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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

442:10-1-9. Recommending physician registration [AMENDED]
442:10-1-9.1. Recommending physician standards [AMENDED]
442:10-2-1. Application for patient license [AMENDED]
442:10-2-2. Application for patient license for persons under age eighteen (18) [AMENDED]
442:10-2-4. Application for temporary patient license [AMENDED]
442:10-2-6. Information contained on patient and caregiver license [AMENDED]
442:10-3-1. License for transportation of medical marijuana [AMENDED]
442:10-3-6. Inventory manifests[AMENDED]
442:10-4-1. License required [AMENDED]
442:10-4-4. Inspections [AMENDED]
442:10-4-5. Inventory tracking, records, reports, and audits [AMENDED]
442:10-5-1. License required [AMENDED]
442:10-5-1.1. Responsibilities of the license holder [AMENDED]
442:10-5-2. Licenses [AMENDED]
442:10-5-3. Applications [AMENDED]
442:10-5-4. Inspections [AMENDED]
442:10-5-6. Inventory tracking, records, reports, and audits [AMENDED]
442:10-5-8. Food safety standards for processors [AMENDED]
442:10-5-14. Handling of medical marijuana by dispensary [AMENDED]
442:10-5-16. Prohibited acts [AMENDED]
442:10-7-1. Labeling and packaging [AMENDED]
442:10-7-2. Prohibited products [AMENDED]
442:10-8-1. Testing standards and thresholds [AMENDED]
442:10-8-3. Sampling requirements and procedures [AMENDED]
442:10-9-1. License or permit required [AMENDED]
442:10-9-5. Inspections [AMENDED]
442:10-9-7. Audits and inventory [AMENDED]

SUMMARY:

The proposed permanent rules implement legislative changes mandated by HB 2807, SB 518, SB 774, SB 1039, and SB 1066 from the 2025 legislative session and address changes in statute under 63 O.S. § 420, 63 O.S. § 427.7, 63 O.S. § 427.10, 63 O.S. § 427.14, 63 O.S. § 427.16, 63 O.S. § 427.18, 63 O.S. § 427.27, 63 O.S. § 427.28, and 63 O.S. § 431.1. These rules are intended to provide a structure for the implementation of these legislative changes in OMMA's permanent administrative rules.

HB 2807 amends pre-packaging requirements under 63 O.S. § 431.1 (originally added by HB 3361 in 2024); authorizes commercial transporter licensees to use warehouse locations to temporarily store medical marijuana; and updates statutory language needed for FBI approval of the national fingerprint-based background check. Commercial transporter warehouse requirements are added to rules at **OAC 442:10-3-1** and **OAC 442:10-3-6**. Updates to the national fingerprint-based background check requirements are at **OAC 442:10-5-1.1.** Pre-packaging requirements are added to **OAC 442:10-7-1** and **OAC 442:10-7-2**. SB 518 requires an additional warning label stating it is illegal to drive a motor vehicle while under the influence of marijuana or marijuana products. These rules are added at **OAC 442:10-5-8(d)(7)** and **OAC 442:10-7-1(d)(2).** SB 774 reduces the patient license number to a 12-character number and adds a PDF417 barcode to patient licenses. The rules are updated at **OAC 442:10-2-6(7).** Rule changes to patient application resubmissions and full remittance of commercial license fees are required pursuant to SB 1039 (2025). SB 1039 requires patient applications to be resubmitted within 30 days of

