New OMMA Rules Relating to Dispensaries and Packaging & Labeling - (Rules Eff. October 29, 2024)

December 17, 2024

By: John M. Hickey

Prohibited Acts

Changes to this section are underlined:

Dispensaries shall not open, package or alter packaging or labeling of pre-packaged medical marijuana or medical marijuana products except for the following reasons:

1. Dispensaries are authorized to create, package and sell non-infused pre-rolled marijuana provided all other packaging, labeling, and testing requirements are met prior to transfer to a licensed patient or licensed caregiver; and;
2. Dispensaries, or employees thereof, may handle loose or nonpackaged medical marijuana to be placed in packaging for retail sale consistent with Oklahoma law and these Rules, including packaging and labeling requirements in OAC 442:10 7 1(d) (e) are authorized to display samples of medical marijuana of no more than three (3) grams pursuant to OAC 442:10-5-14;
3. Dispensaries may apply barcodes, QR codes, or other inventory tracking tags and labels. These items shall not obscure required label and packaging requirements; and
4. Dispensaries must place medical marijuana or medical marijuana products into a child-resistant exit package at the point of transfer to a patient or caregiver if those items are not already in child-resistant packaging.

Labeling and Packaging – Generally

Beginning June 1, 2025, all medical marijuana flower, trim, shake, kief, medical marijuana product, or other flower-based product not defined as a concentrate, shall be sold by licensed medical marijuana processors and licensed medical marijuana commercial growers to licensed medical marijuana dispensaries only in pre-packaged form in package sizes weighing not less than one-half (1/2) of one (1) gram to not more than three (3) ounces. Nonopaque materials may be used when packaging medical marijuana flower, provided all other packaging and labeling requirements for medical marijuana products sold in this state are met and it is placed in an opaque container before leaving a licensed medical marijuana dispensary. Dispensaries shall not open, package, or alter pre-packaged medical marijuana or medical marijuana products except for the following reasons:

1. Dispensaries are authorized to create and package noninfused pre-rolled marijuana provided all other packaging, labeling, and testing requirements are met prior to transfer to a licensed patient or licensed caregiver; and
2. Dispensaries are authorized to display samples of medical marijuana of no more than three (3) grams pursuant to OAC 442:10-5-14. Any remaining medical marijuana from a pre-packaged package size that exceeds three (3) grams must be wasted or disposed of in accordance with Oklahoma law and these Rules.

Label requirements for sales to dispensaries or by dispensaries: Beginning June 1, 2025, the date the medical marijuana or medical marijuana product was packaged and the date the medical marijuana or medical marijuana product was tested

Label requirements for sales between growers and/or processors: 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.

Prohibited products

Beginning June 1, 2025, no dispensary shall sell, distribute, or otherwise transfer any medical marijuana flower, trim, shake, kief, medical marijuana product, or other flower-based product not defined as a concentrate, not packaged in pre-packaged form in package sizes weighing not less than one-half (1/2) of one (1) gram to not more than three (3) ounces or not affixed with a tamper-evident seal.

Nonacceptance or Return

Products may be returned to the licensed medical marijuana dispensary when found defective or hazardous to the health of the patient. The return of all medical marijuana and medical marijuana products from a licensed medical marijuana dispensary to a licensed medical marijuana processor or licensed medical marijuana commercial grower, or from a licensed medical marijuana processor to a licensed medical marijuana commercial grower, or from any other licensed entity that transferred medical marijuana products to another licensed entity shall be permitted. Pursuant to 63 O.S. § 428.1, returned medical marijuana and medical marijuana products shall be considered medical marijuana waste as defined in OAC 442:10-1-4 and must be disposed of in accordance with Oklahoma law and these Rules.

If you have any questions or concerns, please feel free to contact a member of our team.

Attorneys

- John M. Hickey

Practices

- Cannabis Law