

1 ENGROSSED SENATE AMENDMENT  
TO

2 ENGROSSED HOUSE  
3 BILL NO. 2646

By: Echols and Davis of the  
House

4 and

5 Taylor of the Senate

6  
7  
8 An Act relating to medical marijuana; \*\*\*authorizing  
9 the State Department of Health to deny patient  
10 license applications; \*\*\* medical marijuana processor  
11 licensing requirements; State Department of Health  
12 businesses to submit certain documentation when  
13 requesting a change in location\*\*\*authorizing  
14 licensees to request a hearing; clarifying privacy  
15 requirements for handling records of patients and  
16 caregivers; deleting references to certain federal  
17 \*\*\* businesses; directing license renewal applicants  
18 to comply with certain requirements; requirement;  
19 \*\*\*duties related to the development of testing  
20 practices and research methods; providing employment  
21 of certain persons; removing mandate that prohibits  
22 indirect beneficial owners from owning a \*\*\*  
23 authorizing the Department to appoint additional  
24 members to the Medical Marijuana Advisory Council;  
specifying makeup of Council; \*\*\* requirements shall  
be measured for waste disposal facilities; removing  
\*\*\*revolving fund; providing for codification; and  
providing an effective date.

20 AUTHOR: Add the following Senate Coauthor: Rogers

21 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
22 entire bill and insert

23 "An Act relating to medical marijuana; amending  
24 Section 1, State Question No. 788, Initiative  
Petition No. 412, as last amended by Section 44,

1 Chapter 161, O.S.L. 2020 (63 O.S. Supp. 2020, Section  
2 420), which relates to patient and caregiver  
3 licensing requirements; modifying language;  
4 specifying measurements in grams; clarifying scope of  
5 certain offense; updating references to licensees;  
6 specifying biannual payment of application fees for  
7 patient licenses; providing for reprints of licenses;  
8 setting fee amount; providing a temporary medical  
9 marijuana patient license for nonresident medical  
10 marijuana licensee; authorizing the State Department  
11 of Health to deny patient license applications;  
12 removing certain recordkeeping requirement;  
13 specifying types of records the Department shall seal  
14 to protect privacy; updating statutory references;  
15 clarifying application requirements; amending Section  
16 2, State Question No. 788, Initiative Petition No.  
17 412 (63 O.S. Supp. 2020, Section 421), which relates  
18 to dispensary licensing requirements; updating  
19 language; increasing time limitation for reviewing  
20 dispensary license applications; authorizing the  
21 Department to deny dispensary license applications;  
22 deleting penalties for inaccurate reports and  
23 fraudulent sales; authorizing licensed dispensaries  
24 to sell pre-rolled marijuana; specifying types of  
products that can be used for pre-rolled marijuana;  
providing testing, packaging and labeling  
requirements; prohibiting physical handling of  
products; providing handling exception for certain  
sealed products and by employees; amending Section 3,  
State Question No. 788, Initiative Petition No. 412  
(63 O.S. Supp. 2020, Section 422), which relates to  
commercial grower licensing requirements; modifying  
language; increasing time limitation for reviewing  
commercial grower license applications; authorizing  
the Department to deny commercial grower license  
applications; authorizing licensed commercial growers  
to sell to other licensed commercial growers;  
deleting penalties for inaccurate reports and  
fraudulent sales; authorizing licensed commercial  
growers to sell pre-rolled marijuana; specifying  
types of products that can be used for pre-rolled  
marijuana; providing testing, packaging and labeling  
requirements; amending Section 4, State Question No.  
788, Initiative Petition No. 412 (63 O.S. Supp. 2020,  
Section 423), which relates to medical marijuana  
processor licensing requirements; updating language;  
increasing time limitation for reviewing processor

1 license applications; authorizing the Department to  
2 deny processor license applications; providing for  
3 twice-yearly inspections of processing operations;  
4 deleting penalties for inaccurate reports and  
5 fraudulent sales; specifying name of council  
6 responsible for creating certain standards; amending  
7 Section 6, State Question No. 788, Initiative  
8 Petition No. 412, as last amended by Section 46,  
9 Chapter 161, O.S.L. 2020 (63 O.S. Supp. 2020, Section  
10 425), which relates to protections for medical  
11 marijuana patient licensees; updating language;  
12 deleting certain definition; specifying manner by  
13 which distances between certain properties shall be  
14 measured; providing exceptions; specifying name of  
15 certain act; amending Section 7, State Question No.  
16 788, Initiative Petition No. 412 (63 O.S. Supp. 2020,  
17 Section 426), which relates to the taxation of  
18 medical marijuana; updating language and name of  
19 state agency; amending Section 4, Chapter 509, O.S.L.  
20 2019 (63 O.S. Supp. 2020, Section 426.1), which  
21 relates to license revocations and hearings; deleting  
22 certain exception; updating language and statutory  
23 references; modifying information the State  
24 Department of Health may share with law enforcement;  
providing for an online verification system;  
directing the Department to share list of marijuana-  
licensed premises with state agencies; directing  
marijuana-licensed businesses to submit certain  
documentation when requesting a change in location;  
amending Section 2, Chapter 11, O.S.L. 2019, as last  
amended by Section 48, Chapter 161, O.S.L. 2020,  
Section 3, Chapter 11, O.S.L. 2019, as amended by  
Section 6, Chapter 477, O.S.L. 2019, Section 4,  
Chapter 11, O.S.L. 2019, Section 6, Chapter 11,  
O.S.L. 2019, as amended by Section 7, Chapter 477,  
O.S.L. 2019, Section 7, Chapter 11, O.S.L. 2019, as  
amended by Section 5, Chapter 509, O.S.L. 2019,  
Section 9, Chapter 11, O.S.L. 2019, Section 10,  
Chapter 11, O.S.L. 2019, as amended by Section 2,  
Chapter 390, O.S.L. 2019, Section 11, Chapter 11,  
O.S.L. 2019, Section 13, Chapter 11, O.S.L. 2019,  
Section 14, Chapter 11, O.S.L. 2019, as last amended  
by Section 51, Chapter 161, O.S.L. 2020, Section 16,  
Chapter 11, O.S.L. 2019, Section 17, Chapter 11,  
O.S.L. 2019, as amended by Section 4, Chapter 312,  
O.S.L. 2019, Section 18, Chapter 11, O.S.L. 2019,  
Section 19, Chapter 11, O.S.L. 2019, Section 20,

1 Chapter 11, O.S.L. 2019, Section 22, Chapter 11,  
2 O.S.L. 2019 and Section 23, Chapter 11, O.S.L. 2019,  
3 as amended by Section 11, Chapter 477, O.S.L. 2019  
4 (63 O.S. Supp. 2020, Sections 427.2, 427.3, 427.4,  
5 427.6, 427.7, 427.9, 427.10, 427.11, 427.13, 427.14,  
6 427.16, 427.17, 427.18, 427.19, 427.20, 427.22 and  
7 427.23), which relate to the Oklahoma Medical  
8 Marijuana and Patient Protection Act; updating  
9 references to certain named act; modifying scope of  
10 certain definitions; deleting certain definitions;  
11 clarifying duties of the Oklahoma Medical Marijuana  
12 Authority; authorizing the Authority to establish fee  
13 schedule and collect fees; removing notice  
14 requirement for inspections; providing for  
15 regulations on information to be submitted;  
16 specifying information to be submitted; requiring  
17 medical marijuana business licensees to submit  
18 samples to a quality assurance laboratory under  
19 certain circumstances; limiting samples to certain  
20 number per year; providing for cost of submitted  
21 samples; allowing for on-site inspections and  
22 investigations of medical marijuana businesses and  
23 certain facilities; authorizing the State Department  
24 of Health to enter certain facilities; providing for  
post licensure inspections; providing for additional  
inspections under certain circumstances; deleting  
notice provision; removing option for licensees to  
obtain legal representation prior to certain  
interview; providing for the suspension or revocation  
of licenses for nonpayment of penalties; establishing  
penalties for inaccurate or fraudulent reports;  
authorizing the issuance of written orders for  
alleged violations; specifying contents of written  
orders; authorizing the Department to impose  
disciplinary actions and monetary penalties; allowing  
licensees to request an administrative hearing;  
directing the Department to initiate administrative  
proceedings upon such request; authorizing the  
Department to issue certain emergency order without  
notice or hearing; requiring immediate compliance  
with provisions of the order; providing for the  
assessment of penalties; authorizing licensees to  
request a hearing; clarifying privacy requirements  
for handling records of patients and caregivers;  
deleting references to certain federal act; directing  
the Authority to protect patient and caregiver  
records and information; authorizing the Authority to

1 contact recommending physicians of patient licensees;  
2 expanding certain criminal and civil protections to  
3 podiatrists; directing the Department to immediately  
4 void licenses under certain circumstances; allowing  
5 patients to request the withdrawal of a caregiver  
6 license; providing for such withdrawal without the  
7 right to a hearing; requiring certain facilities to  
8 keep transaction records and utilize seed-to-sale  
9 tracking system; directing medical marijuana  
10 businesses and facilities that retain inventory  
11 tracking records to comply with state and federal  
12 privacy laws; deleting inventory tracking records  
13 retention requirement; clarifying term of application  
14 fee for medical marijuana businesses; directing  
15 license renewal applicants to comply with certain  
16 requirements; clarifying criteria provisions for  
17 licensees; requiring criminal history background  
18 checks for license renewal applicants; modifying  
19 certain identification document requirement;  
20 modifying list of identification documents necessary  
21 for licensure; providing for the denial of business  
22 license applications; providing for the denial of  
23 resubmitted applications under certain circumstances;  
24 prohibiting the issuance of research, education and  
waste disposal facility licenses to certain persons;  
removing directive to consider additional information  
about applicants with criminal history records;  
requesting licensees to provide certain information  
to the Authority; requiring medical marijuana  
research, education and waste disposal facility  
licensees to pay licensure fees prior to receiving  
license; establishing renewal fee for expired  
licenses; making late renewal fees nonrefundable;  
prohibiting the renewal of certain expired licenses;  
prohibiting medical marijuana businesses, research,  
education and waste disposal facilities from  
operating without a valid, unexpired license;  
allowing certain licensed medical marijuana  
facilities to obtain medical marijuana transporter  
licenses; reducing fee amount of annual transporter  
agent license; establishing transporter agent license  
reprint fee; clarifying residency requirement;  
deleting certain inventory manifest requirement;  
extending time limitation for maintaining copies of  
inventory manifests and logs; modifying scope of  
duties related to the development of testing  
practices and research methods; providing

1 restrictions on laboratory ownership and the  
2 employment of certain persons; removing mandate that  
3 prohibits indirect beneficial owners from owning a  
4 laboratory; allowing medical marijuana testing  
5 laboratories to conduct certain research; authorizing  
6 medical marijuana testing laboratories to accept  
7 samples from licensed research and education  
8 facilities; prohibiting the testing of samples from  
9 certain businesses; directing the Department to  
10 develop standards and policies for the immediate  
11 recall of medical marijuana products; increasing time  
12 limitation for medical marijuana testing laboratories  
13 to retain test results; requiring test of individual  
14 harvest batch; providing test exception for certain  
15 plant materials of certain weight; changing batch  
16 weight; construing term for final products; limiting  
17 testing to certain final products of certain grams of  
18 THC; increasing number of inspections required for  
19 medical marijuana testing laboratories; allowing for  
20 additional investigations and inspections of testing  
21 laboratories under certain circumstances; modifying  
22 accreditation requirements for testing laboratories;  
23 making renewal subject to accreditation; requiring  
24 accreditation for licensure beginning on certain  
date; allowing licensed commercial growers to  
transfer certain product to licensed processors for  
decontamination or remediation; prohibiting the sale  
or transfer of kief; eliminating certain labeling  
requirement; clarifying terms of application fee for  
medical marijuana research license and medical  
marijuana education facility license; clarifying  
certain application process requirement for medical  
marijuana education facility license applicants;  
declaring all medical marijuana patient and caregiver  
records confidential and exempt from the Oklahoma  
Open Records Act; making certain records submitted to  
the Department confidential and exempt from the  
Oklahoma Open Records Act; authorizing the Department  
to share confidential information with other state  
agencies; modifying name of entity that recommends  
certain rules to the State Commissioner of Health;  
authorizing the Department to appoint additional  
members to the Medical Marijuana Advisory Council;  
specifying makeup of Council; authorizing the  
Department to tag or mark medical marijuana and  
medical marijuana product under certain conditions;  
authorizing the Department to embargo medical

1 marijuana and medical marijuana product; making the  
2 removal or disposal of embargoed medical marijuana  
3 and medical marijuana product without permission  
4 unlawful; allowing the State Commissioner of Health  
5 to institute actions in district court for the  
6 condemnation and destruction of embargoed medical  
7 marijuana and medical marijuana product that fails to  
8 meet certain requirements; providing for the removal  
9 of embargo after certain determination by the  
10 Commissioner; providing exemption from liability;  
11 providing for the destruction of medical marijuana  
12 and medical marijuana product upon findings made by  
13 the court; requiring expenses associated with  
14 destruction, court costs and fees to be paid by owner  
15 or defendant; authorizing courts to order delivery of  
16 medical marijuana and medical marijuana product to  
17 owner or defendant under certain circumstances;  
18 directing expenses for supervision be paid to  
19 Commissioner by certain person; amending Sections 2,  
20 3 and 4, Chapter 337, O.S.L. 2019 (63 O.S. Supp.  
21 2020, Sections 428.1, 429 and 430), which relate to  
22 the Oklahoma Medical Marijuana Waste Management Act;  
23 updating name of act; modifying scope of certain  
24 definitions; authorizing the destruction of marijuana  
roots and stalks; deleting documentation requirements  
for entities that engage in the disposal of medical  
marijuana waste; deleting requirement to maintain  
disposal records; clarifying scope of certain  
prohibited act; specifying manner by which distance  
requirements shall be measured for waste disposal  
facilities; removing alternative options for  
liability insurance requirement; providing for annual  
permits; directing the deposit of license and permit  
fees into different revolving fund; amending 63 O.S.  
2011, Section 2-302, as last amended by Section 57,  
Chapter 161, O.S.L. 2020 (63 O.S. Supp. 2020, Section  
2-302), which relates to regulation of manufacturing;  
requiring certain manufacturer registration; making  
manufacturer subject to same jurisdiction authority  
as registrant; amending 63 O.S. 2011, Section 2-304,  
as amended by Section 1, Chapter 1, O.S.L. 2015 (63  
O.S. Supp. 2020, Section 2-304), which relates to  
revocation of manufacturer registration; providing  
criminal and administrative penalties for providing  
false information; amending 63 O.S. 2011, Section 2-  
305, which relates to order to show cause before  
revocation of registration; including administrative

1 action on non-registrant engaged in manufacturing a  
2 controlled dangerous substance; providing for  
3 codification; and providing an effective date.

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

5 SECTION 1. AMENDATORY Section 1, State Question No. 788,  
6 Initiative Petition No. 412, as last amended by Section 44, Chapter  
7 161, O.S.L. 2020 (63 O.S. Supp. 2020, Section 420), is amended to  
8 read as follows:

9 Section 420. A. A person in possession of a state-issued  
10 medical marijuana patient license shall be able to:

- 11 1. Consume marijuana legally;
- 12 2. Legally possess up to three (3) ounces or eighty-four and  
13 nine-tenths (84.9) grams of marijuana on their person;
- 14 3. Legally possess six mature marijuana plants and the  
15 harvested marijuana therefrom;
- 16 4. Legally possess six seedling plants;
- 17 5. Legally possess one (1) ounce or twenty-eight and three-  
18 tenths (28.3) grams of concentrated marijuana;
- 19 6. Legally possess seventy-two (72) ounces or two thousand  
20 thirty-seven and six-tenths (2,037.6) grams of edible marijuana; ~~and~~
- 21 7. Legally possess up to eight (8) ounces or two hundred  
22 twenty-six and four-tenths (226.4) grams of marijuana in their  
23 residence; and



1        8. Legally possess seventy-two ounces (72) ounces of topical  
2 marijuana.

3        B. Possession of up to one and one-half (1.5) ounces or forty-  
4 two and forty-five one-hundredths (42.45) grams of marijuana by  
5 persons who can state a medical condition, but are not in possession  
6 of a state-issued medical marijuana patient license, shall  
7 constitute a misdemeanor offense not subject to imprisonment but  
8 punishable by a fine not to exceed Four Hundred Dollars (\$400.00)  
9 ~~and shall not be subject to imprisonment for the offense.~~ Any law  
10 enforcement officer who comes in contact with a person in violation  
11 of this subsection and who is satisfied as to the identity of the  
12 person, as well as any other pertinent information the law  
13 enforcement officer deems necessary, shall issue to the person a  
14 written citation containing a notice to answer the charge against  
15 the person in the appropriate court. Upon receiving the written  
16 promise of the alleged violator to answer as specified in the  
17 citation, the law enforcement officer shall release the person upon  
18 personal recognizance unless there has been a violation of another  
19 provision of law.

