regarding transfer for the purposes of decontamination or remediation of medical marijuana that has failed testing are set forth in state statute, specifically 63 O.S. § 427.17(V). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment. Proposed changes to the permanent rules under OAC 442:10-8-1(d)(1) allow growers to transfer medical marijuana from harvest batches to processors for decontamination prior to testing, so long as it successfully passes all tests in accordance with the Rules prior to transfer or sale. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Blake Cantrell, with the peak dispensary here in OKC. So this isn't directly on point to a rule necessarily, and it's echoing some of what's already been said. But I just want to highlight the lack of, I should say enforcement that's occurring in the market right now. As you've been hearing. Illegality and non compliance is rampant. Frankly, at every level, across every license type. I definitely applaud OMMA and OBNDD and the advances that you all have made and then the bust that OBNDD has been doing lately. But the reality of OBNDD is, you know, their law enforcement agency inherently and you know they're busting illegal grows, but those grows largely are going straight to the black market. These are not coming into the legal market. There's just as much illegality in the legal market, I know for a fact from multiple sources that, for example, dispensaries are. Selling 2 patients who don't have a Med card and the instruction of them is just pay with cash. This is not an isolated incident and it is occurring across the board we are. There is very much a sense of desperation among legal operators, as you're probably sensing here with the ability or. Or fear of the inability to survive. It is impossible for us to bake in costs of compliance, do things properly in the way that they should be done, while also competing with illegality. We are. I'm concerned about the direction of the market and. Without force enforcement, it is allowed to perpetuate these rules that we're discussing here are only as good as the paper that they're written on. If nobody is enforcing them. If there is no. Accountability for a failure to follow the rules, and that is largely what's occurring. I know that you guys are making advances in that direction, and I, you know. And trying to remain optimistic that that. This thing will. Get wrangled in but. We are heading towards. The situation where Oklahoma will be. Almost exclusively illegal operations. If this isn't handled because people who are doing things right can't afford to continue in this manner. An easy example I use is. If you produce 100 vape carts and you sell 75 of them into the illegal market out of 500% markup, you can now come into the legal market and undercut the legal market which drives down the margins for legal operators, which sets. Unrealistic expectations in the patient of price and you know THC content that is unsustainable. We are in the position as retailers specifically, but every license type of trying to race to the bottom with pricing simply in an effort to survive and then at the end of the day, these illegal operators are going to go out and we're left holding the bag of unsustainable price points and the position of having to raise prices on patients and lose business and it is. Rapidly heading that direction, I'm frankly concerned gravely about where this is headed. I know you all are aware of it and doing your best about it, but you know, we're four years in here and

it's only getting worse. People I talked to, especially over the last six months, three months people are very worried about their ability to survive and that's the position that we're in. So you know, while I believe that we have a adequate regulatory framework in terms of you know what's on the books and what people are expected to comply with. But again, those rules only matter if they're enforced, and if there's consequences for people breaking them, and that's just simply not happening. You know the grow piece and the illegal ops that OBNDD is taking down are helpful. And they are part of the problem. But they are not the problem entirely and It's incumbent upon OMMA to aggressively get on top of this because They will be left at the end of the day if something doesn't happen soon with people who are operating non compliantly have no intention or not good intentions in any capacity about this industry or about the long term. You know success of it and about its beneficial impacts on Oklahoma and on its citizens and it's I I just implore you to aggressively enforce at every level where it is needed, not to say that these you know nickel and dime fines about clerical errors is what I'm advocating for. I'm advocating for outright illegality being enforced against outright noncompliance, being enforced against, and it's simply not happening at a rate that is going to Sustain the legal market and it's very, very troubling, I. That's really all I have. You know, in my opinion it is fruitless to continue to regulate and write rules and recraft rules when the rules aren't being enforced. And. I have a lot invested, you know, personally and this industry I care a lot about it. You all know that I'm very active in advocating for the industry and trying to advance it forward. And we are reaching a point where the people that are similar to me that are similar to the people in this room are not going to survive, and then you're left with the people who aren't here and are never gonna be here and they're going to break the rules behind your back as they're doing today because there's no consequences. And I would just really encourage you all to while the grows are great to enforce against on the OBNDD side, etcetera. This is a pervasive issue and retail needs to be enforced against as well. I appreciate your time.

