



OKLAHOMA
Medical Marijuana
Authority

PACKAGING & LABELING GUIDE



INTRODUCTION

This guide is intended to provide information regarding the labeling and packaging of medical marijuana and medical marijuana products. Proper labeling and packaging ensures consumers are informed about what they are purchasing and helps to prevent unintended use. The information provided in this guide does not, and is not intended to, constitute legal advice; instead, all information in this guide is for general informational purposes only. Readers of this guide should contact their attorney to obtain advice with respect to any particular facts or circumstances. The information provided in this guide may be subject to change.

Please note that business licensees involved in the packaging and labeling of food containing medical marijuana may also need to comply with other laws relating to the manufacturing, handling, labeling, and/or packaging of food. This may include, but is not limited to, the following:

- [63 O.S. § 1-1101 et seq.](#)
- [OAC 310:257](#) (Food Establishments)
- [OAC 310:260](#) (Good Manufacturing Practice Regulations)

Laws that govern OMMA's labeling and packaging requirements include the following:

- [63 O.S. § 420 et. seq](#)
- [63 O.S. § 427.1 et seq.](#)
- [OAC 310:681](#)

This guide is intended to help explain OMMA packaging and labeling rules. However, licensees should not rely on this document as a replacement for reading and understanding OMMA rules.

TABLE OF CONTENTS

- Definitions 3
- General Requirements 5
- Between Growers And/Or Processors 6
- Medical Marijuana And Non-Edible Medical Marijuana For Sale To A Dispensary Or By A Dispensary 7
- Food Containing Medical Marijuana Products 9

This publication was issued by the Oklahoma State Department of Health (OSDH), an equal opportunity employer and provider. A digital file has been deposited with the Publications Clearinghouse of the Oklahoma Department of Libraries in compliance with section 3-114 of Title 65 of the Oklahoma Statutes and is available for download at documents.ok.gov. | Issued June 2022

DEFINITIONS

Advertising

The act of providing consideration for the publication, dissemination, solicitation, or circulation of visual, oral, or written communication to induce directly or indirectly any person to patronize a particular medical marijuana business or to purchase any particular medical marijuana or medical marijuana products. "Advertising" includes marketing but does not include packaging and labeling.

Batch Number

A unique numeric or alphanumeric identifier assigned prior to any testing to allow for inventory tracking and traceability.

Child-Resistant

Packaging that is: (A) Designed or constructed to be significantly difficult for children under five (5) years of age to open and not difficult for normal adults to use properly as defined by 16 CFR § 1700.15 (1995) and 16 CFR § 1700.20 (1995); (B) Opaque so that the outermost packaging does not allow the product to be seen without opening the packaging material; and (C) Resealable to maintain its child-resistant effectiveness for multiple openings for any product intended for more than a single use or containing multiple servings.

Food

Has the same meaning as set forth in 63 O.S. § 1-1101 ('food' means (1) articles used for food or drink for man, (2) chewing gum, and (3) articles used for components of any such article) and set forth in the Oklahoma Administrative Code ("OAC") OAC 310:257-1-2 and OAC 310:260-1-6 ("'food' means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption").

Harvest Batch

Means a specifically identified quantity of usable medical marijuana not to exceed harvest batch sizes allowable under OAC 310:681-8-1(b), that is uniform in strain, cultivated utilizing the same cultivation practices, harvested at the same time from the same location, and dried or cured under uniform conditions.

Label

Carries the same definition as set forth in 63 O.S. § 1-1101 and means a display of written, printed, or graphic matter upon the immediate container of any article; and a requirement made by or under authority of this article that any word, statement, or other information appearing on the label shall not be

considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if there be any, of the retail package of such article, or is easily legible through the outside container or wrapper.

Lot

The food produced during a period of time indicated by a specific code.

Medical Marijuana

Marijuana that is grown, processed, dispensed, tested, possessed, or used for a medical purpose.

Medical Marijuana Concentrate

A substance obtained by separating cannabinoids from any part of the marijuana plant by physical or chemical means, so as to deliver a product with a cannabinoid concentration greater than the raw plant material from which it is derived. Categories of concentrate include water-based medical marijuana concentrate, food-based medical marijuana concentrate, solvent-based concentrate, and heat- or pressure-based medical marijuana concentrate as those terms are defined in the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.