20        C. A regulatory office shall be established under the State  
21 Department of Health which shall receive applications for medical  
22 marijuana patient and caregiver license recipients, dispensaries,  
23 growers, and ~~packagers~~ processors within sixty (60) days of the  
24 passage of this initiative.

1 D. The State Department of Health shall, within thirty (30)  
2 days of passage of this initiative, make available on its website,  
3 in an easy-to-find location, an application for a medical marijuana  
4 patient license. The license shall be ~~good~~ valid for two (2) years.  
5 The biannual application fee shall be One Hundred Dollars (\$100.00),  
6 or Twenty Dollars (\$20.00) for individuals on Medicaid, Medicare or  
7 SoonerCare. The methods of payment shall be provided on the website  
8 of the Department. Reprints of the medical marijuana patient  
9 license shall be Twenty Dollars (\$20.00).

10 E. A short-term medical marijuana patient license application  
11 shall also be made available on the website of the State Department  
12 of Health. A short-term medical marijuana patient license shall be  
13 granted to any applicant who can meet the requirements for a two-  
14 year medical marijuana patient license, but whose physician  
15 recommendation for medical marijuana is only valid for sixty (60)  
16 days. Short-term medical marijuana patient licenses shall be issued  
17 for sixty (60) days. The fee for a short-term medical marijuana  
18 patient license, reprints of the short-term medical marijuana  
19 patient license, and the procedure for extending or renewing the  
20 license shall be determined by the Department.

21 F. A temporary medical marijuana patient license application  
22 shall also be ~~made~~ available on the website of the State Department  
23 of Health for residents of other states. A temporary medical  
24 marijuana patient license shall be granted to any medical marijuana

1 license holder from other states, provided that the state has a  
2 state-regulated medical marijuana program, and the applicant can  
3 prove he or she is a member of such program. Temporary medical  
4 marijuana patient licenses shall be issued for thirty (30) days.  
5 The cost for a temporary medical marijuana patient license shall be  
6 One Hundred Dollars (\$100.00). Renewal shall be granted with  
7 resubmission of a new application. No additional criteria shall be  
8 required. Reprints of the temporary medical marijuana patient  
9 license shall be Twenty Dollars (\$20.00).

10 G. Medical marijuana patient license applicants shall submit  
11 ~~his or her~~ their applications to the State Department of Health for  
12 approval. The applicant shall be ~~an~~ a resident of Oklahoma ~~state~~  
13 ~~resident~~ and shall prove residency by a valid driver license,  
14 utility bills, or other accepted methods.

15 H. The State Department of Health shall review the medical  
16 marijuana patient license application, ~~and~~ approve or, reject or deny  
17 the application, ~~and~~ and mail the approval or, rejection or denial  
18 letter stating any reasons for the rejection or denial to the  
19 applicant within fourteen (14) business days of receipt of the  
20 application. Approved applicants shall be issued a medical  
21 marijuana patient license which shall act as proof of his or her  
22 approved status. Applications may only be rejected or denied based  
23 on the applicant not meeting stated criteria or improper completion  
24 of the application.

1 I. ~~The State Department of Health shall only keep the following~~  
2 ~~records for each approved medical marijuana license:~~

3 1. ~~A digital photograph of the license holder;~~

4 2. ~~The expiration date of the license;~~

5 3. ~~The county where the card was issued; and~~

6 4. ~~A unique 24-character identification number assigned to the~~  
7 ~~license.~~

8 ~~J.~~ The State Department of Health shall make available, both on  
9 its website and through a telephone verification system, an easy  
10 method to validate the authenticity of the medical marijuana patient  
11 license by the unique 24-character identification number.

12 ~~K.~~ J. The State Department of Health shall ensure that all  
13 application medical marijuana patient and caregiver records and  
14 information are sealed to protect the privacy of medical marijuana  
15 patient license applicants.

16 ~~L.~~ K. A caregiver license shall be made available for qualified  
17 caregivers of a medical marijuana patient license holder who is  
18 homebound. As provided in Section ~~11~~ 427.11 of ~~Enrolled House Bill~~  
19 ~~No. 2612 of the 1st Session of the 57th Oklahoma Legislature~~ this  
20 title, the caregiver license shall provide the caregiver the same  
21 rights as the medical marijuana patient licensee, including the  
22 ability to possess marijuana, marijuana products and mature and  
23 immature plants pursuant to the Oklahoma Medical Marijuana and  
24 Patient Protection Act, but excluding the ability to use marijuana

1 or marijuana products unless the caregiver has a medical marijuana  
2 patient license. ~~An applicant~~ Applicants for a caregiver license  
3 shall submit proof of the license status and homebound status of the  
4 medical marijuana patient and proof that the applicant is the  
5 designee of the medical marijuana patient. The applicant shall also  
6 submit proof that he or she is eighteen (18) years of age or older  
7 and proof of his or her Oklahoma residency. ~~This shall be the only~~  
8 ~~criteria for a caregiver license.~~

9 ~~M. L.~~ All applicants for a medical marijuana patient license  
10 shall be eighteen (18) years of age or older. A special exception  
11 shall be granted to an applicant under the age of eighteen (18);  
12 however, these applications shall be signed by two physicians and  
13 the parent or legal guardian of the applicant.

14 ~~N. M.~~ All applications for a medical marijuana patient license  
15 shall be signed by an Oklahoma physician licensed by and in good  
16 standing with the State Board of Medical Licensure and Supervision  
17 or the State Board of Osteopathic Examiners. There are no  
18 qualifying conditions. A medical marijuana patient license ~~must~~  
19 shall be recommended according to the accepted standards a  
20 reasonable and prudent physician would follow when recommending or  
21 approving any medication. No physician may be unduly stigmatized or  
22 harassed for signing a medical marijuana patient license  
23 application.

24

1        ~~0.~~ N. Counties and cities may enact medical marijuana  
2 guidelines allowing medical marijuana patient license holders or  
3 ~~caregivers~~ caregiver license holders to exceed the state limits set  
4 forth in subsection A of this section.

5        SECTION 2.        AMENDATORY        Section 2, State Question No. 788,  
6 Initiative Petition No. 412 (63 O.S. Supp. 2020, Section 421), is  
7 amended to read as follows:

8        Section 421. A. The ~~Oklahoma~~ State Department of Health shall,  
9 within thirty (30) days of passage of this initiative, make  
10 available~~,~~ on ~~their~~ its website~~,~~ in an ~~easy-to-find~~ easy-to-find  
11 location~~,~~ an application for a medical marijuana dispensary license.  
12 The application fee shall be Two Thousand Five Hundred Dollars  
13 (\$2,500.00) ~~and a.~~ A method of payment ~~will~~ shall be provided on  
14 the website of the Department. ~~Retail~~ Dispensary applicants must  
15 all be ~~Oklahoma state~~ residents of Oklahoma. Any entity applying  
16 for a ~~retail~~ dispensary license must be owned by an Oklahoma ~~state~~  
17 resident and must be registered to do business in Oklahoma. The  
18 ~~Oklahoma~~ State Department of Health shall have ~~two (2) weeks~~ ninety  
19 (90) business days to review the application~~,~~; approve ~~or,~~ reject or  
20 deny the application~~,~~; and mail the ~~approval/rejection~~ approval,  
21 rejection or denial letter (~~if rejected,~~ stating reasons for  
22 ~~rejection~~) the rejection or denial to the applicant.

23        B. The ~~Oklahoma~~ State Department of Health ~~must~~ shall approve  
24 all applications which meet the following criteria:

1        1. ~~Applicant~~ The applicant must be ~~age~~ twenty-five (25) years  
2 of age or older;

3        2. ~~Any~~ The applicant, if applying as an individual, must show  
4 residency in the State of Oklahoma;

5        3. All applying entities must show that all members, managers,  
6 and board members are Oklahoma residents;

7        4. An applying entity may show ownership of non-Oklahoma  
8 residents, but that percentage ownership may not exceed twenty-five  
9 percent (25%);

10       5. All applying individuals or entities must be registered to  
11 conduct business in the State of Oklahoma; and

12       6. All applicants must disclose all ownership ~~+~~ interests in the  
13 dispensary.

14       7. ~~Applicant(s)~~ Applicants with ~~only a~~ a nonviolent felony  
15 ~~conviction(s)~~ conviction in the last two (2) years, any other felony  
16 conviction in ~~five 5 (years)~~ the last five (5) years, inmates in the  
17 custody of the Department of Corrections, or any person currently  
18 incarcerated ~~may~~ shall not qualify for a medical marijuana  
19 dispensary license.

20       C. ~~Retailers will~~ Licensed medical marijuana dispensaries shall  
21 be required to complete a monthly sales report to the ~~Oklahoma~~ State  
22 Department of Health. This report ~~will~~ shall be due on the ~~15th~~  
23 fifteenth of each month and provide reporting on the previous month.  
24 This report ~~will~~ shall detail the weight of marijuana purchased at

1 wholesale and the weight of marijuana sold to ~~card holders~~ licensed  
2 medical marijuana patients and licensed caregivers, and account for  
3 any waste. The report ~~will~~ shall show total sales in dollars, tax  
4 collected in dollars, and tax due in dollars. The ~~Oklahoma~~ State  
5 Department of Health ~~will~~ shall have oversight and auditing  
6 responsibilities to ensure that all marijuana being grown is  
7 accounted for. ~~A retailer will only be subject to a penalty if a~~  
8 ~~gross discrepancy exists and cannot be explained. Penalties for~~  
9 ~~fraudulent reporting occurring within any 2 year time period will be~~  
10 ~~an initial fine of Five Thousand Dollars (\$5,000.00) (first) and~~  
11 ~~revocation of licensing (second).~~

12 D. Only a licensed medical marijuana ~~retailer~~ dispensary may  
13 conduct retail sales of marijuana, or marijuana derivatives ~~in the~~  
14 ~~form provided by licensed processors, and these products can only be~~  
15 ~~sold to a medical marijuana license holder or their caregiver.~~  
16 ~~Penalties for fraudulent sales occurring within any 2 year time~~  
17 ~~period will be an initial fine of Five Thousand Dollars (\$5,000.00)~~  
18 ~~(first) and revocation of licensing (second).~~ Beginning on the  
19 effective date of this act, licensed medical marijuana dispensaries  
20 shall be authorized to package and sell pre-rolled marijuana to  
21 licensed medical marijuana patients and licensed caregivers. The  
22 products described in this subsection shall contain only the ground  
23 parts of the marijuana plant and shall not include marijuana  
24 concentrates or derivatives. The total net weight of each pre-roll



1 packaged and sold by a medical marijuana dispensary shall not exceed  
2 one (1) gram. These products shall be tested, packaged and labeled  
3 in accordance with Oklahoma law and rules promulgated by the State  
4 Commissioner of Health.

5 E. No dispensary shall display, offer or allow handling, smell  
6 or otherwise physical contact with any marijuana product not  
7 contained in a sealed or separate package by a marijuana patient  
8 licensee or caregiver licensee or other member of the public.

9 Provided, such prohibition shall not preclude an employee of the  
10 dispensary from handling loose or non-packaged marijuana product to  
11 be placed in packaging consistent with the Oklahoma Medical  
12 Marijuana and Patient Protection Act and the rules promulgated by  
13 the Authority for the packaging of marijuana products for retail  
14 sale.

15 SECTION 3. AMENDATORY Section 3, State Question No. 788,  
16 Initiative Petition No. 412 (63 O.S. Supp. 2020, Section 422), is  
17 amended to read as follows:

18 Section 422. A. The ~~Oklahoma~~ State Department of Health ~~will~~  
19 shall, within thirty (30) days of passage of this initiative, make  
20 available, ~~on their~~ its website, ~~in an easy-to-find~~ easy-to-find  
21 location, ~~an application for a commercial grower license. The~~  
22 application fee ~~will~~ shall be Two Thousand Five Hundred Dollars  
23 (\$2,500.00) ~~and methods.~~ A method of payment ~~will~~ shall be provided  
24 on the website of the Department. The ~~Oklahoma~~ State Department of

1 Health ~~has two (2) weeks~~ shall have ninety (90) days to review the  
2 application~~;~~; approve ~~or~~, reject or deny the application~~;~~; and mail  
3 the ~~approval/rejection~~ approval, rejection or denial letter ~~(if~~  
4 ~~rejected,~~ stating the reasons for ~~rejection)~~ the rejection or denial  
5 to the applicant.

6 B. The ~~Oklahoma~~ State Department of Health ~~must~~ shall approve  
7 all applications which meet the following criteria:

8 1. ~~Applicant~~ The applicant must be ~~age~~ twenty-five (25) years  
9 of age or older;

10 2. ~~Any~~ The applicant, if applying as an individual, must show  
11 residency in the State of Oklahoma;

12 3. All applying entities must show that all members, managers,  
13 and board members are Oklahoma residents;

14 4. An applying entity may show ownership of non-Oklahoma  
15 residents, but that percentage ownership may not exceed twenty-five  
16 percent (25%);

17 5. All applying individuals or entities must be registered to  
18 conduct business in the State of Oklahoma; and

19 6. All applicants must disclose all ownership~~;~~ interests in the  
20 commercial grower operation.

21 ~~7. Applicant(s)~~ Applicants with ~~only~~ a nonviolent felony  
22 ~~conviction(s)~~ conviction in the last two (2) years, any other felony  
23 conviction in the last five (5) years, inmates in the custody of the  
24

1 Department of Corrections, or any person currently incarcerated ~~may~~  
2 shall not qualify for a commercial grower license.

3 C. A licensed commercial grower may sell marijuana to a  
4 licensed ~~retailer~~, dispensary or a licensed ~~packager~~ processor.

5 Further, ~~these sales will~~ by a licensed commercial grower shall be  
6 considered wholesale sales and shall not be subject to taxation.

7 Under no circumstances may a licensed commercial grower sell  
8 marijuana directly to a licensed medical marijuana ~~license holder~~  
9 patient or licensed caregiver. A licensed commercial grower may

10 only sell at the wholesale level to a licensed ~~retailer~~ dispensary,  
11 a licensed grower or a licensed processor. If the federal

12 government lifts restrictions on buying and selling marijuana  
13 between states, then a licensed commercial grower would be allowed

14 to sell and buy marijuana wholesale from, or to, an ~~out-of-state~~  
15 out-of-state wholesale provider. A licensed commercial grower ~~will~~

16 shall be required to complete a monthly yield and sales report to  
17 the ~~Oklahoma~~ State Department of Health. This report ~~will~~ shall be

18 due on the ~~15th~~ fifteenth of each month and provide reporting on the  
19 previous month. This report ~~will~~ shall detail the amount of

20 marijuana harvested in pounds, the amount of drying or dried

21 marijuana on hand, the amount of marijuana sold to licensed

22 processors in pounds, the amount of waste in pounds, and the amount

23 of marijuana sold to ~~retailers~~ licensed dispensaries in ~~lbs~~ pounds.

24 Additionally, this report ~~will~~ shall show total wholesale sales in

1 dollars. The ~~Oklahoma~~ State Department of Health ~~will~~ shall have  
2 oversight and auditing responsibilities to ensure that all marijuana  
3 being grown by licensed commercial growers is accounted for. A  
4 ~~licensed grower will only be subject to a penalty if a gross~~  
5 ~~discrepancy exists and cannot be explained. Penalties for~~  
6 ~~fraudulent reporting or sales occurring within any 2 year time~~  
7 ~~period will be an initial fine of Five Thousand Dollars (\$5,000.00)~~  
8 ~~(first) and revocation of licensing (second).~~

9 D. There shall be no limits on how much marijuana a licensed  
10 commercial grower can grow.

11 E. Beginning on the effective date of this act, licensed  
12 commercial growers shall be authorized to package and sell pre-  
13 rolled marijuana to licensed medical marijuana dispensaries. The  
14 products described in this subsection shall contain only the ground  
15 parts of the marijuana plant and shall not include marijuana  
16 concentrates or derivatives. The total net weight of each pre-roll  
17 packaged and sold by medical marijuana commercial growers shall not  
18 exceed one (1) gram. These products must be tested, packaged and  
19 labeled in accordance with Oklahoma law and rules promulgated by the  
20 State Commissioner of Health.

21 SECTION 4. AMENDATORY Section 4, State Question No. 788,  
22 Initiative Petition No. 412 (63 O.S. Supp. 2020, Section 423), is  
23 amended to read as follows:

24

1 Section 423. A. The ~~Oklahoma~~ State Department of Health shall,  
2 within thirty (30) days of passage of this initiative, make  
3 available, ~~on their~~ its website, ~~in an easy-to-find~~ easy-to-find  
4 location, an application for a medical marijuana processing license.  
5 The Department shall be authorized to issue two types of medical  
6 marijuana processor licenses based on the level of risk posed by the  
7 type of processing conducted:

8 1. Non-hazardous medical marijuana processor license; and

9 2. Hazardous medical marijuana processor license.