Blake Cantrell

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Good morning. My name is Leanne Bryson. I've been a patient, an advocate. Business owner and many things in this industry since it started. I'd like to thank you guys for all that you've been doing and congratulate you on your new standalone agency. I'd like to thank all of you for coming today for all of your time and money and energy. And patients with this program. And all that you've invested in it. Um personally, I'd like to express my extreme frustration. With this program. Um as a? Patient. As a business owner. As a former federal leader. Having been where you are now. My frustration comes from a standpoint that at this point in time. Frankly, there is no excuse. For the fact that there is still this much fear. There is still this much anxiety. There is still no training. For any of these people. No education. No credentialing. No clear understanding. Of the rules, the processes, the procedures. It is also my frustration. That after this

many years. And this many discussions. And this much time and energy and investment. That there is still no clear and concise understanding of the OMMA processes and procedures internally To the public. And there is still no clear understanding by OMMA of these processes. From cradle to grave. How a grow runs how a dispensary runs? How a processing manufacturing. Restaurant, not restaurant, but. Cooking runs, transport, storage, warehouse. Any of these businesses. Cannabis card companies. How any of these businesses that bring revenue to the state of Oklahoma and taxes to the state of Oklahoma, how any of these run, these should be clear and they should be documented not from a proprietary standpoint, but from a general flow standpoint. So that you and your rulemaking and understanding. And. Regulatory guidance and even in your enforcement in your licensing and credentialing. From a regulatory standpoint, have a clear understanding and giving guidance, but also as a state agency, I feel like and I think they feel like it is part of your responsibility as a state agency to further grow and develop In accordance with regulate and enforce. Those licenses. I would also challenge you. On the subject of tiered licenses I disagree with it emphatically. I feel like that is the wrong. Solution. And I'm addressing it in my written public comments. I won't address it here, but I feel like that is the wrong solution. On HIPAA and Privacy act and patient protections, I don't feel like. Oh, and then May has properly addressed the confidential. And patient protected information strong enough or hard enough. I feel like we regularly you should regularly. The businesses should regularly. Within a medical program of which this is and patients are interacting and giving and sharing and asking for medical recommendations, and that information is flowing back and forth, we're obtaining medical products. That information should be protected under HIPAA under the Privacy Act and other relevant laws and guidelines. I do not understand why after this many years we are still talking about mold, for God's sakes. I mean if if we have growers that know what they're doing and we do. If we had the fabulous businesses that we do. If we have adequate and knowledgeable testing facilities, and we do. If we have a Regulatory agency and we do. Why are we still talking about mold? Something is wrong. So. Pesticides. None of that should be passing through to patients. So my challenge to you is. If the contract's not right and the money's being paid, you have a performance issue. And it's not just one contract, it's multiple contracts. So if you have a performance issue on your contracts, they should be addressed immediately. Do not pass go on any contracts. One quick thing and I'll wrap up. Safety is a huge issue. In the industry. I'd like to see more of a focus on safety for the protection of the businesses. And for the patients? And less legalese in the rules, please. Thank you.

Lee Ann Bryson

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

I'm Greg Ogle with screening green farms and Main Street cannabis and Newcastle. I'm just a small mom and pop. There's a lot of big companies in here and we all want the same thing. We wanted to be treated. Fairly like a normal business in the state of Oklahoma. The oil and gas

industry gets hundreds of millions of dollars of tax incentives to do business here. I'm a cattle farmer. I get help from the feds and from the state, and I know it's federally illegal, but we get help from the government. From the state I have a local office that I deal with that helps us. And I don't want to take anything away from this young lady right here. She's well trusted. She's got the governor's ear. The Lieutenant governor's ear. She has miss Barry's ear. This lady right here. If you want something done. This is who you visit with. This gal right here has got she's got clout, so don't think that just because Miss Berry's not here, this is who she goes to. Her husband is very well connected in the industry. In the in the government attorney. And they do good things. So this young lady right here is. Well. Speak to her ear. But anyway, we all want to be treated fairly. That's what we want all of us. And this new build this I don't even want to talk about it anymore because everyone's all hit on everything. Signs and testing, it all has to be handled and where we treat us like criminals. You do. I mean it's. It's embarrassing. I I'm almost afraid that some of my friends that are, you know, they find out you're in the cannabis industry and everything you read about on the news is how bad it is. I don't take any medications anymore. Ibuprofen. But anyway, that's all I have to say and I want everyone in here. Keep your heads down and your butts up and keep working because we are going to win. Cannabis is a good thing.