Medical Marijuana Product

A product that contains cannabinoids that have been extracted from plant material or the resin therefrom by physical or chemical means and is intended for administration to a licensed patient, including but not limited to concentrates, oils, tinctures, edibles, pills, topical forms, gels, creams, and other derivative forms, except that this term does not include live plant forms.

Oklahoma Uniform Symbol or Universal Symbol

The image, established by the Department and made available to commercial licensees through the OMMA website, which indicates the package contains medical marijuana or medical marijuana products with THC and must be printed at least one-half inch in size by one-half inch in size in the color designated by the Department.

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.

Principal Display Panel

Means the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

Production Batch

Means (A) Any amount of medical marijuana concentrate or nonliquid medical marijuana products, not to exceed production batch sizes allowable under OAC 310:681-8-1(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 (B) Any amount of finished medical marijuana product, not to exceed production batch sizes allowable under OAC 310:681-8-1(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.

Strain

Means the name given to a particular variety of medical marijuana that is based on a combination of factors which may include, but is not limited to, botanical lineage, appearance, chemical profile, and accompanying effects. An example of a "strain" would be "OG Kush" or "Pineapple Express."

Terpenoids

Means isoprenes that are the aromatic compounds found in cannabis, including, but not limited to: limonene, myrcene, pinene, linalool, eucalyptol, Δ -terpinene, β -caryophyllene, caryophyllene oxide, nerolidol and phytol.

THC

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

GENERAL REQUIREMENTS

PACKAGING & LABELS

This section is in reference to medical marijuana and medical marijuana products being transferred to and/or by a dispensary. Commercial licensees shall not sell, distribute, or otherwise transfer medical marijuana and medical marijuana products that are not packaged and labeled in accordance with the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq., and these Rules. **Dispensaries shall refuse to accept or shall return to the licensee transferring medical marijuana or medical marijuana products to the dispensary, any medical marijuana or medical marijuana products that are not packaged and labeled in accordance with the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq., and these Rules (OAC 310:681).**

- Labels, packages, and containers shall not be attractive to minors and shall not contain any content that reasonably appears to target children, including toys, cartoon characters, and similar images. Packages should be designed to minimize appeal to children and shall not depict images other than the business name logo of the medical marijuana producer and image of the product.
- Packaging must contain a label that reads: "Keep out of reach of children."
- All medical marijuana and medical marijuana products must be packaged in child-resistant containers 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.
- Label must contain a warning that states "Women should not use marijuana or medical marijuana products during pregnancy because of the risk of birth defects."
- Packages and labels shall not contain any deceptive, false or misleading statements. For details, see OAC 310:681-7-1(d)(5).
- No medical marijuana or medical marijuana products shall be intentionally or knowingly packaged or labeled so as to cause a reasonable patient confusion as to whether the medical marijuana or medical marijuana product is a trademarked product.
- No medical marijuana or medical marijuana products shall be packaged or labeled in a manner that violates any federal trademark law or regulation.
- Packages and labels shall not make any claims or statements that the medical marijuana or medical marijuana products provide health or physical benefits to the patient.
- Packages and labels shall not contain the logo of the Oklahoma State Department of Health or the Oklahoma Medical Marijuana Authority.
- Packages and labels shall not contain any universal symbols from another state, any statements that the medical marijuana was grown in another state, or any depictions, symbols, or other information that could cause a reasonable patient to be confused as to the state of origin of the medical marijuana or medical marijuana product.
- Labels shall be designed and applied in a manner that does not cause patient confusion regarding the package's contents, potency, or other required information. In the event that any package or immediate container of medical marijuana or medical marijuana product is relabeled, all prior labels must be removed in entirety prior to the new label being applied. Covering an initial label with an updated label is prohibited.
- All packaging and labeling must contain current and accurate information on file with the Authority, including, but not limited to, the licensee's legal name, trade name, and license number.