10 The application fee for a non-hazardous or hazardous medical  
11 marijuana processor license shall be Two Thousand Five Hundred  
12 Dollars (\$2,500.00) ~~and methods~~. A method of payment will shall be  
13 provided on the website of the Department. The ~~Oklahoma~~ State  
14 Department of Health shall have ~~two (2) weeks~~ ninety (90) days to  
15 review the application, approve ~~or~~, reject or deny the  
16 application, and mail the approval/rejection approval, rejection or  
17 denial letter ~~(if rejected, stating the reasons for rejection)~~ the  
18 rejection or denial to the applicant.

19 B. The ~~Oklahoma~~ State Department of Health ~~must~~ shall approve  
20 all applications which meet the following criteria:

21 1. ~~Applicant~~ The applicant must be ~~age~~ twenty-five (25) years  
22 of age or older;

23 2. ~~Any~~ The applicant, if applying as an individual, must show  
24 residency in the State of Oklahoma;

1 3. All applying entities must show that all members, managers,  
2 and board members are Oklahoma residents;

3 4. An applying entity may show ownership of non-Oklahoma  
4 residents, but that percentage ownership may not exceed twenty-five  
5 percent (25%);

6 5. All applying individuals or entities must be registered to  
7 conduct business in the State of Oklahoma; and

8 6. All applicants must disclose all ownership ~~+~~ interests in the  
9 processing operation.

10 ~~7. Applicant(s)~~ Applicants with ~~only a~~ conviction nonviolent felony  
11 ~~conviction(s)~~ conviction in the last two (2) years, any other felony  
12 conviction in the last five (5) years, inmates in the custody of the  
13 Department of Corrections, or any person currently incarcerated ~~may~~  
14 shall not qualify for a medical marijuana processing license.

15 C. 1. A licensed processor may take marijuana plants and  
16 distill or process these plants into concentrates, edibles, and  
17 other forms for consumption.

18 2. As required by subsection D of this section, the ~~Oklahoma~~  
19 State Department of Health ~~will~~ shall, within sixty (60) days of  
20 passage of this initiative, make available a set of standards which  
21 ~~will~~ shall be used by licensed processors in the preparation of  
22 edible marijuana products. ~~This~~ The standards should be in line  
23 with current food preparation guidelines ~~and no.~~ No excessive or  
24

1 punitive rules may be established by the ~~Oklahoma~~ State Department  
2 of Health. ~~Once~~

3 3. Up to two times a year, the ~~Oklahoma~~ State Department of  
4 Health may inspect a processing operation and determine its  
5 compliance with the preparation standards. If deficiencies are  
6 found, a written report of deficiency ~~will~~ shall be issued to the  
7 licensed processor. The licensed processor ~~will~~ shall have one (1)  
8 month to correct the deficiency or be subject to a fine of Five  
9 Hundred Dollars (\$500.00) for each deficiency.

10 4. A licensed processor may sell marijuana products it creates  
11 to a licensed ~~retailer,~~ dispensary or any other licensed processor.  
12 ~~Further, these~~ All sales ~~will~~ by a licensed processor shall be  
13 considered wholesale sales and shall not be subject to taxation.

14 5. Under no circumstances may a licensed processor sell  
15 marijuana~~,~~ or any marijuana product~~,~~ directly to a licensed medical  
16 marijuana ~~license holder~~ patient or licensed caregiver. However, a  
17 licensed processor may process cannabis into a concentrated form~~,~~  
18 for a licensed medical ~~license holder,~~ marijuana patient for a fee.  
19 ~~Processors will~~

20 6. Licensed processors shall be required to complete a monthly  
21 yield and sales report to the ~~Oklahoma~~ State Department of Health.  
22 This report ~~will~~ shall be due on the ~~15th~~ fifteenth of each month  
23 and shall provide reporting on the previous month. This report ~~will~~  
24 shall detail the amount of marijuana and medical marijuana products

1 purchased in pounds, the amount of marijuana cooked or processed in  
2 pounds, and the amount of waste in pounds. Additionally, this  
3 report ~~will~~ shall show total wholesale sales in dollars. The  
4 ~~Oklahoma~~ State Department of Health ~~will~~ shall have oversight and  
5 auditing responsibilities to ensure that all marijuana being ~~grown~~  
6 processed is accounted for. ~~A licensed processor will only be~~  
7 ~~subject to a penalty if a gross discrepancy exists and cannot be~~  
8 ~~explained. Penalties for fraudulent reporting occurring within any~~  
9 ~~2 year time period will be an initial fine of Five Thousand Dollars~~  
10 ~~(\$5,000.00) (first) and revocation of licensing (second).~~

11 D. The Department shall oversee the inspection and compliance  
12 of licensed processors producing products with marijuana as an  
13 additive. The ~~Oklahoma~~ State Department of Health ~~will~~ shall be  
14 compelled to, within thirty (30) days of passage of this initiative,  
15 appoint ~~a board of~~ twelve (12) Oklahoma residents to the Medical  
16 Marijuana Advisory Council, who are marijuana industry experts, to  
17 create a list of food safety standards for processing and handling  
18 medical marijuana in Oklahoma. These standards ~~will~~ shall be  
19 adopted by the ~~agency~~ Department and the ~~agency can~~ Department may  
20 enforce these standards for licensed processors. The ~~agency will~~  
21 Department shall develop a standards review procedure and these  
22 standards can be altered by calling another ~~board~~ council of twelve  
23 (12) Oklahoma marijuana industry experts. A signed letter of twenty  
24



1 ~~(20)~~ operating, licensed processors ~~would~~ shall constitute a need  
2 for a new ~~board~~ council and ~~standard~~ standards review.

3 E. If it becomes permissible~~7~~ under federal law, marijuana may  
4 be moved across state lines.

5 F. Any device used for the processing or consumption of medical  
6 marijuana shall be considered legal to be sold, manufactured,  
7 distributed~~7~~ and possessed. No merchant, wholesaler, manufacturer~~7~~  
8 or individual may ~~unduly~~ be unduly harassed or prosecuted for  
9 selling, manufacturing~~7~~ or ~~possession of medical~~ possessing  
10 marijuana paraphernalia.

11 SECTION 5. AMENDATORY Section 6, State Question No. 788,  
12 Initiative Petition No. 412, as last amended by Section 46, Chapter  
13 161, O.S.L. 2020 (63 O.S. Supp. 2020, Section 425), is amended to  
14 read as follows:

15 Section 425. A. No school or landlord may refuse to enroll or  
16 lease to and may not otherwise penalize a person solely for his or  
17 her status as a medical marijuana ~~license holder~~ patient licensee,  
18 unless failing to do so would cause the school or landlord the  
19 potential to lose a monetary or licensing-related benefit under  
20 federal law or regulations.

21 B. Unless a failure to do so would cause an employer the  
22 potential to lose a monetary or licensing-related benefit under  
23 federal law or regulations, an employer may not discriminate against  
24

1 a person in hiring, termination or imposing any term or condition of  
2 employment or otherwise penalize a person based upon ~~either:~~

3 1. ~~The~~ the status of the person as a medical marijuana ~~license~~  
4 ~~holder; or~~

5 2. patient licensee. Employers may take action against a ~~holder~~  
6 ~~of a medical marijuana license~~ patient licensee if the ~~holder~~  
7 licensee uses or possesses marijuana while in his or her place of  
8 employment or during the hours of employment. Employers may not  
9 take action against ~~the holder of a medical marijuana license~~  
10 patient licensee solely based upon the status of an employee as a  
11 medical marijuana ~~license holder~~ patient licensee or the results of  
12 a drug test showing positive for marijuana or its components.

13 C. For the purposes of medical care, including organ  
14 transplants, the authorized use of marijuana by a medical marijuana  
15 ~~license holder~~ patient licensee shall be considered the equivalent  
16 of the use of any other medication under the direction of a  
17 physician and does not constitute the use of an illicit substance or  
18 otherwise disqualify a registered qualifying patient from medical  
19 care.

20 D. No medical marijuana ~~license holder~~ patient licensee may be  
21 denied custody of or visitation or parenting time with a minor  
22 child, and there is no presumption of neglect or child endangerment  
23 for conduct allowed under this law, unless the behavior of the  
24

1 ~~person~~ medical marijuana patient licensee creates an unreasonable  
2 danger to the safety of the minor child.

3 E. No person ~~holding~~ who possesses a medical marijuana patient  
4 license may be unduly ~~be~~ withheld from holding a state-issued  
5 license by virtue of ~~their being~~ his or her status as a medical  
6 marijuana ~~license holder~~ patient licensee including, but not limited  
7 to, a concealed carry permit.

8 F. 1. No city or local municipality may unduly change or  
9 restrict zoning laws to prevent the opening of a ~~retail~~ medical  
10 marijuana ~~establishment~~ dispensary.

11 2. For purposes of this subsection, an undue change or  
12 restriction of municipal zoning laws means an act which entirely  
13 prevents ~~retail~~ medical marijuana ~~establishments~~ dispensaries from  
14 operating within municipal boundaries as a matter of law.  
15 Municipalities may follow their standard planning and zoning  
16 procedures to determine if certain zones or districts would be  
17 appropriate for locating marijuana-licensed premises, medical  
18 marijuana businesses or any other premises where marijuana or its  
19 by-products are cultivated, grown, processed, stored or  
20 manufactured.

21 3. ~~For purposes of this section, "retail marijuana~~  
22 ~~establishment"~~ means an entity licensed by the State Department of  
23 ~~Health as a medical marijuana dispensary.~~ Retail A medical  
24 marijuana ~~establishment~~ dispensary does not include those other

1 entities licensed by the Department as marijuana-licensed premises,  
2 medical marijuana businesses or other facilities or locations where  
3 marijuana or any product containing marijuana or its by-products are  
4 cultivated, grown, processed, stored or manufactured.

5 G. The location of any ~~retail~~ medical marijuana establishment  
6 dispensary is specifically prohibited within one thousand (1,000)  
7 feet of any public or private school ~~entrance~~. The distance  
8 indicated in this section shall be measured from the nearest  
9 property line of such public or private school to the nearest  
10 perimeter wall of the licensed premises of such medical marijuana  
11 dispensary. If a medical marijuana dispensary met the requirements  
12 of this subsection at the time of its initial licensure, the medical  
13 marijuana dispensary licensee shall be permitted to continue  
14 operating at the licensed premises in the same manner and not be  
15 subject to nonrenewal or revocation due to subsequent events or  
16 changes in regulations occurring after licensure that would render  
17 the medical marijuana dispensary in violation by being within one  
18 thousand (1,000) feet of a public or private school. If any public  
19 or private school is established within one thousand (1,000) feet of  
20 any medical marijuana dispensary after such dispensary has been  
21 licensed, the provisions of this subsection shall not be a deterrent  
22 to the renewal of such license or warrant revocation of the license.  
23 For purposes of this subsection, a property owned, used or operated  
24 by a public or private school that is not used for classroom

1 instruction on core curriculum, such as an administrative building,  
2 athletic facility, ballpark, field or stadium, shall not constitute  
3 a public or private school unless such property is located on the  
4 same campus as a building used for classroom instruction on core  
5 curriculum.

6 H. Research shall be provided for under this law. A researcher  
7 may apply to the State Department of Health for a special research  
8 license. The research license shall be granted, provided the  
9 applicant meets the criteria listed ~~under subsection B of Section~~  
10 ~~421 of this title~~ in the Medical Marijuana and Patient Protection  
11 Act. Research ~~license holders~~ licensees shall be required to file  
12 monthly consumption reports to the State Department of Health with  
13 amounts of marijuana used for research. Biomedical and clinical  
14 research which is subject to federal regulations and institutional  
15 oversight shall not be subject to oversight by the State Department  
16 of Health ~~oversight~~.

17 SECTION 6. AMENDATORY Section 7, State Question No. 788,  
18 Initiative Petition No. 412 (63 O.S. Supp. 2020, Section 426), is  
19 amended to read as follows:

20 Section 426. A. The tax on retail medical marijuana sales ~~will~~  
21 shall be established at seven percent (7%) of the gross amount  
22 received by the seller.

23  
24

1 B. This tax ~~will~~ shall be collected at the point of sale. Tax  
2 proceeds ~~will~~ shall be applied primarily to finance the regulatory  
3 office.

4 C. If proceeds from the levy authorized by subsection A of this  
5 section exceed the budgeted amount for running the regulatory  
6 office, any surplus shall be apportioned with seventy-five percent  
7 (75%) going to the General Revenue Fund and may only be expended for  
8 common education. Twenty-five percent (25%) shall be apportioned to  
9 the ~~Oklahoma~~ State Department of Health and earmarked for drug and  
10 alcohol rehabilitation and prevention.

11 SECTION 7. AMENDATORY Section 4, Chapter 509, O.S.L.  
12 2019 (63 O.S. Supp. 2020, Section 426.1), is amended to read as  
13 follows:

14 Section 426.1. A. ~~Except for revocation hearings concerning~~  
15 ~~licensed patients, as defined in Section 2 of Enrolled House Bill~~  
16 ~~No. 2612 of the 1st Session of the 57th Oklahoma Legislature, all~~  
17 All licensure revocation hearings conducted pursuant to marijuana  
18 licenses established in the Oklahoma Statutes shall be recorded. A  
19 party may request a copy of the recording of the proceedings.  
20 Copies shall be provided to local law enforcement if the revocation  
21 was based on alleged criminal activity.

22 B. The State Department of Health shall assist any law  
23 enforcement officer in the performance of his or her duties upon  
24 such request by the law enforcement officer or the request of other

1 local officials having jurisdiction. Except for license information  
2 concerning licensed patients, as defined in Section ~~2~~ 427.2 of  
3 ~~Enrolled House Bill No. 2612 of the 1st Session of the 57th Oklahoma~~  
4 ~~Legislature~~ this title, the Department shall share information with  
5 law enforcement agencies upon request without a subpoena or search  
6 warrant.

7 C. The State Department of Health shall make available all  
8 information ~~displayed on medical marijuana licenses, as well as on~~  
9 whether or not ~~the~~ a medical marijuana patient or caregiver license  
10 is valid, to law enforcement electronically through ~~the Oklahoma Law~~  
11 ~~Enforcement Telecommunications System~~ an online verification system.

12 D. The Department shall make available to Oklahoma state  
13 agencies and political subdivisions a list of marijuana-licensed  
14 premises, medical marijuana businesses or any other premises where  
15 marijuana or its by-products are licensed to be cultivated, grown,  
16 processed, stored or manufactured to aid Oklahoma state agencies and  
17 county and municipal governments in identifying locations within  
18 their jurisdiction and ~~ensure~~ ensuring compliance with ~~local~~  
19 applicable law, rules and regulations.

20 E. All marijuana-licensed premises, medical marijuana  
21 businesses or any other premises where marijuana or its by-products  
22 are licensed to be cultivated, grown, processed, stored or  
23 manufactured shall submit with their application or request to  
24 change location, after notifying the political subdivision of their

1 intent, a certificate of compliance from the political subdivision  
2 where the facility of the applicant or ~~use~~ licensee is to be located  
3 certifying compliance with zoning classifications, applicable  
4 municipal ordinances and all applicable safety, electrical, fire,  
5 plumbing, waste, construction and building specification codes.

