

Below is a summary of the proposed substantive revisions.

310:681-1-4. Definitions

- Defined terms “Acquire” and “Proper Identification” have been removed because these terms are not used in the text of the rules.
- Definition of “Applicant” is modified. The prior definition excluded an applicant for a patient license, which conflicted with the actual use of the term in some of the rules.
- “Approved Laboratory” and related definitions have been removed.
- “Dispensary Manager,” and the requirements for a licensed pharmacist, have been removed.
- Subsection (D) of “Disqualifying Criminal Conviction” has been modified so that it is not limited to “misdemeanors” and would include incarcerations occurring during the term of the license, if already granted, and not just at the time the application is made.
- “Limited-access area” has been removed.
- “Licensee” has been modified to exclude inmates of “any local, county, state, or federal correctional facility or jail.” Prior definition just excluded inmates of the Department of Corrections.
- “Lot” and “Harvest Lot” have been removed
- “Owners” and “Ownership interest” have been removed. Commercial applicants must still prove that 75% of their ownership is held by Oklahoma residents.
- “Oklahoma Resident” has been revised to include all persons who reside in Oklahoma and can provide proof of residency as required under SQ 788 and the rules. Is not limited to tax payers.
- Definitions for public and private schools have been added. These definitions have been taken from Black’s Law Dictionary. When terms are not defined in statutes, their plain meaning applies.
- Definition of “Physician” no longer includes a registration from the United States Drug Enforcement Administration (“DEA”) or the Oklahoma Bureau of Narcotics and Dangerous Drugs (“OBNDD”).
- “Principal Display Panel” and “Principal Officer” have been removed.
- Scientific terms, such as Cannabidiol, Cannabidiolic Acid, and Tetrahydrocannabinol, have been removed.

310:681-1-5. Criminal History Screening (for commercial applicants only)

- Removes background checks for principal officers.
- Retains background checks for all individual applicants and all owners of an entity (excluding researchers).
- Adds background checks for research applicants and all principal investigators involved in the research project.
- Makes clear that commercial applicants are required under existing law to register with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control (“OBNDD”).
- Makes clear that OBNDD fees are the responsibility of applicant.

310:681-1-6. Proof of residency

- Adds an Oklahoma Identification Card and “other documentation” deemed sufficient by the Department to the list of documentation necessary to prove residency.

310:681-1-9. Recommending physician registration

- Makes physician registration optional.
- Removes requirement that a registering physician disclose any disciplinary action but retains certification that physician is in good standing with his or her licensure board.
- Removes language requiring physician registration with OBNDD.
- No longer prohibits recommending physicians from holding any direct or indirect interest in a commercial establishment.

310:681-1-9.1. Recommending physician standards

- Requires a bona fide physician-patient relationship but no longer requires a physician to have ongoing responsibility for the care of the individual.
- Removes requirement for annual assessment of medical need for marijuana and related provisions. Statutory language grants 2-year license.
- Requires a recommending physician to use the accepted standards a reasonable and prudent physician would use when recommending medication but removes the specific standards previously listed.

310:681-2-1. Application for patient license

- Requires a bona fide physician-patient relationship but no longer requires a physician to have ongoing responsibility for the care of the individual.
- No longer requires attestation that applicant will not divert marijuana as part of the licensing requirements.
- Removes requirement for in-person physical examination and for discussion of risks and benefits. Physician should use accepted reasonable and prudent standards of practice.

310:681-2-2. Application for patient license for persons under age eighteen (18)

- Requires two physician recommendations within thirty days of each other but removes requirement that physicians be pediatricians or pediatric subspecialists who state same medical diagnosis and do not work together.
- Clarifies that a minor is not prohibited from using nebulizers or other aerosolized medical devices. Permits a minor to smoke or vaporize medical marijuana if both recommending physicians agreed it is medically necessary.

310:681-2-3. Application for caregiver's license

- Clarifies that parents or legal guardians may only be caregivers when a minor is homebound.

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

- Removes revocation based on physician withdrawal of recommendation.
- Adds requirement that patient and caregiver license holders must notify the Department of any changes in their contact information.

310:681-2-6. Information contained on patient and caregiver license

- Adds name of parent or legal guardian to minor patient license.

310:681-2-7. Medical marijuana license verification system

- Provides only that the Department will make a verification system available on its website and via telephone.

310:681-2-9. Patient and caregiver disposal of medical marijuana

- Revoked.

310:681-2-10. Grounds for sanctions

- Revoked.

310:681-2-11. Restrictions on smokable medical marijuana and medical marijuana products

- Removes subsections (c) and (d), which limit the forms of medical marijuana and prohibit the dispensing of marijuana in flower, dry leaf, or plant form.

310:681-2-12. Variance

- Revoked.

310:681-3-1. License for transportation of medical marijuana

- Makes issuance of transportation license automatic upon approval of commercial license.
- Removes requirement that transportation licenses be issued in name of individual employees.

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

- Requires only that medical marijuana be transported in locked container, shielded from public view, and labeled “Medical Marijuana or Derivative.”

310:681 Subchapter 4 Medical Research License

- Revoked. Research license requirements incorporated into Subchapter 5.

