SUMMARY OF EMERGENCY RULE CHANGES – NOVEMBER 2021
TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 681. MEDICAL MARIJUANA REGULATIONS

OAC 310:681-1-2. Regulatory program established

- Subsection (d): Revises the address of the Oklahoma State Department of Health

OAC 310:681-1-4. Definitions

- Adds definition of "actively operating" or "actively conducting business operations."
- Revises definition of "dispensary" or "commercial dispensary" to reflect changes made to the statutory definition in 63 O.S. § 427.2.
- Revises definition of "dispose" or "disposal."
- Adds definition of "error in measurement."
- Adds definition of "error in measurement allowance."
- Adds definition of "final product" or "final medical marijuana product".
- Revises definition of "flower" to reflect changes made to the statutory definition in 63 O.S. § 427.2.
- Revises definition of "grower" or "commercial grower" to reflect changes made in 63 O.S. § 422.
- Revises definition of "harvest batch."
- Adds definition of "hazardous medical marijuana processor license."
- Adds definition of "infused pre-roll."
- Adds definition of "integration" or "integrated." Revises definition of "inventory tracking system" to reflect the changes made in 63 O.S. § 427.2.
- Adds definition of "kief."
- Revises definition of "marijuana" to reflect changes made in 63 O.S. § 427.2.
- Adds definition of "material change."
- Revises definition of "medical marijuana waste."
- Adds definition of "nonhazardous medical marijuana processor license."
- Adds definition of "noninfused pre-roll."
- Adds definition of "nonliquid medical marijuana product."
- Adds definition of "nonoperational."
- Adds definition of "openly in existence."
- Revises definition of "private school" to reflect changes made in 63 O.S. § 427.2.
- Revises definition of "processor" or "commercial processor" to reflect changes made in 63 O.S. § 423.
- Adds definition of "publicly traded company."
- Revises definition of "public school" to reflect changes made in 63 O.S. § 427.2.
- Revises definition of "registered to conduct business" to reflect changes made in 63 O.S. § 427.2.
- Revises definition of "remediation" to be consistent with the definition in 63 O.S. § 427.2.
- Adds definition of "RFID."
- Adds definition of "seed-to-sale tracking system."
- Revises definition of "strain" to be consistent with the definition in 63 O.S. § 427.2.
- Revises definition of "transporter" or "commercial transporter" to reflect changes made in 63 O.S. §§ 427.2 and 427.16.
- Revises definition of "transporter agent" to reflect changes made in 63 O.S. §§ 427.2 and 427.16.
- Revises "transporter license" to reflect changes made in 63 O.S. §§ 427.2 and 427.16.
- Adds definition of "wholesale package."

- Adds definition of "working towards operational status."

OAC 310:681-1-6. Proof of residency

- Subsection (a)(3): Removes "an Oklahoma voter identification card" as an acceptable form of proof to show Oklahoma residency for a patient license to be consistent with the acceptable residency documents for commercial licensees set forth in 63 O.S. § 427.14(E)(11) and OAC 310:681-5-3.1.

OAC 310:681-1-7. Proof of identity

- Subsection (b)(1): Removes language requiring commercial license applicants submit the back of a driver's license for proof of identity documentation.
- Subsection (b)(2): Removes language requiring commercial license applicants submit the back of an identification card for proof of identity documentation.

OAC 310:681-1-9.1. Recommending physician standards

- Subsection (a): Replaces "their licensure board" with "the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners" to be consistent with 63 O.S. § 420(M).

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

- Subsection (d)(1): Removes language referring to a physician as Board Certified.
- Subsection (e)(2): Adds language prohibiting caregivers from charging the patient licensee amounts in excess of the actual costs incurred in cultivating medical marijuana pursuant to 63 O.S. § 420(K).

OAC 310:681-2-5. Term and renewal of medical marijuana patient and caregiver licenses

- Subsection (i)(1): Adds new language making a patient license "immediately null and void without the right to an individual proceeding" when the recommendation is terminated by the recommending physician pursuant to 63 O.S. § 427.10(E).
- Subsection (i)(4): Removes language requiring notice and a right to a hearing for patients that have had their recommendation terminated by the recommending physician to be in accordance with 63 O.S. § 427.10(E).
- Subsection (k): Creates new requirement that a patient will be charged a fee of $20.00 for a license reprint pursuant to 63 O.S. § 420(D).