Greg Ogle

**OMMA Evaluation:**

The requirement that medical marijuana commercial grower licensees post signage at the site of the commercial grow operation is set forth in state statute, specifically 63 O.S. § 427.21(C). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment. Testing requirements for harvest or production batches are set forth in state statute, specifically 63 O.S. § 427.17. Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

OMMA requires a Dr. to sign the referral paperwork every 2 years, to verify that the individual still has a condition that meets state guidelines for the medical marijuana. When the VA. gives us a 100 % rating, it is total and permanent. So, there is no need to get paperwork signed every 2 years. OTC issues a tax-exempt card to 100% veterans which is valid to death or removed for criminal activity. OMMA receives no money for dr. referral. The 3rd party doctors are charging us for paperboard we already have. My proposal is making 100% disabled veterans exempt from OMMA, Dr. referral requirement. I also request that OMMA offers a 5 or 10 -year license since we are permanent at a cost of 10.00 a year which is the cost now, but they only do 2 years now. It would be cheaper and less paperwork for everyone, hence saving money. Veterans need the option to use medical, to keep out of the opioid jungle the VA likes to put us in.

John Buskirk

**OMMA Evaluation:**

This comment does not propose changes to the proposed permanent rule. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

"Sampler" means a person who is employed by or is an owner of a licensed laboratory, grower, or processor and is authorized by that employer to collect samples in accordance with the testing laboratory's standard operating procedures and these Rules. Comment: A sampler should only be an employee of a licensed laboratory that is trained in accordance with the testing laboratory's Standard Operating Procedures and the all OMMA rules. Reasoning: Potency inflation is rampant in the cannabis industry, not only in Oklahoma. In order for the state to best prevent unscrupulous practices, by ruling that only laboratory employees can do sampling creates enhanced Chain of Custody of the medical cannabis representative sample.

422:10-8-3(a) – Sampling Requirements and Procedures: General Requirements. Comment: In order to create enhanced Chain of Custody for the state of Oklahoma, only licensed laboratory employees should be allowed to transport medical cannabis samples for Compliance Testing to the laboratory. Allowing others, especially employees of cultivators, could potentially adulterate or divert the appropriate representative sample from a batch. By restricting collection of compliance samples to licensed laboratory employees only prevents diversion, subversion, or other practices that could lead to the consumer being misled.

422:10-8-1(i)(5) – Pesticide Residues. Comment: Oklahoma has one of the weakest regimens for pesticide residue testing in the United States. One area of concern includes specifically the absence of chlorinated pesticides like Chlorfenapyr, Chlorpyrifos, and Chlordane. Reasoning: As a testing laboratory, a company is testing Medical Cannabis. Because researchers have not been able to study what happens when cannabis is combusted and the byproducts of pesticide contaminated cannabis, we do not know the full effect of the use of pesticides. Having a minimal list of banned pesticides does not fully protect the patients that rely on the state to produce clean, safe cannabis. Moreover, requiring more pesticides will force labs to adopt newer, more reliable equipment that is capable of faster cycling and dwell times, and therefore better detecting of banned pesticides.

Julia Jernigan

**OMMA Evaluation:**

Testing requirements for harvest or production batches are set forth in state statute, specifically 63 O.S. § 427.17. Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

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**Comment:**

Regarding SB1737 - It doesn't seem our representatives considered the second and third order

effects of signage on a commercial grow. My neighbor had been burgled 6 times before they were forced out of business. Signage will only increase the likelihood of robberies and injury to cultivators, especially in metropolis areas.

Chad Hutton

**OMMA Evaluation:**

The requirement that medical marijuana commercial grower licensees post signage at the site of the commercial grow operation is set forth in state statute, specifically 63 O.S. § 427.21(C). Changes to this requirement can only be made by the legislature. The Authority will not be making any changes regarding this comment.

**Change:**

No rule changes are recommended.

**Persons or organizations who appeared or registered for or against the adopted rule at any public hearing held by the agency or those who have commented in writing before or after the hearing were:**

|                        |  |
|------------------------|--|
| Sean Seaba ,           | Lynn Hughes                                  |
| Brian Sullivan         | Taylor Lunsford                              |
| Anonymous              | Michelle                                     |
| Geoffrey Mercer        | John Doe                                     |
| S H                    | Jane Doe                                     |
| Paul Tay               | Donnie                                       |
| Patrick Dailey         | Chronic Cardz, Diversity Health and Wellness |
| Anonymous              | Nicole Lloyd                                 |
| Anonymous              | Keith C. Malley                              |
| Amanda                 | Paige Mullins                                |
| Billy Eugene Williams  | Jenifer Wendland                             |
| C M Herford            | Karl Brown                                   |
| Gabriel Ryan           | Parker Jones                                 |
| Jordan Wooley          | Kevin Gallagher                              |
| Amanda morse           | Andrew R Turner                              |
| Michael Pearson        | Andrew Kluttz                                |
| Karl T                 | Kevin Pattah                                 |
| Ava Gates              | Glenn Girone                                 |
| Andrew Scott Fulkerson | Natalie                                      |
| Tiffany Burrington     | Cody Hooper                                  |
| Colette Lamont         | Randall Gibson                               |
| Dan Polak              | Karl Brown                                   |
| Cody Soden             | Bradley Umoru                                |
| James                  | April Harrington                             |
| Cogan Petersen         | Jessica Baker                                |
| Venus Hendricks        | Susan Stewart                                |