6 SECTION 8. AMENDATORY Section 2, Chapter 11, O.S.L.  
7 2019, as last amended by Section 48, Chapter 161, O.S.L. 2020 (63  
8 O.S. Supp. 2020, Section 427.2), is amended to read as follows:

9 Section 427.2. As used in ~~this act~~ the Oklahoma Medical  
10 Marijuana and Patient Protection Act:

11 1. "Advertising" means the act of providing consideration for  
12 the publication, dissemination, solicitation, or circulation, of  
13 visual, oral, or written communication to induce directly or  
14 indirectly any person to patronize a particular medical marijuana  
15 business, or to purchase particular medical marijuana or a medical  
16 marijuana product. Advertising includes marketing, but does not  
17 include packaging and labeling;

18 2. "Authority" means the Oklahoma Medical Marijuana Authority;

19 3. "Batch number" means a unique numeric or alphanumeric  
20 identifier assigned prior to testing to allow for inventory tracking  
21 and traceability;

22 4. "Cannabinoid" means any of the chemical compounds that are  
23 active principles of marijuana;

24



1       5. "Caregiver" means a family member or assistant who regularly  
2 looks after a medical marijuana license holder whom a physician  
3 attests needs assistance;

4       6. "Child-resistant" means special packaging that is:

5           a. designed or constructed to be significantly difficult  
6           for children under five (5) years of age to open and  
7           not difficult for normal adults to use properly as  
8           defined by 16 C.F.R. 1700.15 (1995) and 16 C.F.R.  
9           1700.20 (1995),

10          b. opaque so that the outermost packaging does not allow  
11          the product to be seen without opening the packaging  
12          material, and

13          c. resealable to maintain its child-resistant  
14          effectiveness for multiple openings for any product  
15          intended for more than a single use or containing  
16          multiple servings;

17       7. "Clone" means a nonflowering plant cut from a mother plant  
18 that is capable of developing into a new plant and has shown no  
19 signs of flowering;

20       8. "Commissioner" means the State Commissioner of Health;

21       9. "Complete application" means a document prepared in  
22 accordance with the provisions set forth in ~~this act~~ the Oklahoma  
23 Medical Marijuana and Patient Protection Act, rules promulgated  
24 pursuant thereto, and the forms and instructions provided by the

1 Department, including any supporting documentation required and the  
2 applicable license application fee;

3 10. "Department" means the State Department of Health;

4 11. "Director" means the Executive Director of the Oklahoma  
5 Medical Marijuana Authority;

6 12. "Dispense" means the selling of medical marijuana or a  
7 medical marijuana product to a qualified patient or the designated  
8 caregiver of the patient that is packaged in a suitable container  
9 appropriately labeled for subsequent administration to or use by a  
10 qualifying patient;

11 13. "Dispensary" means a medical marijuana dispensary, an  
12 entity that has been licensed by the Department pursuant to ~~this act~~  
13 the Oklahoma Medical Marijuana and Patient Protection Act to  
14 purchase medical marijuana or medical marijuana products from a  
15 licensed medical marijuana commercial grower or licensed medical  
16 marijuana processor, to prepare and package non-infused pre-rolled  
17 medical marijuana, and to sell medical marijuana or medical  
18 marijuana products to licensed patients and caregivers as defined  
19 ~~under in this act~~ section, or sell or transfer products to another  
20 licensed dispensary;

21 14. "Edible medical marijuana product" means any medical-  
22 marijuana-infused product for which the intended use is oral  
23 consumption including, but not limited to, any type of food, drink  
24 or pill;

1 15. "Entity" means an individual, general partnership, limited  
2 partnership, limited liability company, trust, estate, association,  
3 corporation, cooperative, or any other legal or commercial entity;

4 16. "Flower" means the reproductive organs of the marijuana or  
5 cannabis plant referred to as the bud or parts of the plant that are  
6 harvested and used ~~to consume~~ for consumption in a variety of  
7 medical marijuana products;

8 17. "Flowering" means the reproductive state of the marijuana  
9 or cannabis plant in which there are physical signs of flower or  
10 budding out of the nodes of the stem;

11 18. "Food-based medical marijuana concentrate" means a medical  
12 marijuana concentrate that was produced by extracting cannabinoids  
13 from medical marijuana through the use of propylene glycol,  
14 glycerin, butter, olive oil, coconut oil or other typical food-safe  
15 cooking fats;

16 19. ~~"Good cause" for purposes of an initial, renewal or~~  
17 ~~reinstatement license application, or for purposes of discipline of~~  
18 ~~a licensee, means:~~

- 19 a. ~~the licensee or applicant has violated, does not meet,~~  
20 ~~or has failed to comply with any of the terms,~~  
21 ~~conditions or provisions of the act, any rules~~  
22 ~~promulgated pursuant thereto, or any supplemental~~  
23 ~~relevant state or local law, rule or regulation,~~

- 1           ~~b. the licensee or applicant has failed to comply with~~  
2           ~~any special terms or conditions that were placed upon~~  
3           ~~the license pursuant to an order of the State~~  
4           ~~Department of Health, Oklahoma Medical Marijuana~~  
5           ~~Authority or the municipality, or~~  
6           ~~c. the licensed premises of a medical marijuana business~~  
7           ~~or applicant have been operated in a manner that~~  
8           ~~adversely affects the public health or welfare or the~~  
9           ~~safety of the immediate vicinity in which the~~  
10           ~~establishment is located;~~

11           ~~20.~~ "Harvest batch" means a specifically identified quantity of  
12 medical marijuana that is uniform in strain, cultivated utilizing  
13 the same cultivation practices, harvested at the same time from the  
14 same location and cured under uniform conditions;

15           ~~21.~~ 20. "Harvested marijuana" means ~~post-flowering~~  
16 postflowering medical marijuana not including trim, concentrate or  
17 waste;

18           ~~22.~~ 21. "Heat- or pressure-based medical marijuana concentrate"  
19 means a medical marijuana concentrate that was produced by  
20 extracting cannabinoids from medical marijuana through the use of  
21 heat or pressure;

22           ~~23.~~ 22. "Immature plant" means a nonflowering marijuana plant  
23 that has not demonstrated signs of flowering;  
24

1       ~~24.~~ 23. "Inventory tracking system" means the required tracking  
2 system that accounts for the entire life span of medical marijuana  
3 ~~from either the seed or immature plant stage until the medical~~  
4 ~~marijuana or~~ and medical marijuana ~~product is sold to a patient at a~~  
5 products including any testing samples thereof and medical marijuana  
6 ~~dispensary, transferred to a medical marijuana research facility,~~  
7 ~~destroyed by a medical marijuana business or used in a research~~  
8 ~~project by a medical marijuana research facility~~ waste;

9       ~~25.~~ 24. "Licensed patient" or "patient" means a person who has  
10 been issued a medical marijuana patient license by the State  
11 Department of Health or Oklahoma Medical Marijuana Authority;

12       ~~26.~~ 25. "Licensed premises" means the premises specified in an  
13 application for a medical marijuana business license, medical  
14 marijuana research facility license or medical marijuana education  
15 facility license pursuant to ~~this act~~ the Oklahoma Medical Marijuana  
16 and Patient Protection Act that are owned or in possession of the  
17 licensee and within which the licensee is authorized to cultivate,  
18 manufacture, distribute, sell, store, transport, test or research  
19 medical marijuana or medical marijuana products in accordance with  
20 the provisions of ~~this act~~ the Oklahoma Medical Marijuana and  
21 Patient Protection Act and rules promulgated pursuant thereto;

22       ~~27.~~ 26. "Manufacture" means the production, propagation,  
23 compounding or processing of a medical marijuana product, excluding  
24 marijuana plants, either directly or indirectly by extraction from

1 substances of natural or synthetic origin, or independently by means  
2 of chemical synthesis, or by a combination of extraction and  
3 chemical synthesis;

4 ~~28.~~ 27. "Marijuana" shall have the same meaning as such term is  
5 defined in Section 2-101 of ~~Title 63 of the Oklahoma Statutes~~ this  
6 title;

7 ~~29.~~ 28. "Material change" means any change that would ~~require a~~  
8 ~~substantive revision to the standard operating procedures of a~~  
9 ~~licensee for the cultivation or production of medical marijuana,~~  
10 ~~medical marijuana concentrate or medical marijuana products~~ affect  
11 the qualifications for licensure of an applicant or licensee;

12 ~~30.~~ 29. "Mature plant" means a harvestable female marijuana  
13 plant that is flowering;

14 ~~31.~~ 30. "Medical marijuana business (MMB)" means a licensed  
15 medical marijuana dispensary, medical marijuana processor, medical  
16 marijuana commercial grower, medical marijuana laboratory, medical  
17 marijuana business operator, or a medical marijuana transporter;

18 ~~32.~~ 31. "Medical marijuana concentrate" or "concentrate" means  
19 a specific subset of medical marijuana that was produced by  
20 extracting cannabinoids from medical marijuana. Categories of  
21 medical marijuana concentrate include water-based medical marijuana  
22 concentrate, food-based medical marijuana concentrate, solvent-based  
23 medical marijuana concentrate, and heat- or pressure-based medical  
24 marijuana concentrate;

1       ~~33.~~ 32. "Medical marijuana commercial grower" or "commercial  
2 grower" means an entity licensed to cultivate, prepare and package  
3 medical marijuana or package medical marijuana as pre-rolls, and  
4 transfer or contract for transfer medical marijuana and medical  
5 marijuana pre-rolls to a medical marijuana dispensary, medical  
6 marijuana processor, any other medical marijuana commercial grower,  
7 medical marijuana research facility~~7~~, and medical marijuana education  
8 facility ~~and pesticide manufacturers~~. A commercial grower may sell  
9 seeds, flower or clones to commercial growers pursuant to ~~this act~~  
10 the Oklahoma Medical Marijuana and Patient Protection Act;

11       ~~34.~~ 33. "Medical marijuana education facility" or "education  
12 facility" means a person or entity approved pursuant to ~~this act~~ the  
13 Oklahoma Medical Marijuana and Patient Protection Act to operate a  
14 facility providing training and education to individuals involving  
15 the cultivation, growing, harvesting, curing, preparing, packaging  
16 or testing of medical marijuana, or the production, manufacture,  
17 extraction, processing, packaging or creation of medical-marijuana-  
18 infused products or medical marijuana products as described in ~~this~~  
19 ~~act~~ the Oklahoma Medical Marijuana and Patient Protection Act;

20       ~~35.~~ 34. "Medical-marijuana-infused product" means a product  
21 infused with medical marijuana including, but not limited to, edible  
22 products, ointments and tinctures;

23       ~~36.~~ 35. "Medical marijuana product" or "product" means a  
24 product that contains cannabinoids that have been extracted from

1 plant material or the resin therefrom by physical or chemical means  
2 and is intended for administration to a qualified patient including,  
3 but not limited to, oils, tinctures, edibles, pills, topical forms,  
4 gels, creams, vapors, patches, liquids, and forms administered by a  
5 nebulizer, excluding live plant forms which are considered medical  
6 marijuana;

7 ~~37.~~ 36. "Medical marijuana processor" means a person or entity  
8 licensed pursuant to ~~this act~~ the Oklahoma Medical Marijuana and  
9 Patient Protection Act to operate a business including the  
10 production, manufacture, extraction, processing, packaging or  
11 creation of concentrate, medical-marijuana-infused products or  
12 medical marijuana products as described in ~~this act~~ the Oklahoma  
13 Medical Marijuana and Patient Protection Act;

14 ~~38.~~ 37. "Medical marijuana research facility" or "research  
15 facility" means a person or entity approved pursuant to ~~this act~~ the  
16 Oklahoma Medical Marijuana and Patient Protection Act to conduct  
17 medical marijuana research. A medical marijuana research facility  
18 is not a medical marijuana business;

19 ~~39.~~ 38. "Medical marijuana testing laboratory" or "laboratory"  
20 means a public or private laboratory licensed pursuant to ~~this act~~  
21 the Oklahoma Medical Marijuana and Patient Protection Act, to  
22 conduct testing and research on medical marijuana and medical  
23 marijuana products;

24



1       ~~40.~~ 39. "Medical marijuana transporter" or "transporter" means  
2 a person or entity that is licensed pursuant to ~~this act~~ the  
3 Oklahoma Medical Marijuana and Patient Protection Act. A medical  
4 marijuana transporter does not include a medical marijuana business  
5 that transports its own medical marijuana, medical marijuana  
6 concentrate or medical marijuana products to a property or facility  
7 adjacent to or connected to the licensed premises if the property is  
8 another licensed premises of the same medical marijuana business;

9       ~~41.~~ 40. "Medical marijuana waste" or "waste" means unused,  
10 surplus, returned or out-of-date marijuana, plant debris of the  
11 plant of the genus Cannabis, including dead plants and all unused  
12 plant parts and roots, except the term shall not include roots,  
13 stems, stalks and fan leaves;

14       ~~42.~~ 41. "Medical use" means the acquisition, possession, use,  
15 delivery, transfer or transportation of medical marijuana, medical  
16 marijuana products, medical marijuana devices or paraphernalia  
17 relating to the administration of medical marijuana to treat a  
18 licensed patient;

19       ~~43.~~ 42. "Mother plant" means a marijuana plant that is grown or  
20 maintained for the purpose of generating clones, and that will not  
21 be used to produce plant material for sale to a medical marijuana  
22 processor or medical marijuana dispensary;

23       ~~44.~~ 43. "Oklahoma physician" or "physician" means a physician  
24 licensed by and in good standing with the State Board of Medical

1 Licensure and Supervision, the State Board of Osteopathic Examiners  
2 or the Board of Podiatric Medical Examiners;

3 ~~45.~~ 44. "Oklahoma resident" means an individual who can provide  
4 proof of residency as required by ~~this act~~ the Oklahoma Medical  
5 Marijuana and Patient Protection Act;

6 ~~46.~~ 45. "Owner" means, except where the context otherwise  
7 requires, a direct beneficial owner including, but not limited to,  
8 all persons or entities as follows:

- 9 a. all shareholders owning an interest of a corporate  
10 entity and all officers of a corporate entity,
- 11 b. all partners of a general partnership,
- 12 c. all general partners and all limited partners that own  
13 an interest in a limited partnership,
- 14 d. all members that own an interest in a limited  
15 liability company,
- 16 e. all beneficiaries that hold a beneficial interest in a  
17 trust and all trustees of a trust,
- 18 f. all persons or entities that own interest in a joint  
19 venture,
- 20 g. all persons or entities that own an interest in an  
21 association,
- 22 h. the owners of any other type of legal entity, and  
23  
24

1 i. any other person holding an interest or convertible  
2 note in any entity which owns, operates or manages a  
3 licensed facility;

4 ~~47.~~ 46. "Package" or "packaging" means any container or wrapper  
5 that may be used by a medical marijuana business to enclose or  
6 contain medical marijuana;

7 ~~48.~~ 47. "Person" means a natural person, partnership,  
8 association, business trust, company, corporation, estate, limited  
9 liability company, trust or any other legal entity or organization,  
10 or a manager, agent, owner, director, servant, officer or employee  
11 thereof, except that "person" does not include any governmental  
12 organization;

13 ~~49.~~ 48. "Pesticide" means any substance or mixture of  
14 substances intended for preventing, destroying, repelling or  
15 mitigating any pest or any substance or mixture of substances  
16 intended for use as a plant regulator, defoliant or desiccant,  
17 except that the term "pesticide" shall not include any article that  
18 is a "new animal drug" as designated by the United States Food and  
19 Drug Administration;

20 ~~50.~~ 49. "Production batch" means:

21 a. any amount of medical marijuana concentrate of the  
22 same category and produced using the same extraction  
23 methods, standard operating procedures and an  
24

1 identical group of harvest batch of medical marijuana,  
2 or

3 b. any amount of medical marijuana product of the same  
4 exact type, produced using the same ingredients,  
5 standard operating procedures and the same production  
6 batch of medical marijuana concentrate;

7 ~~51.~~ 50. "Public institution" means any entity established or  
8 controlled by the federal government, state government, or a local  
9 government or municipality including, but not limited to,  
10 institutions of higher education or related research institutions;

11 ~~52.~~ 51. "Public money" means any funds or money obtained by the  
12 holder from any governmental entity including, but not limited to,  
13 research grants;

14 ~~53.~~ 52. "Recommendation" means a document that is signed or  
15 electronically submitted by a physician on behalf of a patient for  
16 the use of medical marijuana pursuant to ~~this act~~ the Oklahoma  
17 Medical Marijuana and Patient Protection Act;

18 ~~54.~~ 53. "Registered to conduct business" means a person that  
19 has provided proof that the business applicant or licensee is in  
20 good standing with the Oklahoma Secretary of State ~~and Oklahoma Tax~~  
21 ~~Commission~~;

22 ~~55.~~ 54. "Remediation" means the process by which ~~the medical~~  
23 ~~marijuana flower or trim, which has failed microbial~~ a harvest batch  
24 or production batch that fails testing, is processed into solvent-

1 ~~based medical marijuana concentrate~~ undergoes a procedure to remedy  
2 the harvest batch or production batch and is retested ~~as required by~~  
3 ~~this act~~ in accordance with Oklahoma laws, rules and regulations;

4 ~~56.~~ 55. "Research project" means a discrete scientific endeavor  
5 to answer a research question or a set of research questions related  
6 to medical marijuana and is required for a medical marijuana  
7 research license. A research project shall include a description of  
8 a defined protocol, clearly articulated goals, defined methods and  
9 outputs, and a defined start and end date. The description shall  
10 demonstrate that the research project will comply with all  
11 requirements in ~~this act~~ the Oklahoma Medical Marijuana and Patient  
12 Protection Act and rules promulgated pursuant thereto. All research  
13 and development conducted by a medical marijuana research facility  
14 shall be conducted in furtherance of an approved research project;

15 ~~57.~~ 56. "Revocation" means the final decision by the Department  
16 that any license issued pursuant to ~~this act~~ the Oklahoma Medical  
17 Marijuana and Patient Protection Act is rescinded because the  
18 individual or entity does not comply with the applicable  
19 requirements set forth in ~~this act~~ the Oklahoma Medical Marijuana  
20 and Patient Protection Act or rules promulgated pursuant thereto;

21 ~~58.~~ 57. "School" means a ~~public or private preschool or a~~  
22 public or private elementary, middle or ~~secondary~~ high school used  
23 for school classes and instruction. A homeschool, daycare or child-

24

1 care facility shall not be considered a "school" as used in ~~this act~~  
2 the Oklahoma Medical Marijuana and Patient Protection Act;

3 ~~59.~~ 58. "Shipping container" means a hard-sided container with  
4 a lid or other enclosure that can be secured in place. A shipping  
5 container is used solely for the transport of medical marijuana,  
6 medical marijuana concentrate, or medical marijuana products between  
7 medical marijuana businesses, a medical marijuana research facility,  
8 or a medical marijuana education facility;