OAC 310:681-2-8. Possession Limits

- Subsection (a)(3): Clarifies that a patient license holder may legally possess "six marijuana plants and the harvested marijuana therefrom" in accordance with 63 O.S. § 420(A).
- Subsection (a)(8): Adds new language allowing a patient license holder to legally possess "seventy-two (72) ounces of topical marijuana" in accordance with 63 O.S. § 420(A).

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

- Subsection (a): Adds language providing that transporter licenses will also be issued to laboratory, research facility, or education facility licensees.
- Subsection (d): Adds new language requiring a commercial transporter's warehouse location to be inspected and approved by the Department prior to its use pursuant to 63 O.S. § 426.16(I).

- Subsection (d) and (e): Renumbered subsection (d) and (e) to be (e) and (f), respectively.

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

- Subsection (a): Adds language excepting lawful transfers between medical marijuana businesses located at the same physical address from the transportation requirements outlined in OAC 310:681-3-2(a)(1)-(2) pursuant to 63 O.S. § 427.16(J).
- Subsection (d): Adds language requiring transportation agents of laboratories, research facilities, and education facilities to carry a copy of the business licensee's transportation license when transporting medical marijuana.

OAC 310:681-3-3. Transporter agent license

- Subsection (a): Adds language to include agents, employees, officers, or owners of a laboratory, research facility, or education facility as persons qualified to be issued a transport agent license.
- Subsection (d)(4): Adds language to include laboratories, research facilities, or education facilities as an employer that may submit an employment verification form for a transporter agent application.
- Subsection (e): Adds language to include that a transporter agent license shall not last beyond the expiration, surrender, or revocation of a laboratory, research facility, or education facility license.
- Subsection (g): Creates new requirement that a transporter agent will be charged a fee of $20.00 for a license reprint pursuant to 63 O.S. § 427.16(M).

OAC 310:681-3-4. Employer deactivation of transporter agent license

- Subsection (a): Adds language requiring a laboratory, research facility, or education facility to notify the Department within fourteen (14) days when a transporter agent ceases to work as a transporter.
- Subsection (b): Adds language directing that a laboratory, research facility, or education facility is responsible for destroying or returning a deactivated transporter agent license.

OAC 310:681-3-6. Inventory manifests

- Subsection (a): Replaces "an electronic inventory management system" with "the State inventory tracking system in accordance with OAC 310:681-5-6(d)." Replaces "inventory" with "shipping." Adds language that requires dispensaries, laboratories, research facilities, and education facilities to create and maintain shipping manifests.
- Subsection (b)(1)(B) and (F): Adds language requiring a laboratory, research facility, or education facility to be on an inventory manifest left with the originating licensee or notate an inventory manifest left with the originating licensee if the laboratory, research facility, or education facility is transporting or authorized the transport.
- Subsection (b)(2)(C): Adds language requiring a laboratory, research facility, or education facility to be on an inventory manifest left with the receiving licensee if the laboratory, research facility, or education facility transporting the medical marijuana is not the originating licensee.
- Subsection (d): Adds language requiring dispensaries, laboratories, research facilities, and education facilities to maintain copies of inventory manifests.
- Subsection (f): Replaces "three (3)" years with "seven (7)" years for the amount of time originating and receiving licensees shall maintain inventory manifests pursuant to 63 O.S. § 427.16(U).
- Subsection (g)(1)-(2): Adds language specifying when an inventory manifest can be altered after departing the originating licensee.
- Subsection (i): Removes language regarding documentation requirements when medical marijuana is refused by a receiving licensee as this language was added in subsection (g).

OAC 310:681-4-2. Licenses

- Subsection (c)(2): Adds that no new certificate of compliance is necessary during submission of a renewal application unless there is a change in use or occupancy, or a change that would require additional inspection, licensure, or permitting pursuant to 63 O.S. § 426.1(E).
- Subsection (c)(6) Adds new language allowing a commercial licensee to renew an expired license that is less than ninety (90) days expired for a fee of $500.00 pursuant to 63 O.S. § 427.14(N).
- Subsection (e)(2): Clarifies that a licensee shall obtain Department approval prior to making a "material change" and adds language creating a fee of $500.00 for a material change request pursuant to 63 O.S. § 427.3(D).
- Subsection (f)(1): Removes language prohibiting research and education facilities from transferring licenses.