Tevin Rice  
Ron  
Cogan Petersen  
Billy  
Thomas Edward Herman  
Seth Reeder  
James Huff  
Donna Boatman  
Alysia Glover  
Lauradda  
Joe Lovett  
jason burns  
Joseph Witt  
Joseph Witt  
Trevor Smithson  
Carla Krueger  
XP Moua  
Scott Stuckey  
Jesse Murphy  
Sherman Hom, PhD  
Kristi Perryman  
Troy  
Roger "Derby" Schafer  
Craig Bowl  
Holly Kahle  
Austin  
Becky McKim  
Liz Parham  
Maureen McCollum  
Susan Martin Weaver  
David Finch  
Anonymous  
David Dean Musk  
Red Bud Dispensary  
John Dowling  
Brie Truett  
Anthony  
Steve  
Taylor Mills

Brie Truett  
Joe Byars  
Brandee Spillman  
Milan Patel  
Billy  
Stancie Bowers  
Stacy Graeff  
Tommy  
Mark kendall  
Kari Wilkerson  
Brian Hallum  
Jason Davenport  
Jackie Dayberry  
John Hickey, Esq.  
Todd Davis  
Kevin Patam  
John Kumbis  
Darrell Karns  
James Laubishay  
April Harrington  
Lacey Burden  
Parker Jones  
Nathan Richter  
Darren Wells  
Kirk Rolland  
Jed Green  
Brie Truett  
Michael Thomas  
Sherry Roberts  
Don Cass  
Bradley Moore  
Isaiah Briley  
Blake Cantrell  
Lee Ann Bryson  
Greg Ogle  
John Buskirk  
Julia Jernigan  
Chad Hutton

**Agency Rule Contact:**

Ashley Crall, Senior Policy Analyst and Legislative Liaison, Oklahoma Medical Marijuana Authority, 2501 N. Lincoln Blvd., OK 73105, 405-568-5766. Ashley.Crall@omma.ok.gov.  
March 6, 2023.

## EXHIBIT B

### RULE IMPACT STATEMENT

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

##### 1. DESCRIPTION:

The amendments establish Oklahoma Medical Marijuana Authority as an independent entity as required under SB 1543. The rules adjust references from OAC 442:10-1-1 to OAC 442: Appendix E, replacing: Oklahoma State Department of Health with Oklahoma Medical Marijuana Authority, Department with Authority, and Commissioner with Executive Director. New requirements that commercial growers are prohibited from being within 1,000 feet of a school are adjusted in OAC 442:10-9-3(e)(5). The definition of “public school” is amended to include technology centers in OAC 442:10-1-4. Language establishing a moratorium on processing and issuing new medical marijuana business licenses for growers, processors and dispensaries beginning August 1, 2022 is added to OAC 442:10-5-3(h). New packaging standards allowing transparent packaging and requiring the use of an exit package and specific package warning labels are added to OAC 442:10-7-1(d). Enhanced penalties for unlawful diversion of product by businesses and patients is added to OAC 442:10-2-9, OAC 442:10-4-6, OAC 442:10-5-6.1, and OAC 442:10, Appendix C. The requirement that medical marijuana commercial grow licensees who operate an outdoor medical marijuana facility register with the Oklahoma Department of Agriculture, Food, and Forestry as an environmentally sensitive crop owner is added to OAC 442:10-5-1.1. The requirement that commercial grower licenses to post signage at the site of the commercial grow operation is added to OAC 442:10-6-1. Amendments to OAC 442:10-4-2(e)(2), OAC 442:10-5-2(e) and OAC 442:10-9-2(e) govern material changes that affect a licensee’s qualifications for licensure and clarifies that licensees cannot operate under the conditions of a material change until approved in writing by the Authority. Amendments to OAC 442:10-5-2(e)(2)(A)(iv) requires commercial licensees carry a physical copy of the written location change approval while transporting medical marijuana products from location to location. Amendments to OAC 442:10-5-8 remove references to the Medical Marijuana Advisory Council and renumber the subsequent food safety standards for processors section to conform, adjusting internal citations throughout.

