

Title of the Chapter

- ✓ Changes the Title of Chapter 681 to Medical Marijuana Regulations.

310:681-1-4. Definitions

- ✓ Adds definition for Business license to be consistent with a license received by a medical marijuana business as defined in 63 O.S. § 427.14.
- ✓ Changes the defined term “Commercial Establishment” to “Commercial Licensee” to include any licensees except patient, caregiver, and transportation agent licensees.
- ✓ Modifies “Commercial License” to include any licenses except patient, caregiver, and transportation agent licenses.
- ✓ Modifies the definition of “Dispensary” to clarify that a dispensary can also sell, transfer, and transport to research and education facilities.
- ✓ Adds definition of “Indirect Beneficial Owner.”
- ✓ Adds definition for “Medical Marijuana Business” as defined in 63 O.S. § 427.14.
- ✓ Modifies the definition “Oklahoma Uniform Symbol” or “Universal Symbol” to clarify that the universal symbol must be printed in a color designated by the Department.
- ✓ Changes the defined term “Surveillance Laboratory” to “Quality Assurance Laboratory.”
- ✓ Clarifies that a sampler may include an employee “or an owner” of a licensed laboratory, grower, or processor.

310:681-1-8. Applicant photograph

- ✓ Removes requirement for applicants to smile with their mouths closed.

310:681-2-5. Term and renewal of medical marijuana license

- ✓ Establishes that patient and caregiver licenses may be subject to nonrenewal for failure to comply with applicable Statutes or the Rules.
- ✓ Clarifies records and information regarding surrender of patient licenses are confidential.
- ✓ Clarifies that physician termination voids a patient license without a hearing.
- ✓ Clarifies patients will receive notice and right to a hearing for nonrenewal of a license in accordance with the Administrative Procedures Act.

310:681-2-10. Confidential Patient Information

- ✓ Clarifies Department records with patient information are confidential.

310:681-3-2. Requirements for transportation of marijuana

- ✓ Establishes penalties for when a transporter agent fails to carry a copy of the commercial transporter license and transporter agent license during transport in violation of the law.

310:681-3-3. Transporter agent license

- ✓ Clarifies that transporter agent license does not extend beyond the expiration, surrender, or revocation of the employing transporter license.
- ✓ Establishes requirements for renewal of transporter agent license.
- ✓ Establishes that transporter agent licenses may be subject to nonrenewal for failure to comply with the Statute or the Rules.

310:681-4-2. Responsibilities of the license holder

- ✓ Establishes that research and education facility licenses may be subject to nonrenewal for failure to comply with applicable Statutes and Rules.
- ✓ Clarifies what documents must be provided to the Department for change requests that affect the licensee's qualifications for licensure.

Subchapter 5

- ✓ Changes title of Subchapter 5 to "Medical Marijuana Businesses" in accordance with 63 O.S. §427.14.

310:681-5-2. Licenses

- ✓ Establishes that a business license may be subject to nonrenewal for failure to comply with applicable Statutes and Rules.
- ✓ Clarifies what documents must be provided to the Department for change requests that affect the licensee's qualifications for licensure.

310:681-5-3.2. Persons prohibited from holding a commercial license

- ✓ Clarifies the prohibitions listed in that section apply to renewals.

310:681-5-17. Entry to commercial establishments

- ✓ Modifies language to allow non-licensed minors to enter a licensed premise when accompanied by their parent or legal guardian.

310:681-8-1. Testing standards and thresholds

- ✓ Establishes that only laboratories issued licenses by the Department may conduct testing.
- ✓ Modifies language to make clear that harvest and production batches may not exceed 10 pounds.
- ✓ Establishes requirement that dispensaries must ensure that the medical marijuana and medical marijuana products being purchased and sold have passed all tests. This includes obtaining and maintaining copies of the certificate of analysis. Growers and Processors are required to provide

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copies of the certificate of analysis to the Dispensary upon request.

- ✓ Establishes a 90-day grace period for changes to subsection h that require a change in methodology, proficient testing enrollment, or accreditation.
- ✓ Moves the testing thresholds for microbiological testing, mycotoxins, residual solvents and chemical residue, and metals to Appendix A.
- ✓ Lowers the pesticide thresholds.
- ✓ Requires production batches to be tested for pesticides.
- ✓ Establishes requirement to test for water activity and moisture content but exempts flash frozen medical marijuana from this testing.
- ✓ Establishes processes and procedures for remediation and retesting.
- ✓ Sets thresholds for testing at 1 CFU per gram rather than “absent in.”
- ✓ Requires testing for *Pseudomonas aeruginosa* only for vaginal administration products.
- ✓ Requires testing for Bile Tolerant Gram Negative (BTGN) bacteria, only for metered dose nasal spray and pressurized metered dose inhalers.

310:681-8-2. General operating requirements and procedures

- ✓ Changes “testing personnel” to “analysts.”
- ✓ Modifies the limit of detection requirements for equipment.

310:681-8-3. Sampling requirements and procedures

- ✓ Revises sample size requirements and establishes sample collection processes.
- ✓ Establishes requirement that any reference laboratories must be identified on the certificate of analysis.
- ✓ Establishes requirement that certificates of analysis contain “pass” or “fail” indications.
- ✓ Clarifies what tentatively identified compounds must be reported to the Department and requires laboratories to notify Department immediately and provide a copy of the COA.
- ✓ Clarifies that samples must be taken from harvest and production batches in their final form and that final form “means the form medical marijuana or a medical marijuana product is in when sold or transferred.”

310:681-9-2. Licenses and permits

- ✓ Establishes that a waste disposal license and permits may be subject to nonrenewal for failure to comply with applicable Statutes and Rules.
- ✓ Clarifies what documents must be provided to the Department for change requests that affect the waste disposal licensee's qualifications for licensure.

310:681-9-3. License applications

- ✓ Allows submission of Letter of Insurability from the insurance company as sufficient evidence of the insurance requirements for licensure.

310:681-9-6. Security requirements

- ✓ Revises storage and transportation for waste licensee.
- ✓ Revises inventory manifest requirements.

310:681-9-9. Waste Disposal

- ✓ Establishes permissible methods of waste disposal to render product unrecognizable and unusable.

Appendix A

- ✓ Charts the thresholds for testing required under Subchapter 8.