OAC 310:681-4-3. Applications

- Subsection (h): Adds language that a rejected application shall be corrected within thirty (30) days and that if the application is resubmitted with errors not clerical or typographical in nature the application shall be denied pursuant to 63 O.S. § 427.14(G).

OAC 310:681-4-4. Inspections

- Subsection (b): Adds language permitting the Department to perform on-site inspections to ensure qualifications for licensure pursuant to 63 O.S. § 427.6(B).
- Subsection (d): Adds language permitting the Department to share confidential information about non-patient licensees with other agencies pursuant to 63 O.S. § 427.22(G).

OAC 310:681-4-5. Inventory tracking, records, reports, and audits

- Subsection (a)(6): Adds language clarifying that data submitted to the Department through the State's inventory tracking system will satisfy monthly reporting requirements.
- Subsection (c)(2): Adds language requiring transportation, sampling, and sample field log documentation to be retained by research and education facilities for seven (7) years.
- Subsection (d)(1)-(3): Adds language and requirements for reporting of required data and information into the State's inventory tracking system pursuant to 63 O.S. § 427.3(D)(8) and § 427.13(B).
- Subsection (e): Adds language requiring commercial licensees use a seed to sale tracking system or integrate their seed to sale tracking system with the State's inventory tracking system. Clarifies that if the commercial licensee's seed to sale system does not integrate or share all required information with the State's inventory tracking system, the commercial license is required to ensure all required information is reported directly to the State's inventory tracking system.
- Subsection (f)(1)-(8): Adds new language for reporting of required data and information into the State's inventory tracking system, including requirements related to the purchase and use of RFID tags in order to track medical marijuana and medical marijuana product through all stages of the life span of the plant and product. Adds requirement relating to the use of RFID tags in the context of wholesale packages.
- Subsection (g)(1)-(8): Adds new language and requirements for commercial licensees' inventory tracking system administrators and employee users to access the State's inventory tracking system.

- Subsection (h): Creates a new provision governing reporting requirements in the context of loss of access to the State's inventory tracking system both due to circumstances beyond and within commercial licensees' control.
- Subsection (i): Clarifies audits conducted by the Department ensure the accuracy of information and data reported to the Department.

OAC 310:681-5-1.1. Responsibilities of the license holder

- Subsection (9): Clarifies that commercial licensees are financially responsible for the costs of compliance and inventory tracking and that the Department will not contribute to, fund or subsidize compliance or tracking expenses incurred by commercial licensees.

OAC 310:681-5-2. Licenses

- Subsection (c)(2): Adds that no new certificate of compliance is necessary during submission of a renewal application unless there is a change in use or occupancy, or a change that would require additional inspection, licensure, or permitting pursuant to 63 O.S. § 426.1(E).
- Subsection (c)(5): Adds new language allowing a commercial licensee to renew an expired license that is less than ninety (90) days expired for a fee of $500.00 pursuant to 63 O.S. § 427.14(N).
- Subsection (d): removes the 30 day liquidation period and clarifies that a business licensee that did not liquidate shall dispose of medical marijuana and medical marijuana products in accordance with OAC 310:681-5-10.
- Subsection (e)(2): Clarifies that a licensee shall obtain Department approval prior to making a "material change" and adds language creating a fee of $500 for a material change request pursuant to 63 O.S. § 427.3(D).
- Subsection (e)(2)(D)(i)- (vii): Creates new provision allowing a medical marijuana grower, processor, and commercial transporter to submit a request and required documentation to the Department to add a publicly traded company as an owner of up to forty percent (40%) of the equity interest of an existing medical marijuana grower, processor, or commercial transporter that has been licensed for at least eighteen (18) months and is operating in good standing pursuant to 63 O.S. § 427.15a.
- Subsection (f): Removes language prohibiting business licensees from transferring licenses.