Clarification regarding the transporter license issued to qualifying applicants and the application for individual transporter agent licenses is added to OAC 442:10-3-1(a). The language regarding “chain of custody” is removed in OAC 442:10-3-6(e) to clarify inventory manifests. OAC 442:10-5-2(k) is amended to reference violations outlined in Appendix C. OAC 442:10-5-6(b)(3)(A) clarifies record retention for both commercial licensees and patient licensees involved in each transaction. OAC 442:10-5-12(c) clarifies the mandatory requirement to use the OMMA provided system for verification of licensees and transactions. OAC 442:10-7-1(g) is amended to require all storage receptacles be labeled with product batch numbers when in use.

Amendments to OAC 442:10-8-1 include clarifying and clean up language. OAC 442:10-8-1(d) allows growers to transfer medical marijuana from harvest batches to processors for decontamination or remediation prior to testing only if the remediated and decontaminated medical marijuana is returned to the originating licensed commercial grower and successfully passes all tests prior to transfer or sale. Provisions regarding the embargo of medical marijuana in OAC 442:10-8-1(g) are amended to no longer conflict with the provisions of 63 O.S. § 427.24. OAC 442:10-8-1(i) removes chemical residue from the list of required tests for production batch samples, requires heavy metal limits be applied to the product from that is submitted at testing, defines a list of terpenoids that must be included in tests for harvest batch and production batch samples, removes the requirement for a continual process of physical inspection, requires harvest batch and production batch samples that are remediated or decontaminated be fully tested and



successfully pass all analyses required under this subsection and Appendix F, establishes testing requirements for noninfused pre-rolls, kief, infused pre-rolls, and shake and trim. Amendments to OAC 442:10-8-2 clarify that laboratory accreditation must be specific to the procedure used in the laboratory and allows a medical laboratory director to delegate in writing the duties and responsibilities to a designee that meets all requirements of a laboratory director, requires all deviations from the written procedure be reviewed and approved in writing by the laboratory director, removes the requirement that any non-routine repair must be reported to and reviewed by the quality assurance laboratory, and provides clarification regarding required staff competency documentation. Amendments to OAC 442:10-8-3 require tamper-proof seals affixed to samples at the time of collection, requires samples be collected in the final form for transfer or sale of harvest batches or production batches, requires copies of the sample field log be maintained by both the laboratory and the commercial licensee from which the samples are being collected, and adds the state inventory tracking system tag number, the sample tag number, and the source package tag number to the list of required items on all COAs. Amendments to OAC 442:10-9-6(c) allow commercial licensees to transport their own waste to a licensed medical marijuana waste disposal facility.

**2. DESCRIPTION OF PERSONS AFFECTED AND COST IMPACT RESPONSE:**

Primary persons affected by the proposed rules are licensed businesses, though the Agency expects negligible impact. Agency has worked to minimize cost impacts by limiting amendments, both in number and in scope.

**3. DESCRIPTION OF PERSONS BENEFITING, VALUE OF BENEFIT AND EXPECTED HEALTH OUTCOMES:**

Licensed businesses and patients will benefit from the proposed changes. Businesses will primarily benefit from significantly enhanced clarity throughout, as well as several amendments that are in response to feedback received from the industry. Patients will benefit from additional protections with regards to testing.

**4. ECONOMIC IMPACT, COST OF COMPLIANCE AND FEE CHANGES:**

The proposed permanent rules are not expected to have an economic impact, cost of compliance, or fee changes.

**5. COST AND BENEFITS OF IMPLEMENTATION AND ENFORCEMENT TO THE AGENCY.**

The benefits to the Agency are overall clarity of rules for streamlined enforcement, greater transparency within the stream of commerce for regulatory oversight, and enhanced processes for licensed laboratories. There are no expected costs of implementation and enforcement.

**6. IMPACT ON POLITICAL SUBDIVISIONS:**

There is not expected to be an impact on political subdivisions.

**7. ADVERSE EFFECT ON SMALL BUSINESS:**

There are no expected adverse effects on small businesses.

**8. EFFORTS TO MINIMIZE COSTS OF RULE:**

The agency has made efforts to minimize costs by gathering input from the industry on amendments that would benefit both agency and industry, as well as limiting the number and scope of amendments.

**9. EFFECT ON PUBLIC HEALTH AND SAFETY:**

These proposed permanent rules will preserve the Agency's core functions to protect the health and safety of all licensees.

**10. DETRIMENTAL EFFECTS ON PUBLIC HEALTH AND SAFETY WITHOUT ADOPTION:**

There are no identifiable detrimental effects on public health and safety.

**11. PREPARATION AND MODIFICATION DATES:**

This rule impact statement was prepared on October 25, 2022 and updated on March 6, 2023.