rejection and requires commercial applicants to remit all license and application fees, including any additional fees, within 45 days of notification by the Authority. Patient resubmission rules are amended at **OAC 442:10-2-1(g)**, **OAC 442:10-2-2(h)**, and **OAC 442:10-2-4(e).** Commercial application rules are amended at **OAC 442:10-4-1(b)**, **OAC 442:10-5-1(b)**, **OAC 442:10-5-2(a)**, **OAC 442:10-5-3(a)**, **OAC 442:10-9-1(c).** SB 1066 requires the Authority to create and maintain a registry of recommending physicians and establish continuing medical education (CME) requirements for recommending physicians. These rules are added to **OAC 442:10-1-9** and **OAC 442:10-1-9.1. OAC 442:10-5-1.1(13)(D)** is amended to make employee credentials valid for one year from the date of issuance, instead of expiring Jan. 31. Amendments to **OAC 442:10-5-14(a)** and **OAC 442:10-5-16(s)(2)** permit display samples of up to 3.5 grams, a size more consistent with industry standards and pre-packaging requirements. Clarification to rules regarding violations deemed as correctable by the Authority are added to **OAC 442:10-4-4(h), OAC 442:10-4-5(i)(6), OAC 442:10-5-4(k), OAC 442:10-5-6(i)(6), OAC 442:10-9-5(i),** and **OAC 442:10-9-7(a)(6).** Proposed laboratory rules clarify that testing laboratories must follow the current version of the manufacturer's instructions for use at **OAC 442:10-8-1(i)(1)(B)**. Clarification that an enrichment step is not required for quantitative assays is added to **OAC 442:10-8-1(i)(1)(D-E)**, and clarification that laboratory quality control (LQC) samples only need to be run each day of testing is added to **OAC 442:10-8-1(i)(1)(D)**. Clarification to the inventory tag requirement is added to **OAC 442:10-8-3(e)(3)(M)**. Peak integration rules are clarified or added to **OAC 442:10-8-1(i)(2)(H)** and **OAC 442:10-8-1(i)(5)(H)**. Minor typos or rule inconsistencies are corrected at **OAC 442:10-8-1(i)(1)(E)(iii-iv), OAC 442:10-8-1(i)(3)(D), OAC 442:10-8-1(i)(4)(D), OAC 442:10-8-1(i)(4)(G), OAC 442:10-8-1(i)(5)(D), OAC 442:10-8-1(i)(5)(G), OAC 442:10-8-1(i)(6)(G), OAC 442:10-8-1(i)(7)(E)(i)(II),** and **OAC 442:10-8-1(i)(7)(G).** Clarifying that testing laboratories must follow the current version of the manufacturer's instructions for use at **OAC 442:10-8-1(i)(1)(B)** is necessary to ensure laboratories are using the latest instructions for use when a manufacturer makes a change in a method; any deviation from the instructions for use may result in an erroneous reporting of results. A recent recall of laboratory-tested products occurred because a laboratory implemented an updated procedure but did not follow the manufacturer's changes completely and subsequently reported results as "Test Passed" that should have been reported in "Test Failed" status.

AUTHORITY:

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

COMMENT PERIOD:

December 1, 2025 through January 7, 2026. Persons wishing to present their views in writing may do so before 5:00 p.m. on January 7, 2026 at the following address: Oklahoma Medical Marijuana Authority, P.O. Box 262266, Oklahoma City, Oklahoma 73126 or by submitting public comment on the agency website at www.omma.ok.gov/comment.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on January 7, 2026 at the Oklahoma State Capitol, 2300 N. Lincoln Boulevard, Oklahoma City, OK 73105 in Room 535 at 9:00 a.m. Anyone who wishes to speak must sign in at the door by 9:05 a.m. The alternate date and time in the event of an office closure due to inclement weather is January 9, 2026 at the Oklahoma Medical Marijuana Authority, 2501 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105 in Room 123 at 9:00 a.m. Anyone who wishes to speak must sign in at the door by 9:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with detailed information, within the comment period, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Please include details on implementation and compliance costs, including but not limited to, fees, the cost to obtain a license or registration, the cost of equipment

required to be installed or used, additional operating costs incurred, the cost of monitoring and reporting, and any other costs to comply with the requirements of the proposed rule. Business entities may submit this information in writing through January 7, 2026 at 5:00 p.m., the close of business, on the public comment form listed at www.omma.ok.gov/comment.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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