9 ~~60.~~ 59. "Solvent-based medical marijuana concentrate" means a  
10 medical marijuana concentrate that was produced by extracting  
11 cannabinoids from medical marijuana through the use of a solvent  
12 approved by the Department;

13 ~~61.~~ 60. "State Question" means Oklahoma State Question No. 788,  
14 Initiative Petition No. 412, approved by a majority vote of the  
15 citizens of Oklahoma on June 26, 2018;

16 ~~62.~~ 61. "Strain" means the ~~classification~~ name given to a  
17 particular variety of medical marijuana or cannabis plants in either  
18 pure sativa, indica, afghanica, ruderalis or hybrid varieties that  
19 is based on a combination of factors which may include, but is not  
20 limited to, botanical lineage, appearance, chemical profile and  
21 accompanying effects. An example of a "strain" would be "OG Kush"  
22 or "Pineapple Express";

23 ~~63.~~ 62. "THC" means tetrahydrocannabinol, which is the primary  
24 psychotropic cannabinoid in marijuana formed by decarboxylation of

1 naturally tetrahydrocannabinolic acid, which generally occurs by  
2 exposure to heat;

3 ~~64. "Test batch" means with regard to usable marijuana, a~~  
4 ~~homogenous, identified quantity of usable marijuana by strain, no~~  
5 ~~greater than ten (10) pounds, that is harvested during a seven-day~~  
6 ~~period from a specified cultivation area, and with regard to oils,~~  
7 ~~vapors and waxes derived from usable marijuana, means an identified~~  
8 ~~quantity that is uniform, that is intended to meet specifications~~  
9 ~~for identity, strength and composition, and that is manufactured,~~  
10 ~~packaged and labeled during a specified time period according to a~~  
11 ~~single manufacturing, packaging and labeling protocol;~~

12 ~~65.~~ 63. "Transporter agent" means a person who transports  
13 medical marijuana or medical marijuana products ~~for~~ as an employee  
14 of a licensed transporter medical marijuana business and holds a  
15 transporter agent license specific to that business pursuant to ~~this~~  
16 ~~act~~ the Oklahoma Medical Marijuana and Patient Protection Act;

17 ~~66.~~ 64. "Universal symbol" means the image established by the  
18 State Department of Health or Oklahoma Medical Marijuana Authority  
19 and made available to licensees through its website indicating that  
20 the medical marijuana or the medical marijuana product contains THC;

21 ~~67.~~ 65. "Usable marijuana" means the dried leaves, flowers,  
22 oils, vapors, waxes and other portions of the marijuana plant and  
23 any mixture or preparation thereof, excluding ~~seed~~ seeds, roots,  
24 stems, stalks and fan leaves; and

1       ~~68.~~ 66. "Water-based medical marijuana concentrate" means a  
2 concentrate that was produced by extracting cannabinoids from  
3 medical marijuana through the use of only water, ice~~7~~ or dry ice.

4       SECTION 9.        AMENDATORY        Section 3, Chapter 11, O.S.L.  
5 2019, as amended by Section 6, Chapter 477, O.S.L. 2019 (63 O.S.  
6 Supp. 2020, Section 427.3), is amended to read as follows:

7       Section 427.3. A. There is hereby created the Oklahoma Medical  
8 Marijuana Authority within the State Department of Health which  
9 shall address issues related to the medical marijuana program in  
10 Oklahoma including, but not limited to, the issuance of patient  
11 licenses and medical marijuana business licenses, and the  
12 dispensing, cultivating, processing, testing, transporting, storage,  
13 research, and the use of and sale of medical marijuana pursuant to  
14 ~~this act~~ the Oklahoma Medical Marijuana and Patient Protection Act.

15       B. The Department shall provide support staff to perform  
16 designated duties of the Authority. The Department shall also  
17 provide office space for meetings of the Authority.

18       C. The Department shall implement the provisions of ~~this act~~  
19 the Oklahoma Medical Marijuana and Patient Protection Act  
20 consistently with the voter-approved State Question No. 788,  
21 Initiative Petition No. 412, subject to the provisions of ~~this act~~  
22 the Oklahoma Medical Marijuana and Patient Protection Act.

23       D. The Department shall exercise its respective powers and  
24 perform its respective duties and functions as specified in ~~this act~~



1 the Oklahoma Medical Marijuana and Patient Protection Act and ~~Title~~  
2 ~~63 of the Oklahoma Statutes~~ this title including, but not limited  
3 to, the following:

4 1. Determine steps the state shall take, whether administrative  
5 or legislative in nature, to ensure that research on marijuana and  
6 marijuana products is being conducted for public purposes, including  
7 the advancement of:

- 8 a. public health policy and public safety policy,
- 9 b. agronomic and horticultural best practices, and
- 10 c. medical and pharmacopoeia best practices;

11 2. Contract with third-party vendors and other governmental  
12 entities in order to carry out the respective duties and functions  
13 as specified in ~~this act~~ the Oklahoma Medical Marijuana and Patient  
14 Protection Act;

15 3. Upon complaint or upon its own motion and upon a completed  
16 investigation, levy fines as prescribed in ~~this act~~ applicable laws,  
17 rules and regulations and suspend ~~or,~~ revoke or not renew licenses  
18 pursuant to ~~this act~~ applicable laws, rules and regulations;

19 4. Issue subpoenas for the appearance or production of persons,  
20 records and things in connection with disciplinary or contested  
21 cases considered by the Department;

22 5. Apply for injunctive or declaratory relief to enforce the  
23 provisions of ~~this section~~ applicable laws, rules and ~~any rules~~  
24 ~~promulgated pursuant to this section~~ regulations;

1       6. Inspect and examine, ~~with notice provided in accordance with~~  
2 ~~this act,~~ all licensed premises of medical marijuana businesses,  
3 research facilities ~~and,~~ education facilities and waste disposal  
4 facilities in which medical marijuana is cultivated, manufactured,  
5 sold, stored, transported, tested ~~or,~~ distributed or disposed of;

6       7. Upon action by the federal government by which the  
7 production, sale and use of marijuana in Oklahoma does not violate  
8 federal law, work with the Oklahoma State Banking Department and the  
9 State Treasurer to develop good practices and standards for banking  
10 and finance for medical marijuana businesses;

11       8. Establish internal control procedures for licenses including  
12 accounting procedures, reporting procedures and personnel policies;

13       9. Establish a fee schedule and collect fees for performing  
14 background checks as the Commissioner deems appropriate. The fees  
15 charged pursuant to this paragraph shall not exceed the actual cost  
16 incurred for each background check; ~~and~~

17       10. ~~Require verification for sources of finance for medical~~  
18 ~~marijuana businesses~~ Establish a fee schedule and collect fees for  
19 material changes requested by the licensee; and

20       11. Establish regulations which require a medical marijuana  
21 business to submit information to the Oklahoma Medical Marijuana  
22 Authority deemed reasonably necessary to assist the Authority in the  
23 prevention of diversion of medical marijuana by a licensed medical  
24

1 marijuana business. Such information required by the Authority may  
2 include, but shall not be limited to:

- 3 a. the square footage of the licensed premise,
- 4 b. a diagram of the licensed premise,
- 5 c. the number and type of lights at the licensed medical  
6 marijuana commercial grower business,
- 7 d. the number, type and production capacity of equipment  
8 located at the medical marijuana processing facility,
- 9 e. the names, addresses and telephone numbers of  
10 employees or agents of a medical marijuana business,
- 11 f. employment manuals and standard operating procedures  
12 for the medical marijuana business, and
- 13 g. any other information as the Authority reasonably  
14 deems necessary.

15 SECTION 10. AMENDATORY Section 4, Chapter 11, O.S.L.  
16 2019 (63 O.S. Supp. 2020, Section 427.4), is amended to read as  
17 follows:

18 Section 427.4. A. The Oklahoma Medical Marijuana Authority, in  
19 conjunction with the State Department of Health, shall employ an  
20 Executive Director and other personnel as necessary to assist the  
21 Authority in carrying out its duties.

22 B. The Authority shall not employ an individual if any of the  
23 following circumstances exist:

1 1. The individual has a direct or indirect interest in a  
2 licensed medical marijuana business; or

3 2. The individual or his or her spouse, parent, child, spouse  
4 of a child, sibling, or spouse of a sibling has an application for a  
5 medical marijuana business license pending before the Department or  
6 is a member of the board of directors of a medical marijuana  
7 business, or is an individual financially interested in any licensee  
8 or medical marijuana business.

9 C. All officers and employees of the Authority shall be in the  
10 exempt unclassified service as provided for in Section 840-5.5 of  
11 Title 74 of the Oklahoma Statutes.

12 D. The Commissioner may delegate to any officer or employee of  
13 the Department any of the powers of the Executive Director and may  
14 designate any officer or employee of the Department to perform any  
15 of the duties of the Executive Director.

16 E. The Executive Director shall be authorized to suggest rules  
17 governing the oversight and implementation of ~~this act~~ the Oklahoma  
18 Medical Marijuana and Patient Protection Act.

19 F. The Department is hereby authorized to create employment  
20 positions necessary for the implementation of its obligations  
21 pursuant to ~~this act~~, the Oklahoma Medical Marijuana and Patient  
22 Protection Act including, but not limited to, Authority  
23 investigators and a senior director of enforcement. The Department  
24 and the Authority, the senior director of enforcement, the Executive

1 Director, and Department investigators shall have all the powers of  
2 any peace officer to:

3 1. Investigate violations or suspected violations of ~~this act~~  
4 the Oklahoma Medical Marijuana and Patient Protection Act and any  
5 rules promulgated pursuant thereto;

6 2. Serve all warrants, summonses, subpoenas, administrative  
7 citations, notices or other processes relating to the enforcement of  
8 laws regulating medical marijuana, concentrate, and medical  
9 marijuana product;

10 3. Assist or aid any law enforcement officer in the performance  
11 of his or her duties upon such law enforcement officer's request or  
12 the request of other local officials having jurisdiction;

13 4. Require any business applicant or licensee, ~~upon twenty-four~~  
14 ~~(24) hours notice or upon a showing of necessity~~, to permit an  
15 inspection of licensed premises during business hours or at any time  
16 of apparent operation, marijuana equipment, and marijuana  
17 accessories, or books and records; and to permit the testing of or  
18 examination of medical marijuana, concentrate, or product; ~~and~~

19 5. Require applicants and licensees to submit complete and  
20 current applications, information and fees required by ~~this act~~ the  
21 Oklahoma Medical Marijuana and Patient Protection Act, the Oklahoma  
22 Medical Marijuana Waste Management Act and Sections 420 through  
23 426.1 of this title, and fees, and approve material changes made by  
24 the applicant or licensee;

1       6. Require medical marijuana business licensees to submit a  
2 sample or unit of medical marijuana or medical marijuana product to  
3 the quality assurance laboratory when the Department has reason to  
4 believe the medical marijuana or medical marijuana product may be  
5 unsafe for patient consumption or inhalation or has not been tested  
6 in accordance with the provisions of the Oklahoma Medical Marijuana  
7 and Patient Protection Act and the rules and regulations of the  
8 Department. The licensee shall provide the samples or units of  
9 medical marijuana or medical marijuana products at its own expense  
10 but shall not be responsible for the costs of testing; and

11       7. Require medical marijuana business licensees to periodically  
12 submit samples or units of medical marijuana or medical marijuana  
13 products to the quality assurance lab for quality assurance  
14 purposes. Licensed growers, processors, dispensaries and  
15 transporters shall not be required to submit samples or units of  
16 medical marijuana or medical marijuana products more than twice a  
17 year. The licensee shall provide the samples or units of medical  
18 marijuana or medical marijuana products at its own expense but shall  
19 not be responsible for the costs of testing.

20       SECTION 11.       AMENDATORY       Section 6, Chapter 11, O.S.L.  
21 2019, as amended by Section 7, Chapter 477, O.S.L. 2019 (63 O.S.  
22 Supp. 2020, Section 427.6), is amended to read as follows:

23       Section 427.6. A. The State Department of Health shall address  
24 issues related to the medical marijuana program in Oklahoma

1 including, but not limited to, monitoring and disciplinary actions  
2 as they relate to the medical marijuana program.

3 B. 1. The Department or its designee may perform on-site  
4 ~~assessments~~ inspections or investigations of a licensee or applicant  
5 for any medical marijuana business license ~~issued pursuant to this~~  
6 ~~act,~~ research facility, education facility or waste disposal  
7 facility to determine compliance with ~~this act~~ applicable laws,  
8 rules and regulations or submissions made pursuant to this section.  
9 The Department may enter the licensed premises of a medical  
10 marijuana business, research facility, education facility or waste  
11 disposal facility licensee or applicant to assess or monitor  
12 compliance or ensure qualifications for licensure.

13 2. ~~Inspections~~ Post licensure inspections shall be limited to  
14 twice per calendar year ~~and twenty-four (24) hours of notice shall~~  
15 ~~be provided to a medical marijuana business applicant or licensee~~  
16 ~~prior to an on-site assessment.~~ However, investigations and  
17 additional inspections may occur when the Department ~~shows that~~  
18 believes an investigation or additional inspection is necessary due  
19 to a possible violation of ~~this act~~ applicable laws, rules or  
20 regulations. ~~Such inspection may be without notice if the~~  
21 ~~Department believes that such notice will result in the destruction~~  
22 ~~of evidence~~ The State Commissioner of Health may adopt rules  
23 imposing penalties including, but not limited to, monetary fines and  
24 suspension or revocation of licensure for failure to allow the

1 Authority reasonable access to the licensed premise for purposes of  
2 conducting an inspection.

3 3. The Department may review relevant records of a licensed  
4 medical marijuana business, licensed medical marijuana research  
5 facility ~~or~~, licensed medical marijuana education facility or  
6 licensed medical marijuana waste disposal facility, and may require  
7 and conduct interviews with such persons or entities and persons  
8 affiliated with such entities, for the purpose of determining  
9 compliance with Department requirements and applicable laws, rules  
10 and regulations. ~~However, prior to conducting any interviews with~~  
11 ~~the medical marijuana business, research facility or education~~  
12 ~~facility, the licensee shall be afforded sufficient time to secure~~  
13 ~~legal representation during such questioning if requested by the~~  
14 ~~business or facility or any of its agents or employees or~~  
15 ~~contractors.~~

16 4. The Department ~~shall~~ may refer complaints alleging criminal  
17 activity that are made against a licensee to appropriate Oklahoma  
18 state or local law enforcement authorities.

19 C. Disciplinary action may be taken against an applicant or  
20 licensee ~~under this act~~ for not adhering to ~~the law~~ applicable laws  
21 pursuant to the terms, conditions and guidelines set forth in ~~this~~  
22 ~~act~~ the Oklahoma Medical Marijuana and Patient Protection Act.

23  
24



1 D. Disciplinary actions may include revocation, suspension or  
2 denial of an application, license or final authorization and other  
3 action deemed appropriate by the Department.

4 E. Disciplinary actions may be imposed upon a medical marijuana  
5 business licensee for:

6 1. Failure to comply with or satisfy any provision of ~~this~~  
7 ~~section~~ applicable laws, rules or regulations;

8 2. Falsification or misrepresentation of any material or  
9 information submitted to the Department or other licensees;

10 3. Failing to allow or impeding ~~a monitoring visit~~ entry by  
11 authorized representatives of the Department;

12 4. Failure to adhere to any acknowledgement, verification or  
13 other representation made to the Department;

14 5. Failure to submit or disclose information required by ~~this~~  
15 ~~section~~ applicable laws, rules or regulations or otherwise requested  
16 by the Department;

17 6. Failure to correct any violation of this section cited as a  
18 result of a review or audit of financial records or other materials;

19 7. Failure to comply with requested access by the Department to  
20 the licensed premises or materials;

21 8. Failure to pay a required monetary penalty;

22 9. Diversion of medical marijuana or any medical marijuana  
23 product, as determined by the Department;

24

1 10. Threatening or harming a medical marijuana patient  
2 licensee, caregiver licensee, a medical practitioner or an employee  
3 of the Department; and

4 11. Any other basis indicating a violation of the applicable  
5 laws and regulations as identified by the Department.

6 F. Disciplinary actions against a licensee may include the  
7 imposition of monetary penalties, which may be assessed by the  
8 Department. The Department may suspend or revoke a license for  
9 failure to pay any monetary penalty lawfully assessed by the  
10 Department against a licensee.

11 G. Penalties for sales or purchases by a medical marijuana  
12 business to persons other than those allowed by law occurring within  
13 any two-year time period may include an initial fine of One Thousand  
14 Dollars (\$1,000.00) for a first violation and a fine of Five  
15 Thousand Dollars (\$5,000.00) for any subsequent violation.