OAC 310:681-5-2.1 Objection by municipality

- Subsection (a)(1)-(2): Creates new provisions allowing municipal governments to object prior to an initial renewal or transfer of ownership of a medical marijuana dispensary that the municipality determines is operating contrary to the required setback distance from a school pursuant to 63 O.S. § 426.1(E)(2)-(5).

OAC 310:681-5-3. Applications

- Subsection (e)(6): Adds new language reflecting the change in measurement of the distance between a medical marijuana dispensary and a school pursuant to 63 O.S. § 425(G).
- Subsection (e)(8): Clarifies that a certificate of compliance may not be necessary for certain applications pursuant to 426.1(E).
- Subsection (e)(10): Adds reference to additional documents required under OAC 310:681-5-2(e)(2)(c) for a medical marijuana grower, processor or transporter to add a publicly traded company as an owner.

- Subsection (e)(11)-(12): Adds new language that a list of chemicals and safety data sheets for each chemical used by a processor may be required during the application process.
- Subsection (f): Adds language that a resubmitted application with errors not clerical or typographical in nature shall be denied pursuant to 63 O.S. § 427.14(G).

OAC 310:681-5-3.1. Proof of residency for commercial licenses

- Subsection (b)(3): Removes language that allowed commercial license applicants to submit an identification card for proof of residency documentation.

OAC 310:681-5-3.2. Persons prohibited from holding a commercial license

- Subsection (a)(7)(A)-(H): Adds new language prohibiting a commercial license from being issued to or held by a person involved in a separate commercial license that was revoked, not-renewed, or surrendered after disciplinary proceedings pursuant to 63 O.S. § 427.14(H)(8).

OAC 310:681-5-4. Inspections

- Subsection (b): Adds language permitting the Department to perform on-site inspections to ensure qualifications for licensure pursuant to 63 O.S. § 427.6(B).
- Subsection (c): Adds language permitting the Department to conduct up to two laboratory site visits per year after licensure.
- Subsection (d): Adds new language requiring the Department to conduct one one-site inspection of each warehouse before granting a transporter license.
- Subsection (e): Removes language only permitting the Department to conduct unannounced inspections to prevent destruction of evidence.
- Subsection (g): Adds language permitting the Department to share confidential information about non-patient licensees with other agencies pursuant to 63 O.S. § 427.22(G).
- Subsection (h): Removes language requiring twenty-four hour notice before the Department reviews records of a licensee so a licensee may secure legal representation pursuant to 63 O.S. § 427.6(B).
- Subsection (j): Adds language permitting the Department to suspend or revoke a license for failure to pay any fine or monetary penalty assessed by the Department pursuant to 63 O.S. § 427.6(G).

OAC 310:681-5-4.1. Operational status visit

- Subsection (a)(1)-(3): Creates new provisions requiring the Department conduct on-site visits at licensed growers, processors and dispensaries to verify operational status and providing an 180 day grace period pursuant to 63 O.S. § 427.6(K).
- Subsection (b): Creates new provisions requiring the Department to conduct follow up on-site visits at licensed growers, processors and dispensaries to verify operational status if the licensee was not operational at the initial visit pursuant to 63 O.S. § 427.6(K). Adds language allowing discretionary second grace period and requiring the Department move for revocation if licensee is non-operational and second grace period is not granted.

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

- Subsection (a)(4): Adds language clarifying that submission of information and data to the State's inventory tracking system is required and will satisfy the monthly reporting requirements upon implementation.