ADVERTISING

Commercial licensees shall not engage in, circulate, or otherwise cause the dissemination of advertising that contains any materials prohibited under Oklahoma law and these rules. Advertising for medical marijuana and medical marijuana products shall not contain any statements, illustrations, or other material that:

- Is deceptive, false, or misleading.
- Represents that a licensee is engaged in medical marijuana commercial services for which the licensee is not licensed.
- Promotes overconsumption.
- Represents that the use of marijuana has curative or therapeutic effects.
- Depicts a child or other person under legal age consuming marijuana.
- Depicts objects such as toys, cartoons, cartoon characters, or similar images, which suggest the presence of a child, or any other depiction designed in any manner to be especially appealing to children or other persons under legal age to consume marijuana.
- Has any manner or design that would be especially appealing to children or other persons under eighteen (18) years of age.
- Could cause a reasonable patient to believe the medical marijuana was grown in another state or to be confused as to the state of origin of the medical marijuana or medical marijuana product.

BETWEEN GROWERS AND/OR PROCESSORS

REQUIRED INFORMATION

All medical marijuana and medical marijuana products sold or otherwise transferred between growers and/or processors shall be labeled and the label shall contain, at a minimum, the following information:

- Name and license number of the grower or processor who is selling or otherwise transferring the medical marijuana or medical marijuana product.
- The batch number of the medical marijuana or medical marijuana product.
- Date of harvest or production.
- A statement that the medical marijuana or medical marijuana products have passed testing or statement that the medical marijuana failed testing and is being transferred to a processor for purposes of remediation.

STORAGE REQUIREMENTS

- 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.
- 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.

Note: QR codes, websites and other methods that separate the information from the product are not acceptable types of supplemental labeling.

According to House Bill 3019, as of Nov. 1, 2022:

- Concentrates must have required labeling before transfer.

MEDICAL MARIJUANA AND NON-EDIBLE MEDICAL MARIJUANA FOR SALE TO A DISPENSARY OR BY A DISPENSARY

Principal display panel

The part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

Information panel

The part of the label immediately contiguous and to the right of the principal display panel as observed by an individual facing the principal display panel.

REQUIRED INFORMATION

All medical marijuana and medical marijuana products to be sold or transferred to and/or by a dispensary shall be labeled and the label shall contain, at a minimum, the following information:

- 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.
- Name of the medical marijuana or medical marijuana product.
- The batch number of the medical marijuana or medical marijuana product.
- Net quantity or weight of contents.
- Ingredients list.
- THC Potency.
- Terpenoid Potency.
- The following government warning statements:
 - "This product has been tested for contaminants."
 - "Keep out of reach of children."
 - "Women should not use marijuana or medical marijuana products during pregnancy because of the risk of birth defects."
- According to House Bill 3019, as of Nov. 1, 2022, labeling must include the statement, "For use by licensed medical marijuana patients only."
- The Oklahoma Uniform Symbol in the manner and form prescribed by the Department:
- All packages and individually-packaged product units, including but not limited to those from bulk packaging, must contain the Oklahoma uniform symbol in clear and plain sight.
- The Oklahoma uniform symbol must be printed at least one-half inch by one-half inch in size in color (recommended .06 x .085) in size and be in red color with black text.



Recommended Size, no smaller than .6"x0.85" in size.

DO NOT change the color, font or language of the symbol.

RED COLOR:
CMYK - 0/100/85/6
RGB - 223/24/49

- **Download the Symbol**
[Oklahoma.gov/omma/administration/forms](https://oklahoma.gov/omma/administration/forms)

CHILD-RESISTANT PACKAGING

All medical marijuana and medical marijuana products must be packaged in child-resistant containers 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. Child-resistant packaging:

- Designed or constructed to be significantly difficult for children under five (5) years of age to open and not difficult for normal adults to use properly as defined by 16 CFR § 1700.15 (1995) and 16 CFR § 1700.20 (1995).
- Opaque so that the outermost packaging does not allow the product to be seen without opening the packaging material.
- Resealable to maintain its child-resistant effectiveness for multiple openings for any product intended for more than a single use or containing multiple servings.

RECOMMENDATIONS

- Display information clearly and legibly.
- Use English and at least 6-point font.
- Ensure all required labeling is displayed on the outer layer of packaging.
- Small packaging that makes it difficult to fit required information on the outer layer may use an information panel that is visible on the outside of the package to include some of the required information. Examples include: hangtags.

Dispensaries and processors licensed by the OMMA are required to obtain a food license if they produce or sell any edible medical marijuana products. This license is not obtained through OMMA. For information on how to obtain your food license, please review the [Food Licensing Fact Sheet](#) or visit: food.health.ok.gov.