16 Penalties for grossly inaccurate or fraudulent reporting occurring  
17 within any two-year time period may include an initial fine of Five  
18 Thousand Dollars (\$5,000.00) for a first violation and a fine of Ten  
19 Thousand Dollars (\$10,000.00) for any subsequent violation. The  
20 medical marijuana business may be subject to a revocation of any  
21 license granted pursuant to ~~this act~~ the Oklahoma Medical Marijuana  
22 and Patient Protection Act upon a showing that the violation was  
23 willful or grossly negligent.

1 H. 1. First offense for intentional and impermissible  
2 diversion of medical marijuana, concentrate, or products by a  
3 patient or caregiver to an unauthorized person shall not be punished  
4 under a criminal statute but may be subject to a fine of Two Hundred  
5 Dollars (\$200.00).

6 2. The second offense for impermissible diversion of medical  
7 marijuana, concentrate, or products by a patient or caregiver to an  
8 unauthorized person shall not be punished under a criminal statute  
9 but may be subject to a fine of not to exceed Five Hundred Dollars  
10 (\$500.00) and may result in revocation of the license upon a showing  
11 that the violation was willful or grossly negligent.

12 I. ~~The following persons or entities may request a hearing to~~  
13 ~~contest an action or proposed action of~~ In addition to any other  
14 remedies provided for by law, the Department-

15 ~~1. A medical marijuana business, research facility or education~~  
16 ~~facility licensee whose license has been summarily suspended or who~~  
17 ~~has received a notice of contemplated action to suspend or revoke a~~  
18 ~~license or take other,~~ pursuant to its rules and regulations, may  
19 issue a written order to any licensee the Department has reason to  
20 believe has violated Sections 420 through 426.1 of this title, the  
21 Oklahoma Medical Marijuana and Patient Protection Act, the Oklahoma  
22 Medical Marijuana Waste Management Act, or any rules promulgated by  
23 the State Commissioner of Health and to whom the Department has  
24

1 served, not less than thirty (30) days previously, a written notice  
2 of violation of such statutes or rules.

3 1. The written order shall state with specificity the nature of  
4 the violation. The Department may impose any disciplinary action,  
5 and

6 ~~2. A patient or caregiver licensee whose license has been~~  
7 ~~summarily suspended or who has received notice of contemplated~~  
8 ~~action to suspend or revoke a license or take other disciplinary~~  
9 ~~action~~ authorized under the provisions of this section including,  
10 but not limited to, the assessment of monetary penalties.

11 2. Any order issued pursuant to the provisions of this section  
12 shall become a final order unless, not more than thirty (30) days  
13 after the order is served to the licensee, the licensee requests an  
14 administrative hearing in accordance with the rules and regulations  
15 of the Department. Upon such request, the Department shall promptly  
16 initiate administrative proceedings.

17 J. Whenever the Department finds that an emergency exists  
18 requiring immediate action in order to protect the health or welfare  
19 of the public, the Department may issue an order, without providing  
20 notice or hearing, stating the existence of said emergency and  
21 requiring that action be taken as the Department deems necessary to  
22 meet the emergency. Such action may include, but is not limited to,  
23 ordering the licensee to immediately cease and desist operations by  
24 the licensee. The order shall be effective immediately upon

1 issuance. Any person to whom the order is directed shall comply  
2 immediately with the provisions of the order. The Department may  
3 assess a penalty not to exceed Ten Thousand Dollars (\$10,000.00) per  
4 day of noncompliance with the order. In assessing such a penalty,  
5 the Department shall consider the seriousness of the violation and  
6 any efforts to comply with applicable requirements. Upon  
7 application to the Department, the licensee shall be offered a  
8 hearing within ten (10) days of the issuance of the order.

9 K. All hearings held pursuant to this section shall be in  
10 accordance with the Oklahoma Administrative Procedures Act, ~~Section~~  
11 ~~250 et seq. of Title 75 of the Oklahoma Statutes.~~

12 SECTION 12. AMENDATORY Section 7, Chapter 11, O.S.L.  
13 2019, as amended by Section 5, Chapter 509, O.S.L. 2019 (63 O.S.  
14 Supp. 2020, Section 427.7), is amended to read as follows:

15 Section 427.7. A. The Oklahoma Medical Marijuana Authority  
16 shall create a medical marijuana use registry of patients and  
17 caregivers as provided under this section. The handling of any  
18 records maintained in the registry shall comply with all ~~relevant~~  
19 applicable state and federal privacy laws ~~including, but not limited~~  
20 ~~to, the Health Insurance Portability and Accountability Act of 1996~~  
21 ~~(HIPAA).~~

22 B. The medical marijuana use registry shall be accessible to:  
23  
24

1 1. Oklahoma-licensed medical marijuana dispensaries to verify  
2 the license of a patient or caregiver by the twenty-four-character  
3 identifier; and

4 2. Any court in this state.

5 C. All other records regarding a medical marijuana patient or  
6 caregiver licensee shall be maintained by the Authority and shall be  
7 deemed confidential. The handling of any records maintained by the  
8 Authority shall comply with all ~~relevant~~ applicable state and  
9 federal privacy laws ~~including, but not limited to, the Health~~  
10 ~~Insurance Portability and Accountability Act of 1996 (HIPAA)~~. Such  
11 records shall be marked as confidential, shall not be made available  
12 to the public, and shall only be made available to the licensee,  
13 designee of the licensee, any physician of the licensee or the  
14 caregiver of the licensee.

15 D. A log shall be kept with the file of the licensee to record  
16 any event in which the records of the licensee were made available  
17 and to whom the records were provided.

18 E. The ~~Department~~ Authority shall ensure that all ~~application~~  
19 medical marijuana patient and caregiver records and information are  
20 sealed to protect the privacy of medical marijuana patient license  
21 applicants and licensees.

22 SECTION 13. AMENDATORY Section 9, Chapter 11, O.S.L.  
23 2019 (63 O.S. Supp. 2020, Section 427.9), is amended to read as  
24 follows:

1 Section 427.9. A. The Oklahoma Medical Marijuana Authority may  
2 contact the recommending physician of an applicant for a medical  
3 marijuana patient license or current holder of a medical marijuana  
4 patient license to verify the need of the applicant or licensee for  
5 the license and the information submitted with the application.

6 B. An applicant for a medical marijuana patient license who can  
7 demonstrate his or her status as a one-hundred-percent-disabled  
8 veteran as determined by the U.S. Department of Veterans Affairs and  
9 codified at 38 C.F.R., Section 3.340(a) (2013) shall pay a reduced  
10 biannual application fee of Twenty Dollars (\$20.00). The methods of  
11 payment, as determined by the Authority, shall be provided on the  
12 website. However, the Authority shall ensure that all applicants  
13 have an option to submit the license application and payment by  
14 means other than solely by submission of the application and fee  
15 online.

16 C. The patient license shall be valid for up to two (2) years  
17 from the date of issuance, unless the recommendation of the  
18 physician is terminated pursuant to ~~this act~~ the Oklahoma Medical  
19 Marijuana and Patient Protection Act or revoked by the Department.

20 SECTION 14. AMENDATORY Section 10, Chapter 11, O.S.L.  
21 2019, as amended by Section 2, Chapter 390, O.S.L. 2019 (63 O.S.  
22 Supp. 2020, Section 427.10), is amended to read as follows:

23 Section 427.10. A. Only licensed Oklahoma allopathic,  
24 osteopathic and podiatric physicians may provide a medical marijuana

1 recommendation for a medical marijuana patient license under ~~this~~  
2 ~~act~~ the Oklahoma Medical Marijuana and Patient Protection Act.

3 B. A physician who has not completed his or her first residency  
4 shall not meet the definition of "physician" under this section and  
5 any recommendation for a medical marijuana patient license shall not  
6 be processed by the Authority.

7 C. No physician shall be subject to arrest, prosecution or  
8 penalty in any manner or denied any right or privilege under  
9 Oklahoma state, municipal or county statute, ordinance or  
10 resolution, including without limitation a civil penalty or  
11 disciplinary action by the State Board of Medical Licensure and  
12 Supervision ~~or~~, the State Board of Osteopathic Examiners, the Board  
13 of Podiatric Medical Examiners or by any other business, occupation  
14 or professional licensing board or bureau, solely for providing a  
15 medical marijuana recommendation for a patient or for monitoring,  
16 treating or prescribing scheduled medication to patients who are  
17 medical marijuana licensees. The provisions of this subsection  
18 shall not prevent the relevant professional licensing boards from  
19 sanctioning a physician for failing to properly evaluate the medical  
20 condition of a patient or for otherwise violating the applicable  
21 physician-patient standard of care.

22 D. A physician who recommends use of medical marijuana shall  
23 not be located at the same physical address as a licensed medical  
24 marijuana dispensary.



1 E. If the physician determines the continued use of medical  
2 marijuana by the patient no longer meets the requirements set forth  
3 in ~~this act~~ the Oklahoma Medical Marijuana and Patient Protection  
4 Act, the physician shall notify the Department and ~~the Authority~~  
5 ~~shall immediately revoke~~ the license shall be immediately voided  
6 without right to an individual proceeding.

7 SECTION 15. AMENDATORY Section 11, Chapter 11, O.S.L.  
8 2019 (63 O.S. Supp. 2020, Section 427.11), is amended to read as  
9 follows:

10 Section 427.11. A. The caregiver license shall provide the  
11 caregiver the same rights as the medical marijuana patient licensee,  
12 including the ability to possess marijuana, marijuana products, and  
13 mature and immature plants pursuant to ~~this act~~ the Oklahoma Medical  
14 Marijuana and Patient Protection Act, but excluding the ability to  
15 use marijuana or marijuana products unless the caregiver has a  
16 medical marijuana patient license. Caregivers shall be authorized  
17 to deliver marijuana and products to their authorized patients.  
18 Caregivers shall be authorized to possess medical marijuana and  
19 medical marijuana products up to the sum of the possession limits  
20 for the patients under his or her care pursuant to ~~this act~~ the  
21 Oklahoma Medical Marijuana and Patient Protection Act.

22 B. An individual caregiver shall be limited to exercising the  
23 marijuana cultivation rights of no more than five licensed patients  
24

1 as prescribed by ~~this act~~ the Oklahoma Medical Marijuana and Patient  
2 Protection Act.

3 C. The license of a caregiver shall not extend beyond the  
4 expiration date of the underlying patient license regardless of the  
5 issue date.

6 D. A medical marijuana patient license holder may request, at  
7 any time, to withdraw the license of his or her caregiver. In the  
8 event that such a request is made or upon the expiration of the  
9 medical marijuana license of the patient, the license of the  
10 caregiver shall be immediately withdrawn by the Department without  
11 the right to a hearing.

12 SECTION 16. AMENDATORY Section 13, Chapter 11, O.S.L.  
13 2019 (63 O.S. Supp. 2020, Section 427.13), is amended to read as  
14 follows:

15 Section 427.13. A. All medical marijuana and medical marijuana  
16 products shall be purchased solely from an Oklahoma-licensed medical  
17 marijuana business, and shall not be purchased from any out-of-state  
18 providers.

19 B. 1. The Authority shall have oversight and auditing  
20 responsibilities to ensure that all marijuana being grown in  
21 Oklahoma is accounted for and shall implement an inventory tracking  
22 system. Pursuant to these duties, the Authority shall require that  
23 each medical marijuana business, medical marijuana research  
24 facility, medical marijuana education facility and medical marijuana

1 waste disposal facility keep records for every transaction with  
2 another medical marijuana business, patient or caregiver. Inventory  
3 shall be tracked and updated after each individual sale and reported  
4 to the Authority.

5 2. The inventory tracking system licensees use shall allow for  
6 integration of other seed-to-sale systems and, at a minimum, shall  
7 include the following:

- 8 a. notification of when marijuana seeds and clones are  
9 planted,
- 10 b. notification of when marijuana plants are harvested  
11 and destroyed,
- 12 c. notification of when marijuana is transported, sold,  
13 stolen, diverted or lost,
- 14 d. a complete inventory of all marijuana, seeds, plant  
15 tissue, clones, plants, usable marijuana or trim,  
16 leaves and other plant matter, batches of extract, and  
17 marijuana concentrates,
- 18 e. all samples sent to a testing laboratory, an unused  
19 portion of a sample returned to a licensee, all  
20 samples utilized by licensee for purposes of  
21 negotiating a sale, and
- 22 f. all samples used for quality testing by a licensee.

23 3. Each medical marijuana business, medical marijuana research  
24 facility, medical marijuana education facility and medical marijuana

1 waste disposal facility shall use a seed-to-sale tracking system or  
2 integrate its own seed-to-sale tracking system with the seed-to-sale  
3 tracking system established by the Authority.

4 4. These records shall include, but not be limited to, the  
5 following:

6 a. the name and license number of the medical marijuana  
7 business that cultivated, manufactured or sold the  
8 medical marijuana or medical marijuana product,

9 b. the address and phone number of the medical marijuana  
10 business that cultivated, manufactured or sold the  
11 medical marijuana or medical marijuana product,

12 c. the type of product received during the transaction,

13 d. the batch number of the marijuana plant used,

14 e. the date of the transaction,

15 f. the total spent in dollars,

16 g. all point-of-sale records,

17 h. marijuana excise tax records, and

18 i. any additional information as may be reasonably  
19 required by the Department.

20 5. All inventory tracking records retained by a medical  
21 marijuana business, medical marijuana research facility, medical  
22 marijuana education facility or medical marijuana waste disposal  
23 facility containing medical marijuana patient or caregiver

24 information shall comply with all relevant state and federal laws

1 including, but not limited to, the Health Insurance Portability and  
2 Accountability Act of 1996 (HIPAA), ~~and shall not be retained by any~~  
3 ~~medical marijuana business for more than sixty (60) days.~~

4 SECTION 17. AMENDATORY Section 14, Chapter 11, O.S.L.  
5 2019, as last amended by Section 51, Chapter 161, O.S.L. 2020 (63  
6 O.S. Supp. 2020, Section 427.14), is amended to read as follows:

7 Section 427.14. A. There is hereby created the medical  
8 marijuana business license, which shall include the following  
9 categories:

- 10 1. Medical marijuana commercial grower;
- 11 2. Medical marijuana processor;
- 12 3. Medical marijuana dispensary;
- 13 4. Medical marijuana transporter; and
- 14 5. Medical marijuana testing laboratory.

15 B. The Oklahoma Medical Marijuana Authority, with the aid of  
16 the Office of Management and Enterprise Services, shall develop a  
17 website for medical marijuana business applications.

18 C. The Authority shall make available on its website in an  
19 easy-to-find location, applications for a medical marijuana  
20 business.

21 D. The annual, nonrefundable application fee for a medical  
22 marijuana business license shall be Two Thousand Five Hundred  
23 Dollars (\$2,500.00).

24

1 E. All applicants seeking licensure or licensure renewal as a  
2 medical marijuana business shall comply with the following general  
3 requirements:

4 1. All applications for licenses and registrations authorized  
5 pursuant to this section shall be made upon forms prescribed by the  
6 Authority;

7 2. Each application shall identify the city or county in which  
8 the applicant seeks to obtain licensure as a medical marijuana  
9 business;

10 3. Applicants shall submit a complete application to the  
11 Department before the application may be accepted or considered;

12 4. All applications shall be complete and accurate in every  
13 detail;

14 5. All applications shall include all attachments or  
15 supplemental information required by the forms supplied by the  
16 Authority;

17 6. All applications shall be accompanied by a full remittance  
18 for the whole amount of the application fees. Application fees are  
19 nonrefundable;

20 7. All applicants shall be approved for licensing review that,  
21 at a minimum, ~~meets~~ meet the following criteria:

- 22 a. ~~all applicants shall be age~~ twenty-five (25) years of  
23 age or older,  
24

- 1           b. ~~any applicant~~ if applying as an individual ~~shall show,~~  
2           proof that the applicant is an Oklahoma resident  
3           pursuant to paragraph 11 of this subsection,
- 4           c. ~~any applicant~~ if applying as an entity ~~shall show,~~  
5           proof that seventy-five percent (75%) of all members,  
6           managers, executive officers, partners, board members  
7           or any other form of business ownership are Oklahoma  
8           residents pursuant to paragraph 11 of this subsection,
- 9           d. ~~all~~ if applying ~~individuals~~ as an individual or  
10          ~~entities shall be~~ entity, proof that the individual or  
11          entity is registered to conduct business in the State  
12          of Oklahoma,
- 13          e. ~~all applicants shall disclose~~ disclosure of all  
14          ownership interests pursuant to ~~this act~~ the Oklahoma  
15          Medical Marijuana and Patient Protection Act, and
- 16          f. ~~applicants shall~~ proof that the medical marijuana  
17          business, medical marijuana research facility, medical  
18          marijuana education facility and medical marijuana  
19          waste disposal facility applicant or licensee has not  
20          ~~have~~ been convicted of a nonviolent felony in the last  
21          two (2) years, ~~and~~ or any other felony conviction  
22          within the last five (5) years, ~~shall~~ is not ~~be~~ a  
23          current ~~inmates~~ inmate in the custody of the
- 24

1                    Department of Corrections, or currently incarcerated  
2                    in a jail or corrections facility;

3            8. There shall be no limit to the number of medical marijuana  
4 business licenses or categories that an individual or entity can  
5 apply for or receive, although each application and each category  
6 shall require a separate application and application fee. A  
7 commercial grower, processor and dispensary, or any combination  
8 thereof, are authorized to share the same address or physical  
9 location, subject to the restrictions set forth in ~~this act~~ the  
10 Oklahoma Medical Marijuana and Patient Protection Act;

11            9. All applicants for a medical marijuana business license,  
12 research facility license or education facility license authorized  
13 by ~~this act~~ the Oklahoma Medical Marijuana and Patient Protection  
14 Act, or renewal of such license, shall undergo an Oklahoma criminal  
15 history background check conducted by the Oklahoma State Bureau of  
16 Investigation (OSBI) within thirty (30) days prior to the  
17 application for the license, including:

- 18            a. individual applicants applying on their own behalf,
- 19            b. individuals applying on behalf of an entity,
- 20            c. all principal officers of an entity, and
- 21            d. all owners of an entity as defined by ~~this act~~ the  
22                    Oklahoma Medical Marijuana and Patient Protection Act;



1 10. All applicable fees charged by the OSBI are the  
2 responsibility of the applicant and shall not be higher than fees  
3 charged to any other person or industry for such background checks;

4 11. In order to be considered an Oklahoma resident for purposes  
5 of a medical marijuana business application, all applicants shall  
6 provide proof of Oklahoma residency for at least two (2) years  
7 immediately preceding the date of application or five (5) years of  
8 continuous Oklahoma residency during the preceding twenty-five (25)  
9 years immediately preceding the date of application. Sufficient  
10 documentation of proof of residency shall include a combination of  
11 the following:

- 12 a. an unexpired Oklahoma-issued driver license,
- 13 b. an Oklahoma ~~voter~~ identification card,
- 14 c. a utility bill preceding the date of application,  
15 excluding cellular telephone and Internet bills,
- 16 d. a residential property deed to property in the State  
17 of Oklahoma, and
- 18 e. a rental agreement preceding the date of application  
19 for residential property located in the State of  
20 Oklahoma.