- Subsection (b)(2): Adds language requiring processor safety data sheets and chemical inventory lists to be retained by a processor for seven (7) years.
- Subsection (b)(6): Adds new language requiring commercial licensees to keep documentation about specifications of the licensed premises, what is inside the licensed premises, information about employees, employment manuals, and standard operating procedures readily available on the licensed premises and maintain such documentation for seven (7) years pursuant to 63 O.S. § 427.3(D).
- Subsection (c): Removes language permitting a commercial licensee to only retain private patient information for sixty (60) days and adds new language requiring the retention of private patient information to comply with relevant state and federal laws.
- Subsection (d)(1)-(3): Adds language and requirements for reporting required data and information into the State's inventory tracking system pursuant to 63 O.S. § 427.3(D)(8) and § 427.13(B).
- Subsection (e): Adds language requiring commercial licensees use a seed to sale tracking system or integrate their seed to sale tracking system with the State's inventory tracking system. Clarifies that if the commercial licensee's seed to sale system does not integrate or share all required information with the State's inventory tracking system, the commercial license is required to ensure all required information is reported directly to the State's inventory tracking system.
- Subsection(f)(1)-(8): Adds new language and requirements for reporting required data and information into the State's inventory tracking system, including requirements related to the purchase and use of RFID tags in order to track medical marijuana and medical marijuana products through all stages of the life span of the plant and product. Adds requirement relating to the use of RFID tags in the context of wholesale packages.
- Subsection (g)(1)-(8): Adds new language and requirements for commercial licensees' inventory tracking system administrators and employee users to access the State's inventory tracking system.
- Subsection (h): Creates a new provision governing reporting requirements in the context of loss of access to the State's inventory tracking system both due to circumstances beyond and within commercial licensees' control.
- Subsection (i): Clarifies audits conducted by the Department ensure the accuracy of information and data reported to the Department.

OAC 310:681-5-6.1. Penalties

- Subsection (g)(1)-(2): Adds new language permitting the Department to serve a written order imposing disciplinary action on a licensee after thirty (30) days written notice of such violation and that the order becomes final if a hearing is not requested by the licensee within thirty (30) days of the licensee being served with the order pursuant to 63 O.S. § 427.6(K).
- Subsection (h): Adds new language permitting the Department to issue an order requiring a licensee to take a specific action without notice of a hearing in order to protect the health or welfare of the public in an emergency situation. Adds new language that the Department may order a commercial licensee in an emergency situation to cease and desist operation and that the Department may assess a penalty not to exceed ten thousand dollars ($10,000.00) per day for noncompliance. Adds new language that a hearing shall be offered within ten (10) days of issuance of the order if requested.

OAC 310:681-5-8. Composition of medical marijuana advisory council

- Subsection (a): Removes "Food Safety Standards Board" and replaces it with the "Medical Marijuana Advisory Council." Adds new language permitting the Department to appoint up to eight additional members to the Council.
- Subsection (b): Adds new language clarifying that the "Board" refers to the Medical Marijuana Advisory Council.

OAC 310:681-5-8.1. Food safety standards for processors

- Subsection (d): Removes "Food Safety Standards Board" and replaces it with the "Medical Marijuana Advisory Council." Adds new language permitting the Medical Marijuana Advisory Council to recommend rules relating to the safe cultivation and manufacturing of medical marijuana products.

OAC 310:681-5-11. Attestation confirming or denying foreign financial interests.

- Subsection (a)-(c): Creates new requirements for medical marijuana businesses to submit an attestation to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control disclosing the existence of any foreign financial interests pursuant to 63 O.S. § 427.15.

OAC 310:681-5-12. Marijuana transaction limitations

- Subsection (a): Clarifies that three (3) ounces means eighty-four and nine-tenths (84.9) grams, one (1) ounce means twenty-eight and three-tenths (28.3) grams, and seventy-two (72) ounces means two thousand thirty-seven and six-tenths (2,037.6) grams.

OAC 310:681-5-14. Handling of medical marijuana by dispensary.

- Subsection (a)-(b): Adds new language requiring marijuana displayed for smelling and handling by patients and caregivers to be contained in separate containers of no more than three (3) grams each. Adds new language that the sample containers be kept separate from the marijuana to be sold to patients and caregivers and that the sample containers are labeled to include the strain and batch number of the sample in the jar, the license number of the grower of the marijuana in the jar, and a statement indicating the marijuana in the jar is a sample not for sale.

OAC 310:681-5-18. Prohibited acts

- Subsection (m): Adds prohibition on the transfer, purchase, sale of medical marijuana or medical marijuana products not properly inputted or tracked in the State's inventory tracking system after implementation.
- Subsection (n): Adds new language prohibiting growers and dispensaries from making or packaging infused pre-rolls.
- Subsection (o): Adds new language prohibiting growers and dispensaries from making or packaging, pre-rolls exceeding one (1) gram.