Note: QR codes, websites and other methods that separate the information from the product are not acceptable types of supplemental labeling.

According to House Bill 3019, as of Nov. 1, 2022:

- Medical marijuana or medical marijuana products may be placed in clear packaging. The packaging must be child resistant, have proper labeling and meet all other packaging and labeling requirements. At the point of sale, dispensaries must place anything in clear packaging into an opaque exit package.
- Concentrates must have required labeling before transfer.

FOOD CONTAINING MEDICAL MARIJUANA PRODUCTS

Principal display panel

The part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

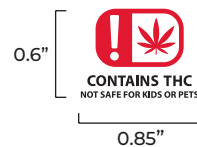
Information panel

The part of the label immediately contiguous and to the right of the principal display panel as observed by an individual facing the principal display panel.

REQUIRED INFORMATION

All food containing marijuana for sale to or by a dispensary sold or otherwise transferred between growers and/or processors shall be labeled and the label shall contain, at a minimum, the following information:

- Name, address of the business and license number.
- Name of the food.
- Net quantity or weight of contents.
- Ingredients list.
- Food allergen information.
- Nutrition labeling, if required under 21 CFR § 101.9.
- List of cannabis ingredients.
- The batch of marijuana.
- The strain of marijuana (optional).
- THC dosage in milligrams per unit.
- The lot code.
- Nutrient content, health, qualified health and structure/function claims must comply with the [Food and Drug Administration \("FDA"\) Food Labeling Guide](#).
- The following government warning statements:
 - Packaging must contain the statement, **"For accidental ingestion call 1-800-222-1222."**
 - A label must contain **"Women should not use marijuana or medical marijuana products during pregnancy because of the risk of birth defects or while breastfeeding."**
- Packaging must contain the statement, **"Keep out of reach of children."**
- Packaging must contain the statement, **"This product has been tested for contaminants."**
- According to House Bill 3019, as of Nov. 1, 2022, labeling must include the statement, **"For use by licensed medical marijuana patients only."**
- The Oklahoma Uniform Symbol in the manner and form prescribed by the Department:
- All packages and individually-packaged product units, including but not limited to those from bulk packaging, must contain the Oklahoma uniform symbol in clear and plain sight.
- The Oklahoma uniform symbol must be printed at least one-half inch by one-half inch in size in color (recommended .06 x .085) in size and be in red color with black text.



Recommended Size, no smaller than .6"x0.85" in size.

DO NOT change the color, font or language of the symbol.

RED COLOR:
CMYK - 0/100/85/6
RGB - 223/24/49

- **Download the Symbol**
[Oklahoma.gov/omma/administration/forms](https://oklahoma.gov/omma/administration/forms)

CHILD-RESISTANT PACKAGING

All medical marijuana and medical marijuana products must be packaged in child-resistant containers 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. Child-resistant packaging:

- Designed or constructed to be significantly difficult for children under five (5) years of age to open and not difficult for normal adults to use properly as defined by 16 CFR § 1700.15 (1995) and 16 CFR § 1700.20 (1995).
- Opaque so that the outermost packaging does not allow the product to be seen without opening the packaging material.
- Resealable to maintain its child-resistant effectiveness for multiple openings for any product intended for more than a single use or containing multiple servings.

RECOMMENDATIONS

- Display information clearly and legibly.
- Use English and at least 6-point font.
- Ensure all required labeling is displayed on the outer layer of packaging.
- Small packaging that makes it difficult to fit required information on the outer layer may use an information panel that is visible on the outside of the package to include some of the required information. Examples include: hangtags.

Dispensaries and processors licensed by the OMMA are required to obtain a food license if they produce or sell any edible medical marijuana products. This license is not obtained through OMMA. For information on how to obtain your food license, please review the [Food Licensing Fact Sheet](#) or visit: food.health.ok.gov.

Note: QR codes, websites and other methods that separate the information from the product are not acceptable types of supplemental labeling.

According to House Bill 3019, as of Nov. 1, 2022:

- Medical marijuana or medical marijuana products may be placed in clear packaging. The packaging must be child resistant, have proper labeling and meet all other packaging and labeling requirements. At the point of sale, dispensaries must place anything in clear packaging into an opaque exit package.
- Concentrates must have required labeling before transfer.