21 Applicants that were issued a medical marijuana business license  
22 prior to ~~the enactment of the Oklahoma Medical Marijuana and Patient~~  
23 ~~Protection Act~~ August 30, 2019, are hereby exempt from the two-year  
24 or five-year Oklahoma residence requirement mentioned above;

1 12. All license applicants shall be required to submit a  
2 registration with the Oklahoma State Bureau of Narcotics and  
3 Dangerous Drugs Control as provided in Sections 2-302 through 2-304  
4 of ~~Title 63 of the Oklahoma Statutes~~ this title;

5 13. All applicants shall establish their identity through  
6 submission of a color copy or digital image of one of the following  
7 unexpired documents:

- 8 a. front ~~and back~~ of an Oklahoma driver license,
- 9 b. front ~~and back~~ of an Oklahoma identification card,
- 10 c. a United States passport or other photo identification  
11 issued by the United States government, or
- 12 d. ~~certified copy of the applicant's birth certificate~~  
13 ~~for minor applicants who do not possess a document~~  
14 ~~listed in this section, or~~
- 15 e. a tribal identification card approved for  
16 identification purposes by the Oklahoma Department of  
17 Public Safety; and

18 14. All applicants shall submit an applicant photograph.

19 F. The Authority shall review the medical marijuana business  
20 application; approve or ~~reject~~ or deny the application; and mail  
21 the approval, rejection, denial or status-update letter to the  
22 applicant within ninety (90) business days of receipt of the  
23 application.

1 G. 1. The Authority shall review the medical marijuana  
2 business applications and conduct all investigations, inspections  
3 and interviews before approving the application.

4 2. Approved applicants shall be issued a medical marijuana  
5 business license for the specific category applied under which shall  
6 act as proof of their approved status. Rejection and denial letters  
7 shall provide a reason for the rejection or denial. Applications  
8 may only be rejected or denied based on the applicant not meeting  
9 the standards set forth in the provisions of ~~this section~~ the  
10 Oklahoma Medical Marijuana and Patient Protection Act and Sections  
11 420 through 426.1 of this title, improper completion of the  
12 application, or for a reason provided for in ~~this act~~ the Oklahoma  
13 Medical Marijuana and Patient Protection Act and Sections 420  
14 through 426.1 of this title. If an application is rejected for  
15 failure to provide required information, the applicant shall have  
16 thirty (30) days to submit the required information for  
17 reconsideration. No additional application fee shall be charged for  
18 such reconsideration. Unless the Department determines otherwise,  
19 an application that has been resubmitted but is still incomplete or  
20 contains errors that are not clerical or typographical in nature  
21 shall be denied.

22 3. Status-update letters shall provide a reason for delay in  
23 either approval ~~or~~, rejection or denial should a situation arise in  
24

1 which an application was submitted properly<sup>7</sup> but a delay in  
2 processing the application occurred.

3 4. Approval, rejection, denial or status-update letters shall  
4 be sent to the applicant in the same method the application was  
5 submitted to the Department.

6 H. A license for a medical marijuana business license, medical  
7 marijuana research facility, medical marijuana education facility or  
8 medical marijuana waste disposal facility shall not be issued to or  
9 held by:

10 1. A person until all required fees have been paid;

11 2. A person who has been convicted of a nonviolent felony  
12 within two (2) years of the date of application, or within five (5)  
13 years for any other felony;

14 3. A corporation, if the criminal history of any of its  
15 officers, directors or stockholders indicates that the officer,  
16 director or stockholder has been convicted of a nonviolent felony  
17 within two (2) years of the date of application, or within five (5)  
18 years for any other felony;

19 4. A person under twenty-five (25) years of age;

20 5. A person licensed pursuant to this section who, during a  
21 period of licensure, or who, at the time of application, has failed  
22 to:

23 a. file taxes, interest or penalties due related to a  
24 medical marijuana business, or

1           b.    pay taxes, interest or penalties due related to a  
2                    medical marijuana business;

3           6.    A sheriff, deputy sheriff, police officer or prosecuting  
4 officer, or an officer or employee of the Authority or municipality;  
5 ~~or~~

6           7.    A person whose authority to be a caregiver, as defined in  
7 ~~this act~~ Section 427.2 of this title, has been revoked by the  
8 Department; or

9           8.    A person who was involved in the management or operations of  
10 any medical marijuana business, medical marijuana research facility,  
11 medical marijuana education facility or medical marijuana waste  
12 disposal facility that, after the initiation of a disciplinary  
13 action, has had a medical marijuana license revoked, not renewed, or  
14 surrendered during the five (5) years preceding submission of the  
15 application and for the following violations:

16           a.    unlawful sales or purchases,

17           b.    any fraudulent acts, falsification of records or  
18                   misrepresentation to the Authority, medical marijuana  
19                   patient licensees, caregiver licensees or medical  
20                   marijuana business licensees,

21           c.    any grossly inaccurate or fraudulent reporting,

22           d.    threatening or harming any medical marijuana patient,  
23                   caregiver, medical practitioner or employee of the  
24                   Department,

- 1           e. knowingly or intentionally refusing to permit the  
2           Department access to premises or records,  
3           f. using a prohibited, hazardous substance for processing  
4           in a residential area,  
5           g. criminal acts relating to the operation of a medical  
6           marijuana business, or  
7           h. any violations that endanger public health and safety  
8           or product safety.

9           I. In investigating the qualifications of an applicant or a  
10          licensee, the Department, Authority and municipalities may have  
11          access to criminal history record information furnished by a  
12          criminal justice agency subject to any restrictions imposed by such  
13          an agency. ~~In the event the Department considers the criminal~~  
14          ~~history record of the applicant, the Department shall also consider~~  
15          ~~any information provided by the applicant regarding such criminal~~  
16          ~~history record, including but not limited to evidence of~~  
17          ~~rehabilitation, character references and educational achievements,~~  
18          ~~especially those items pertaining to the period of time between the~~  
19          ~~last criminal conviction of the applicant and the consideration of~~  
20          ~~the application for a state license.~~

21          J. The failure of an applicant or licensee to provide the  
22          requested information by the Authority deadline may be grounds for  
23          denial of the application.

1 K. All applicants and licensees shall submit information to the  
2 Department and Authority in a full, faithful, truthful and fair  
3 manner. The Department and Authority may recommend denial of an  
4 application where the applicant or licensee made misstatements,  
5 omissions, misrepresentations or untruths in the application or in  
6 connection with the background investigation of the applicant. This  
7 type of conduct may be ~~considered as the basis~~ grounds for  
8 ~~additional~~ administrative action against the applicant or licensee.  
9 Typos and scrivener errors shall not be grounds for denial.

10 L. A licensed medical marijuana business premises shall be  
11 subject to and responsible for compliance with applicable provisions  
12 ~~for medical marijuana business facilities~~ consistent with the zoning  
13 where such business is located as described in the most recent  
14 versions of the Oklahoma Uniform Building Code, the International  
15 Building Code and the International Fire Code, unless granted an  
16 exemption by ~~the Authority or~~ a municipality or appropriate code  
17 enforcement entity.

18 M. All medical marijuana business, medical marijuana research  
19 facility, medical marijuana education facility and medical marijuana  
20 waste disposal facility licensees shall pay the relevant licensure  
21 fees prior to receiving licensure to operate ~~a medical marijuana~~  
22 ~~business, as defined in this act for each class of license~~.

23 N. A medical marijuana business, medical marijuana research  
24 facility, medical marijuana education facility or medical marijuana

1 waste disposal facility that attempts to renew its license after the  
2 expiration date of the license shall pay a late renewal fee in an  
3 amount to be determined by the Department to reinstate the license.  
4 Late renewal fees are nonrefundable. A license that has been  
5 expired for more than ninety (90) days shall not be renewed.

6 O. No medical marijuana business, medical marijuana research  
7 facility, medical marijuana education facility or medical marijuana  
8 waste disposal facility shall possess, sell or transfer medical  
9 marijuana or medical marijuana products without a valid, unexpired  
10 license issued by the Department.

11 SECTION 18. AMENDATORY Section 16, Chapter 11, O.S.L.  
12 2019 (63 O.S. Supp. 2020, Section 427.16), is amended to read as  
13 follows:

14 Section 427.16. A. There is hereby created a medical marijuana  
15 transporter license as a category of the medical marijuana business  
16 license.

17 B. Pursuant to Section 424 of ~~Title 63 of the Oklahoma Statutes~~  
18 this title, the Oklahoma Medical Marijuana Authority shall issue a  
19 medical marijuana transporter license to licensed medical marijuana  
20 commercial growers, processors and dispensaries upon issuance of  
21 such licenses and upon each renewal. Medical marijuana transporter  
22 licenses shall also be issued to licensed medical marijuana research  
23 facilities, medical marijuana education facilities and medical  
24



1 marijuana testing laboratories upon issuance of such license and  
2 upon renewal.

3 C. A medical marijuana transporter license may also be issued  
4 to qualifying applicants who are registered with the Oklahoma  
5 Secretary of State and otherwise meet the requirements for a medical  
6 marijuana business license set forth in ~~this act~~ the Oklahoma  
7 Medical Marijuana and Patient Protection Act and the requirements  
8 set forth in this section to provide logistics, distribution and  
9 storage of medical marijuana, medical marijuana concentrate and  
10 medical marijuana products.

11 D. A medical marijuana transporter license shall be valid for  
12 one (1) year and shall not be transferred with a change of  
13 ownership. A licensed medical marijuana transporter shall be  
14 responsible for all medical marijuana, medical marijuana concentrate  
15 and medical marijuana products once the transporter takes control of  
16 the product.

17 E. A transporter license shall be required for any person or  
18 entity to transport or transfer medical marijuana, medical marijuana  
19 concentrate or ~~product~~ medical marijuana products from a licensed  
20 medical marijuana business to another medical marijuana business, or  
21 from a medical marijuana business to a medical marijuana research  
22 facility or medical marijuana education facility.

23 F. A medical marijuana transporter licensee may contract with  
24 multiple licensed medical marijuana businesses.

1 G. A medical marijuana transporter may maintain a licensed  
2 premises to temporarily store medical marijuana, medical marijuana  
3 concentrate and medical marijuana products and to use as a  
4 centralized distribution point. A medical marijuana transporter may  
5 store and distribute medical marijuana, medical marijuana  
6 concentrate and medical marijuana products from the licensed  
7 premises. The licensed premises shall meet all security  
8 requirements applicable to a medical marijuana business.

9 H. A medical marijuana transporter licensee shall use the seed-  
10 to-sale tracking system developed pursuant to ~~this act~~ the Oklahoma  
11 Medical Marijuana and Patient Protection Act to create shipping  
12 manifests documenting the transport of medical marijuana, medical  
13 marijuana concentrate and medical marijuana products throughout the  
14 state.

15 I. A licensed medical marijuana transporter may maintain and  
16 operate one or more warehouses in the state to handle medical  
17 marijuana, medical marijuana concentrate and medical marijuana  
18 products. Each location shall be registered and inspected by the  
19 Authority prior to its use.

20 J. ~~All~~ With the exception of a lawful transfer between medical  
21 marijuana businesses who are licensed to operate at the same  
22 physical address, all medical marijuana, medical marijuana  
23 concentrate and ~~product~~ medical marijuana products shall be  
24 transported:

1 1. In vehicles equipped with Global Positioning System (GPS)  
2 trackers;

3 2. In a locked container and clearly labeled "Medical Marijuana  
4 or Derivative"; and

5 3. In a secured area of the vehicle that is not accessible by  
6 the driver during transit.

7 K. A transporter agent may possess marijuana at any location  
8 while the transporter agent is transferring marijuana to or from a  
9 licensed medical marijuana business, licensed medical marijuana  
10 research facility or licensed medical marijuana education facility.  
11 The Department shall administer and enforce the provisions of this  
12 section concerning transportation.

13 L. The Authority shall issue a transporter agent license to  
14 individual agents, employees, officers or owners of a transporter  
15 license in order for the individual to qualify to transport medical  
16 marijuana, medical marijuana concentrate or ~~product~~ medical  
17 marijuana products.

18 M. The annual fee for a transporter agent license shall be ~~One~~  
19 ~~Hundred Dollars (\$100.00)~~ Twenty-five Dollars (\$25.00) and shall be  
20 paid by the transporter license holder or the individual applicant.  
21 Transporter license reprints shall be Twenty Dollars (\$20.00).

22 N. The Authority shall issue each transporter agent a registry  
23 identification card within thirty (30) days of receipt of:

24 1. The name, address and date of birth of the person;

1        2. Proof of current Oklahoma residency ~~as required for a~~  
2 ~~medical marijuana business license;~~

3        3. Proof of identity as required for a medical marijuana  
4 business license;

5        4. Possession of a valid Oklahoma driver license;

6        5. Verification of employment with a licensed transporter;

7        6. The application and affiliated fee; and

8        7. A copy of the criminal background check conducted by the  
9 Oklahoma State Bureau of Investigation, paid for by the applicant.

10       O. If the transporter agent application is denied, the  
11 Department shall notify the transporter in writing of the reason for  
12 denying the registry identification card.

13       P. A registry identification card for a transporter shall  
14 expire one (1) year after the date of issuance or upon notification  
15 from the holder of the transporter license that the transporter  
16 agent ceases to work as a transporter.

17       Q. The Department may revoke the registry identification card  
18 of a transporter agent who knowingly violates any provision of this  
19 section, and the transporter is subject to any other penalties  
20 established by law for the violation.

21       R. The Department may revoke or suspend the transporter license  
22 of a transporter that the Department determines knowingly aided or  
23 facilitated a violation of any provision of this section, and the  
24

1 ~~license holder~~ license holder is subject to any other penalties  
2 established in law for the violation.

3 S. Vehicles used in the transport of medical marijuana or  
4 medical marijuana product shall be:

5 1. Insured at or above the legal requirements in Oklahoma;

6 2. Capable of securing medical marijuana during transport; and

7 3. In possession of a shipping container as defined in Section  
8 427.2 of this act title capable of securing all transported ~~product~~  
9 products.

10 T. Prior to the transport of any medical marijuana, medical  
11 marijuana concentrate or medical marijuana products, an inventory  
12 manifest shall be prepared at the origination point of the medical  
13 marijuana. The inventory manifest shall include the following  
14 information:

15 1. For the origination point of the medical marijuana:

16 a. the licensee number for the commercial grower,  
17 processor or dispensary,

18 b. address of origination of transport, and

19 c. name and contact information for the originating  
20 licensee;

21 2. For the end recipient license holder of the medical  
22 marijuana:

23

24

1 a. the license number for the dispensary, commercial  
2 grower, processor, research facility or education  
3 facility destination,

4 b. address of the destination, and

5 c. name and contact information for the destination  
6 licensee;

7 3. Quantities by weight or unit of each type of medical  
8 marijuana product contained in transport;

9 4. The date of the transport and the approximate time of  
10 departure;

11 5. The arrival date and estimated time of arrival;

12 6. Printed names and signatures of the personnel accompanying  
13 the transport; and

14 7. Notation of the transporting licensee.