310:681-5-3. Applications

- No longer requires applicants to provide hours of operation. Submission of this information is optional.
- Requires contact and residence information from each owner, member, manager, and board member, rather than principal officer, per SQ 788.
- Requires commercial applicants to provide a certificate of good standing from the Oklahoma Secretary of State to prove they are registered to do business in Oklahoma as required in SQ 788.
- No longer requires commercial establishments to provide the following: a list of creditors; a list of persons with management authority; a surety bond; or designation of a successor-in-interest/designee.
- Requires a dispensary to be at least 1,000 feet away from any entrance to any public or private school, not church.
- Removes requirement for any owner/landlord consent form.

310:681-5-4. Inspections

- Removes inspections by the Department prior to approval of research license applications.
- Limits inspections to processors to determine compliance with food safety/preparation standards.
- Provides that processor has 30 days to correct any violation and that failure to do so will result in a \$500.00 fine for each deficiency.

310:681-5-5. Plan of correction

- Revoked.

310:681-5-6. Inventory Tracking, records, reports, and audits

- Requires licensed researchers to submit monthly reports as required under SQ 788 and addresses the content of those reports.
- Provides that the Department may conduct audits and inspect the books and records to ensure the accuracy of the monthly reports.
- Requires commercial licensees to provide the Department access to their books and records in a reasonable amount of time not to exceed 15 days.
- Provides that the Department will send commercial licensees written notice of violations of 63 O.S. § 420 et seq. or these rules.

- Requires the Department to disclose criminal activity discovered during an audit to law enforcement.

310:681-5-6.1. Penalties.

- Provides for revocation of a commercial license should the licensee wholly fail to submit a monthly report required under SQ 788.
- No longer allows for automatic revocation of commercial license where licensee has filed 6 or more untimely reports.
- Retains provision that fines and revocation of licenses may be imposed against commercial establishments for the filing of reports containing gross errors and the unlawful purchase or sale of medical marijuana.
- No longer allows the imposition of fines or the revocation of licenses for other deficiencies.

310:681-5-8. Composition of medical marijuana industry expert board/food safety standards board

- Clarifies the qualifications of the food safety standards board.
- Adds that the selection of qualified candidates is not limited to the specified organizations.
- Adds designee of any Oklahoma public health agency to the list of organizations.
- Changes the deadline for the promulgation of the food safety standards to August 27, 2018, as required by SQ 788.

310:681-5-9. Standards for handling and processing medical marijuana and medical marijuana products

- Clarifies that commercial licensees are not relieved of any obligations under Oklahoma law, including the food and drug safety regulations set forth in 63 O.S. § 1-1101 et seq., 63 O.S. § 1-1401 et seq., OAC 310:257, and OAC 310:240, to the extent they are applicable and do not conflict with SQ 788.

310:681-5-10. Medical marijuana waste disposal

- Requires only that medical marijuana waste be disposed of in accordance with Oklahoma statutes and rules, including 63 O.S. § 2-101 et seq. and OAC 252:205.

310:681-5-11. Recall Procedure

- Revoked.

310:681-5-12. Marijuana transaction limitations (formerly Marijuana servings and transaction limitations)

- Removes limitations on THC content.
- Adds 6 mature plants and 6 seedling plants to the approved transaction amount.
- Clarifies that transactions can be made with the parent(s) or legal guardian(s) of licensed patients who are minors.

310:681-5-13. Loss and theft

- Still requires that commercial licensees report loss, theft, or diversion of medical marijuana to the Department and law enforcement but no longer requires disclosure to the Board of Pharmacy.

310:681-5-14. Dispensing medical marijuana

- Revoked.

310:681-5-16. Hours of Operation

- Revoked.

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

- Clarifies that parents or legal guardians of minor patient license holders may enter dispensaries.
- Removes statement that only licensees or parent(s) or legal guardian(s) of licensed minors may enter dispensaries.

310:681-5-18. Prohibited acts

- Retains prohibitions on commercial establishments relating to the consumption of alcohol and medical marijuana on premises, the employment of any persons under 18, the delivery by a dispensary of medical marijuana, false advertising, and advertising to minors. Removes all other prohibitions.

310:681-5-19. Surety Bond

- Revoked.

310:681-6-2. Construction of premises

- Removes requirement that commercial establishments be enclosed and other additional requirements. Provides instead that the construction of commercial establishments must meet the standards of any applicable state and local electrical, fire, plumbing, waste, and building specification codes.

310:681-6-3. Limited-access areas

- Revoked.

310:681-6-4. Alarm system

- Revoked.

310:681-6-5. Video surveillance system

- Revoked.

310:681-6-6. Perimeter requirements

- Revoked.

310:681-6-7. Additional requirements for processors

- Revoked.

310:681-6-8. Processor requirements

- Revoked.

310:681-6-9. Processor processing areas

- Revoked.

310:681-6-10. Processing equipment

- Revoked.

310:681-6-11. Product processing controls

- Revoked.

310:681-7-1. Labeling

- Retains requirements that labels and packages must not be attractive to minors; that packaging must be child-resistant and provide warning to keep out of hands of children; and that labels must contain the warning relating to risks of use during pregnancy. Removes other requirements.

310:681-7-2. Prohibited products

- Still prohibits commercial establishments from manufacturing or selling medical marijuana and medical marijuana products that are intentionally attractive to children or minors but revises the language of that prohibition.
- Allows licensed dispensaries to sell marijuana seedlings and mature plants.

310:681 Subchapter 8 Laboratory Testing

- Revoked