OAC 310:681-7-1. Labeling and packaging

- Subsection (e)(1)(A): Adds a "dispensary" as a commercial licensee that may be required to be listed on a label as a transferring licensee.
- Subsection (e)(3): Creates new requirement that RFID tags not obscure required label and packaging requirements.

OAC 310:681-8-1. Testing standards and thresholds

- Subsection (a): Changes required testing of terpenoid "potency" to terpenoid "type and concentration."

- Subsection (b)(1): Changes harvest batch size from "ten (10)" to "fifteen (15)" pounds and adds new language creating an exception allowing for a "fifty (50)" pound harvest batch if the plant material will be produced into a concentrate. Adds new language that a production batch of liquid marijuana concentrate is "four (4)" liters and a production batch of nonliquid marijuana products is "nine (9)" pounds, as well as 1000 mg of THC for final medical marijuana products.
- Subsection (d)(1): Clarifies that growers may transfer a harvest batch that has failed testing to a processor for decontamination or remediation and once remediated or decontaminated, the marijuana may only be returned to the originating grower.
- Subsection (d)(3): Adds new language prohibiting a dispensary from transferring medical marijuana or medical marijuana products that have not passed all tests.
- Subsection (e): Clarifies the demand of the Department for a commercial business to submit a sample to a laboratory should occur when the Department has reason to believe the marijuana is unsafe for consumption, unsafe for inhalation, or has not been tested according to law. Removes language making the licensee responsible for the cost of testing. Adds language permitting the Department to require submission of samples for quality assurance purposes up to twice per year.
- Subsection (g)(1)(A)-(F): Adds new embargo language requiring cooperation and tracking by any licensee(s) in possession of or that has had possession of marijuana or a marijuana product that exceeds allowable testing thresholds, is poisonous or deleterious to health, or the marijuana or marijuana product is in violation of laws and regulations. Adds language requiring recall of transferred medical marijuana or medical marijuana that was embargoed.
- Subsection (g)(2)(A)-(D): Adds new language requiring medical marijuana or medical marijuana products that are subject to embargo, or a derivative of such, or that otherwise fail to meet testing standards to be recalled. Adds new language prohibiting the sale or transfer of medical marijuana and medical marijuana products. Adds new language requiring commercial licensees in possession of or that have had possession of the recalled marijuana or marijuana product to participate in the recall and provide steps of what assistance is required. Adds language requiring the licensee where the harvest or production batch originated to cover the cost of waste disposal. Adds language that provides for disciplinary action for failure to comply with a recall.
- Subsection (h)(5): Removes requirement that commercial licensees retain copies of COAs for "two (2)" years and replaces it with a retention requirement of "seven (7)" years.
- Subsection (h)(8): Adds new language making submission of a COA into the State's inventory tracking system sufficient compliance with the requirement of reporting and maintaining records.
- Subsection (i)(6): Removes requirement that growers and processors test batch samples for terpenoid "potency" and replaces with the requirement to test for terpenoid "type and concentration."
- Subsection (l)(2): Adds language permitting a grower to transfer a harvest batch that has failed microbial testing to a processor for decontamination.
- Subsection (s)(1)(A): Adds new language requiring medical marijuana from multiple harvest batches to be used for noninfused pre-rolls to be homogenized into a new batch and tested as a harvest batch under OAC 310:681-8-1(I).
- Subsection (s)(1)(B): Adds new language requiring noninfused pre-rolls created from flower, shake, or trim from a single harvest batch that has passed full compliance testing to be additionally tested for heavy metals, filth and contaminants, and potency.
- Subsection (s)(2): Adds new language allowing grower and processors to collect kief and requires kief collected from multiple harvest batches to be homogenized as a new batch not exceeding fifteen (15) pounds and tested under OAC 310:681-8-1(I).

OAC 310:681-8-2. General operating requirements and procedures

- Subsection (a): Removes language requiring a laboratory license applicant to be accredited by "ANSI/ASQ National Accreditation Board, American Association for Laboratory Accreditation

(A2LA), Perry Johnson Laboratory Accreditation (PJLA), or any other accrediting entity using the ISO/IEC Standard 17025" and replaces it with the requirement that a laboratory license applicant be accredited "by any accrediting entity approved by the Department and subscribing to the International Laboratory Accreditation Cooperation ("ILAC")" and that the accreditation must be in "both chemistry and biology, or cannabis." Adds new language making renewal of a license contingent upon maintaining accreditation.

