

1 ENGROSSED SENATE
2 BILL NO. 756

By: McCortney of the Senate

3 and

4 Echols of the House

5
6 An Act relating to medical marijuana; amending
7 Section 18 of Enrolled House Bill No. 2612 of the 1st
8 Session of the 57th Oklahoma Legislature, which
relates to packaging and labeling; and adding certain
requirements and restrictions related to packaging.

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11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY Section 18 of Enrolled House Bill
13 No. 2612 of the 1st Session of the 57th Oklahoma Legislature, is
14 amended to read as follows:

15 Section 18. A. An Oklahoma medical marijuana business shall
16 not sell, transfer or otherwise distribute medical marijuana or
17 medical marijuana product that has not been packaged and labeled in
18 accordance with this section and rules promulgated by the State
19 Commissioner of Health.

20 B. A medical marijuana dispensary shall return medical
21 marijuana and medical marijuana product that does not meet packaging
22 or labeling requirements in this section or rules promulgated
23 pursuant thereto to the entity who transferred it to the dispensary.
24 The medical marijuana dispensary shall document to whom the item was

1 returned, what was returned and the date of the return or dispose of
2 any usable marijuana that does not meet these requirements in
3 accordance with this act.

4 C. 1. Medical marijuana packaging shall be packaged to
5 minimize its appeal to children and shall not depict shapes, text or
6 designs appealing to children including, but not limited to,
7 cartoons, or any images other than the business name logo of the
8 medical marijuana producer and image of the product.

9 ~~2. A medical marijuana business shall not place any content on~~
10 ~~a container in a manner that reasonably appears to target~~
11 ~~individuals under the age of twenty one (21), including but not~~
12 ~~limited to cartoon characters or similar images.~~

13 ~~3.~~ Labels on a container shall not include any false or
14 misleading statements.

15 ~~4.~~ 3. No container shall be intentionally or knowingly labeled
16 so as to cause a reasonable patient confusion as to whether the
17 medical marijuana, medical marijuana concentrate or medical
18 marijuana product is a trademarked product or labeled in a manner
19 that violates any federal trademark law or regulation. Medical
20 marijuana packaging shall not bear a reasonable resemblance to any
21 commercially available product.

22 ~~5.~~ 4. The label on the container shall not make any claims
23 regarding health or physical benefits to the patient.

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1 ~~6.~~ 5. All medical marijuana, medical marijuana concentrate and
2 medical marijuana products shall be in a child-resistant container
3 or child-resistant packaging as required by the federal Poison
4 Prevention Packaging Act of 1970 at the point of transfer to the
5 patient or caregiver.

6 D. The State Department of Health shall develop minimum
7 standards for packaging and labeling of medical marijuana and
8 medical marijuana products. Such standards shall include, but not
9 be limited to, the required contents of labels to be affixed to all
10 medical marijuana and medical marijuana products prior to transfer
11 to a licensed patient or caregiver, which shall include, at a
12 minimum:

- 13 1. A universal symbol indicating that the product contains
14 tetrahydrocannabinol (THC);
- 15 2. THC and other cannabinoid potency, and terpenoid potency;
- 16 3. A statement indicating that the product has been tested for
17 contaminants;
- 18 4. One or more product warnings to be determined by the
19 Department; and
- 20 5. Any other information the Department deems necessary.

21 E. Medical marijuana and medical marijuana product packages
22 shall:

- 23 1. Be plain;
- 24 2. Be opaque;

