STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 4120 By: Roberts (Sean)

AS INTRODUCED

An Act relating to medical marijuana; amending Section 18, Chapter 11, O.S.L. 2019 (63 O.S. Supp. 2019, Section 427.18), which relates to the Oklahoma Medical Marijuana and Patient Protection Act; requiring inclusion of certain warnings on labels of medical marijuana products; and providing an effective date.

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

SECTION 1. AMENDATORY Section 18, Chapter 11, O.S.L. 2019 (63 O.S. Supp. 2019, Section 427.18), is amended to read as follows:

Section 427.18 A. An Oklahoma medical marijuana business shall not sell, transfer or otherwise distribute medical marijuana or medical marijuana product that has not been packaged and labeled in accordance with this section and rules promulgated by the State Commissioner of Health.

B. A medical marijuana dispensary shall return medical marijuana and medical marijuana product that does not meet packaging or labeling requirements in this section or rules promulgated

pursuant thereto to the entity who transferred it to the dispensary. The medical marijuana dispensary shall document to whom the item was returned, what was returned and the date of the return or dispose of any usable marijuana that does not meet these requirements in accordance with this act.

C. 1. Medical marijuana packaging shall be packaged to minimize its appeal to children and shall not depict images other than the business name logo of the medical marijuana producer and image of the product.

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

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

4. No container shall be intentionally or knowingly labeled so as to cause a reasonable patient confusion as to whether the medical marijuana, medical marijuana concentrate or medical marijuana product is a trademarked product or labeled in a manner that violates any federal trademark law or regulation.

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

6. All medical marijuana, medical marijuana concentrate and medical marijuana products shall be in a child-resistant container at the point of transfer to the patient or caregiver.

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

1. A universal symbol indicating that the product contains tetrahydrocannabinol (THC);

2. THC and other cannabinoid potency, and terpenoid potency;

3. A statement indicating that the product has been tested for contaminants;

4. One or more product warnings to be determined by the Department; ~~and~~

5. A warning that states "Use of any product containing tetrahydrocannabinol (THC) may result in adverse drug interactions, side effects or other complications that could significantly jeopardize the health or safety of the patient";

6. A warning that states "Do not use while driving or operating heavy machinery"; and

7. Any other information the Department deems necessary.

SECTION 2. This act shall become effective November 1, 2020.

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