- Subsection (c)(1)-(2) and (6): Removes language referring to "proficiency testing" and replaces it with "external quality control."
- Subsection (d): Removes language prohibiting a person who is an "indirect beneficial owner" of a dispensary, grower, or processor from owning a licensed laboratory. Adds language prohibiting a laboratory from testing samples of a business when an owner, employee, or agent of the laboratory has any form of ownership or financial interest in the business requesting the test.
- Subsection (h)(1): Removes the "two (2)" year requirement that a laboratory retain raw data, documentation, protocols, and final reports from all analysis for and replaces it with "seven (7)" years.

OAC 310:681-8-3. Sampling requirements and procedures

- Subsection (a)(12): Removes the "two (2)" year requirement that licensees retain documentation and replaces it with "seven (7)" years.
- Subsection (b)(3)-(4): Adds language clarifying how samples of a production batch and samples of noninfused pre-rolls are to be collected to ensure a representative sample is taken.
- Subsection (d)(3)-(4): Adds requirement that laboratories maintain and properly store reserve samples for at least thirty (30) days.
- Subsection (e)(5): Clarifies the cost to produce additional samples the Department requires a processor, grower, or dispensary to submit for additional testing is an expense of the licensee, but the licensee is not responsible for the cost of testing.
- Subsection (e)(6): Replaces "seed-to-sale tracking system" with "State's inventory tracking system."

OAC 310:681-9-1. License or permit required

- Subsection (b): Adds language reflecting that as of November 1, 2021 there will be no limit to the number of medical marijuana waste disposal licenses pursuant to 63 O.S. §430(A).

OAC 310:681-9-2. Licenses and permits

- Subsection (e)(2): Clarifies that a licensee shall obtain Department approval for making a "material change" and adds language creating a fee of $500 for a material change request.
- Subsection (f): Removes prohibition on transfer of waste disposal facility licenses and permits.

OAC 310:681-9-3. License applications

- Subsection (e)(5): Changes distance measurement between waste disposal facility and school from "property line" to "front entrance" in the context of supporting documentation that must be submitted with applications for waste disposal facility licenses.

OAC 310:681-9-4. Permit applications

- Subsection (c)(1): Changes distance measurement between waste disposal facility and school from "property line" to "front entrance" in the context of supporting documentation that must be submitted with applications for waste disposal facility permit.

OAC 310:681-9-6. Security requirements

- Subsection (e): Changes the record retention period from "two (2)" years to "seven (7)" years.

OAC 310:681-9-7. Audits and inventory

- Subsection (b)(1)-(3): Creates new requirements for reporting required data and information into the State's inventory tracking system pursuant to 63 O.S. § 427.3(D)(8) and § 427.13(B).
- Subsection(c): Adds language requiring commercial licensees use a seed to sale tracking system or integrate their seed to sale tracking system with the State's inventory tracking system. Clarifies that if the commercial licensee's seed to sale system does not integrate or share all required information with the State's inventory tracking system, the commercial license is required to ensure all required information is reported directly to the State's inventory tracking system.
- Subsection(d)(1)-(8): Adds new language and requirements for reporting required data and information into the State's inventory tracking system, including requirements related to the purchase and use of RFID tags in order to track medical marijuana and medical marijuana products through all stages of the life span of the plant and product. Adds requirement relating to the use of RFID tags in the context of wholesale packages.
- Subsection (e)(1)-(7): Adds new language and requirements for commercial licensees' inventory tracking system administrators and employee users to access the State's inventory tracking system.
- Subsection (f): Creates a new provision governing reporting requirements in the context of loss of access to the State's inventory tracking system both due to circumstances beyond and within commercial licensees' control.

Appendix C

- Changes the fine amounts for inaccurate reporting to be consistent with 63 O.S. § 427.6(G), and adds fine amounts for diversion to an unauthorized minor consistent with 63 O.S. § 427.6(I).

Appendix D

- Creates sample collection requirements for medical marijuana products.

Appendix E

- Creates sample collection requirements for pre-rolls.