15 U. 1. A separate inventory manifest shall be prepared for each  
16 licensee receiving the medical marijuana.

17 2. The transporter agent shall provide the other medical  
18 marijuana business with a copy of the inventory manifest at the time  
19 the product changes hands and after the other licensee prints his or  
20 her name and signs the inventory manifest.

21 3. ~~An inventory manifest shall not be altered after departing~~  
22 ~~the originating premises other than in cases where the printed name~~  
23 ~~and signature of receipt by the receiving licensee is necessary.~~  
24

1       4. A receiving licensee shall refuse to accept any medical  
2 marijuana, medical marijuana concentrate or ~~product~~ medical  
3 marijuana products that ~~is~~ are not accompanied by an inventory  
4 manifest.

5       ~~5.~~ 4. Originating and receiving licensees shall maintain copies  
6 of inventory manifests and logs of quantities of medical marijuana  
7 received for ~~three (3)~~ seven (7) years from date of receipt.

8       SECTION 19.        AMENDATORY        Section 17, Chapter 11, O.S.L.  
9 2019, as amended by Section 4, Chapter 312, O.S.L. 2019 (63 O.S.  
10 Supp. 2020, Section 427.17), is amended to read as follows:

11       Section 427.17. A. There is hereby created a medical marijuana  
12 testing laboratory license as a category of the medical marijuana  
13 business license. The Oklahoma Medical Marijuana Authority is  
14 hereby enabled to monitor, inspect and audit a licensed testing  
15 laboratory under ~~this act~~ the Oklahoma Medical Marijuana and Patient  
16 Protection Act.

17       B. The Authority is hereby authorized to contract with a  
18 private laboratory for the purpose of conducting compliance testing  
19 of medical marijuana testing laboratories licensed in this state.  
20 Any such laboratory under contract for compliance testing shall be  
21 prohibited from conducting any other commercial medical marijuana  
22 testing in this state. The laboratory the Authority contracts with  
23 for compliance testing shall not employ, or be owned by, the  
24 following:

1       1. Any individual that has a direct or indirect interest in a  
2 licensed medical marijuana business; or

3       2. Any individual or his or her spouse, parent, child, spouse  
4 of a child, sibling or spouse of a sibling that has an application  
5 for a medical marijuana business license pending before the  
6 Department or is a member of the board of directors of a medical  
7 marijuana business, or is an individual financially interested in  
8 any licensee or medical marijuana business located within this  
9 state.

10       C. The Authority shall ~~have the authority to~~ develop acceptable  
11 testing ~~and research~~ practices, including, but not limited to,  
12 testing, standards, quality control analysis, equipment  
13 certification and calibration, and chemical identification and  
14 substances used ~~in bona fide research methods so long as it complies~~  
15 ~~with this act.~~

16       D. A person who is a direct beneficial owner ~~or an indirect~~  
17 ~~beneficial owner~~ of a medical marijuana dispensary, medical  
18 marijuana commercial grower, or medical marijuana processor shall  
19 not be an owner of a laboratory.

20       E. A laboratory and a laboratory applicant shall comply with  
21 all applicable local ordinances, including, but not limited to,  
22 zoning, occupancy, licensing and building codes.

23       F. A separate license shall be required for each specific  
24 laboratory.



1 G. A medical marijuana testing laboratory license may be issued  
2 to a person who performs testing ~~and research~~ on medical marijuana  
3 and medical marijuana products for medical marijuana businesses,  
4 medical marijuana research facilities, medical marijuana education  
5 facilities, and testing ~~and research~~ on marijuana and marijuana  
6 products grown or produced by a patient or caregiver on behalf of a  
7 patient, upon verification of registration. A medical marijuana  
8 testing laboratory may also conduct research related to the  
9 development and improvement of its testing practices and procedures.

10 No state-approved medical marijuana testing facility shall operate  
11 unless a medical laboratory director is on site during operational  
12 hours.

13 H. ~~A laboratory applicant~~ Laboratory applicants and licensees  
14 shall comply with the application requirements of this section and  
15 shall submit such other information as required for a medical  
16 marijuana business applicant, in addition to any information the  
17 Authority may request for initial approval and periodic evaluations  
18 during the approval period.

19 I. A medical marijuana testing laboratory may accept samples of  
20 medical marijuana, medical marijuana concentrate or medical  
21 marijuana product from a medical marijuana business, medical  
22 marijuana research facility or medical marijuana education facility  
23 for testing ~~and research~~ purposes only, which purposes may include  
24 the provision of testing services for samples submitted by a medical

1 marijuana business for product development. The Department may  
2 require a medical marijuana business to submit a sample of medical  
3 marijuana, medical marijuana concentrate or medical marijuana  
4 product to a medical marijuana testing or quality assurance  
5 laboratory upon demand.

6 J. A medical marijuana testing laboratory may accept samples of  
7 medical marijuana, medical marijuana concentrate or medical  
8 marijuana product from an individual person for testing only under  
9 the following conditions:

10 1. The individual person is a patient or caregiver pursuant to  
11 ~~this act~~ the Oklahoma Medical Marijuana and Patient Protection Act  
12 or is a participant in an approved clinical or observational study  
13 conducted by a research facility; and

14 2. The medical marijuana testing laboratory shall require the  
15 patient or caregiver to produce a valid patient license and current  
16 and valid photo identification.

17 K. A medical marijuana testing laboratory may transfer samples  
18 to another medical marijuana testing laboratory for testing. All  
19 laboratory reports provided to or by a medical marijuana business or  
20 to a patient or caregiver shall identify the medical marijuana  
21 testing laboratory that actually conducted the test.

22 L. A medical marijuana testing laboratory may utilize a  
23 licensed medical marijuana transporter to transport samples of  
24 medical marijuana, medical marijuana concentrate and medical

1 marijuana product for testing, in accordance with ~~this act~~ the  
2 Oklahoma Medical Marijuana and Patient Protection Act and the rules  
3 adopted pursuant thereto, between the originating medical marijuana  
4 business requesting testing services and the destination laboratory  
5 performing testing services.

6 M. The medical marijuana testing laboratory shall establish  
7 policies to prevent the existence of or appearance of undue  
8 commercial, financial or other influences that may diminish the  
9 competency, impartiality and integrity of the testing processes or  
10 results of the laboratory, or that may diminish public confidence in  
11 the competency, impartiality and integrity of the testing processes  
12 or results of the laboratory. At a minimum, employees, owners or  
13 agents of a medical marijuana testing laboratory who participate in  
14 any aspect of the analysis and results of a sample are prohibited  
15 from improperly influencing the testing process, improperly  
16 manipulating data, or improperly benefiting from any ongoing  
17 financial, employment, personal or business relationship with the  
18 medical marijuana business that provided the sample. A medical  
19 marijuana testing laboratory shall not test samples for any medical  
20 marijuana business in which an owner, employee or agent of the  
21 medical marijuana testing laboratory has any form of ownership or  
22 financial interest in the medical marijuana business.

23  
24

1 N. The Department, pursuant to rules promulgated by the State  
2 Commissioner of Health, shall develop standards, policies and  
3 procedures as necessary for:

4 1. The cleanliness and orderliness of a laboratory premises and  
5 the location of the laboratory in a secure location, and inspection,  
6 cleaning and maintenance of any equipment or utensils used for the  
7 analysis of test samples;

8 2. Testing procedures, testing standards for cannabinoid and  
9 terpenoid potency and safe levels of contaminants, and remediation  
10 procedures;

11 3. Controlled access areas for storage of medical marijuana and  
12 medical marijuana product test samples, waste and reference  
13 standards;

14 4. Records to be retained and computer systems to be utilized  
15 by the laboratory;

16 5. The possession, storage and use by the laboratory of  
17 reagents, solutions and reference standards;

18 6. A certificate of analysis (COA) for each lot of reference  
19 standard;

20 7. The transport and disposal of unused marijuana, marijuana  
21 products and waste;

22 8. The mandatory use by a laboratory of an inventory tracking  
23 system to ensure all ~~test~~ harvest and production batches or samples  
24 containing medical marijuana, medical marijuana concentrate or

1 medical marijuana products are identified and tracked from the point  
2 they are transferred from a medical marijuana business, a patient or  
3 a caregiver through the point of transfer, destruction or disposal.  
4 The inventory tracking system reporting shall include the results of  
5 any tests that are conducted on medical marijuana, medical marijuana  
6 concentrate or medical marijuana product;

7 9. Standards of performance;

8 10. The employment of laboratory personnel;

9 11. A written standard operating procedure manual to be  
10 maintained and updated by the laboratory;

11 12. The successful participation in a Department-approved  
12 proficiency testing program for each testing category listed in this  
13 section, in order to obtain and maintain certification;

14 13. The establishment of and adherence to a quality assurance  
15 and quality control program to ensure sufficient monitoring of  
16 laboratory processes and quality of results reported;

17 14. The immediate recall of medical marijuana or medical  
18 marijuana products that test above allowable thresholds or are  
19 otherwise determined to be unsafe;

20 15. The establishment by the laboratory of a system to document  
21 the complete chain of custody for samples from receipt through  
22 disposal;

23 ~~15.~~ 16. The establishment by the laboratory of a system to  
24 retain and maintain all required records, including business

1 records, and processes to ensure results are reported in a timely  
2 and accurate manner; and

3 ~~16.~~ 17. Any other aspect of laboratory testing of medical  
4 marijuana or medical marijuana product deemed necessary by the  
5 Department.

6 O. A medical marijuana testing laboratory shall promptly  
7 provide the Department or designee of the Department access to a  
8 report of a test and any underlying data that is conducted on a  
9 sample at the request of a medical marijuana business or qualified  
10 patient. A medical marijuana testing laboratory shall also provide  
11 access to the Department or designee of the Department to laboratory  
12 premises and to any material or information requested by the  
13 Department to determine compliance with the requirements of this  
14 section.

15 P. A medical marijuana testing laboratory shall retain all  
16 results of laboratory tests conducted on marijuana or products for a  
17 period of at least ~~two (2)~~ seven (7) years and shall make them  
18 available to the Department upon request.

19 Q. A medical marijuana testing laboratory shall test samples  
20 from each harvest batch or product batch, as appropriate, of medical  
21 marijuana, medical marijuana concentrate and medical marijuana  
22 product for each of the following categories of testing, consistent  
23 with standards developed by the Commissioner:

24 1. Microbials;

2. Mycotoxins;
3. Residual solvents;
4. Pesticides;
5. Tetrahydrocannabinol (THC) and other cannabinoid potency;
6. Terpenoid ~~potency~~ type and concentration; and
7. Heavy metals.

R. ~~A test batch shall not exceed ten (10) pounds of usable marijuana or licensed medical marijuana product, as appropriate~~ testing laboratory shall test each individual harvest batch. A grower shall separate each harvest lot of usable marijuana into harvest batches containing no more than ten (10) pounds, with the exception of any plant material to be sold to a licensed processor for the purposes of turning the plant material into concentrate which may be separated into harvest batches of no more than fifty (50) pounds. A processor shall separate each medical marijuana production lot into production batches containing no more than ~~ten (10) pounds~~ four (4) liters of concentrate and for final products, the Oklahoma Medical Marijuana Authority shall be authorized to promulgate rules on final products as necessary. Provided, however, the Authority shall not require testing of final products less often than every two hundred (200) grams of THC. As used in this subsection, "final products" shall include, but not be limited to, cookies, brownies, candies, gummies, beverages and chocolates.

1 S. Medical marijuana testing laboratory licensure shall be  
2 contingent upon successful on-site inspection, successful  
3 participation in proficiency testing and ongoing compliance with the  
4 applicable requirements in this section.

5 T. A medical marijuana testing laboratory shall be inspected  
6 prior to initial licensure and annually up to two (2) times per year  
7 thereafter by an inspector approved by the Authority. The Authority  
8 may enter the licensed premises of a testing laboratory to conduct  
9 investigations and additional inspections when the Authority  
10 believes an investigation or additional inspection is necessary due  
11 to a possible violation of applicable laws, rules or regulations.

12 U. ~~Beginning on a date determined by the Commissioner, not~~  
13 ~~later than January 1, 2020, medical~~ Medical marijuana testing  
14 ~~laboratory licensure~~ laboratories shall be ~~contingent upon~~ obtain  
15 accreditation by ~~the NELAC Institute (TNI), ANSI/ASQ National~~  
16 ~~Accreditation Board or another~~ an accrediting body approved by the  
17 Commissioner, ~~and any applicable standards as determined by the~~  
18 ~~Department~~ within one (1) year of the date the initial license is  
19 issued. Renewal of any medical marijuana testing laboratory license  
20 shall be contingent upon accreditation in accordance with this  
21 subsection. Beginning November 1, 2021, all medical marijuana  
22 testing laboratories shall obtain accreditation prior to applying  
23 for and receiving a medical marijuana testing laboratory license.



1 V. A Unless authorized by the provisions of this section, a  
2 commercial grower shall not transfer or sell medical marijuana and a  
3 processor shall not transfer, sell or process into a concentrate or  
4 product any medical marijuana, medical marijuana concentrate or  
5 medical marijuana product unless samples from each harvest batch or  
6 production batch from which that medical marijuana, medical  
7 marijuana concentrate or medical marijuana product was derived has  
8 been tested by a medical marijuana testing ~~facility for contaminants~~  
9 laboratory and passed all contaminant tests required by ~~this act~~ the  
10 Oklahoma Medical Marijuana and Patient Protection Act and applicable  
11 laws, rules and regulations. A licensed commercial grower may  
12 transfer medical marijuana that has failed testing to a licensed  
13 processor only for the purposes of decontamination or remediation  
14 and only in accordance with the provisions of the Oklahoma Medical  
15 Marijuana and Patient Protection Act and the rules and regulations  
16 of the Department. Remediated and decontaminated products shall be  
17 returned only to the originating licensed commercial grower.

18 W. Kief shall not be transferred or sold except as authorized  
19 in the rules and regulations of the Department.

20 SECTION 20. AMENDATORY Section 18, Chapter 11, O.S.L.  
21 2019 (63 O.S. Supp. 2020, Section 427.18), is amended to read as  
22 follows:

23 Section 427.18. A. An Oklahoma medical marijuana business  
24 shall not sell, transfer or otherwise distribute medical marijuana

1 or medical marijuana product that has not been packaged and labeled  
2 in accordance with this section and rules promulgated by the State  
3 Commissioner of Health.

4 B. A medical marijuana dispensary shall return medical  
5 marijuana and medical marijuana product that does not meet packaging  
6 or labeling requirements in this section or rules promulgated  
7 pursuant thereto to the entity who transferred it to the dispensary.  
8 The medical marijuana dispensary shall document to whom the item was  
9 returned, what was returned and the date of the return or dispose of  
10 any usable marijuana that does not meet these requirements in  
11 accordance with ~~this act~~ the Oklahoma Medical Marijuana and Patient  
12 Protection Act.

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

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

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

23 4. No container shall be intentionally or knowingly labeled so  
24 as to cause a reasonable patient confusion as to whether the medical

1 marijuana, medical marijuana concentrate or medical marijuana  
2 product is a trademarked product or labeled in a manner that  
3 violates any federal trademark law or regulation.

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

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

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

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

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

19 ~~3.~~ 2. A statement indicating that the product has been tested  
20 for contaminants;

21 ~~4.~~ 3. One or more product warnings to be determined by the  
22 Department; and

23 ~~5.~~ 4. Any other information the Department deems necessary.  
24

1 SECTION 21. AMENDATORY Section 19, Chapter 11, O.S.L.  
2 2019 (63 O.S. Supp. 2020, Section 427.19), is amended to read as  
3 follows:

4 Section 427.19. A. A medical marijuana research license may be  
5 issued to a person to grow, cultivate, possess and transfer, by sale  
6 or donation, marijuana pursuant to ~~this act~~ the Oklahoma Medical  
7 Marijuana and Patient Protection Act for the limited research  
8 purposes identified in this section.

9 B. The annual fee for a medical marijuana research license  
10 shall be Five Hundred Dollars (\$500.00) and shall be payable by an  
11 applicant for a medical marijuana research license upon submission  
12 of his or her application to the Authority.

13 C. A medical marijuana research license may be issued for the  
14 following research purposes:

- 15 1. To test chemical potency and composition levels;
- 16 2. To conduct clinical investigations of marijuana-derived  
17 medicinal products;
- 18 3. To conduct research on the efficacy and safety of  
19 administering marijuana as part of medical treatment;
- 20 4. To conduct genomic, horticultural or agricultural research;  
21 and
- 22 5. To conduct research on marijuana-affiliated products or  
23 systems.

24

1 D. 1. As part of the application process for a medical  
2 marijuana research license, an applicant shall submit to the  
3 Authority a description of the research that the applicant intends  
4 to conduct and whether the research will be conducted with a public  
5 institution or using public money. If the research will not be  
6 conducted with a public institution or with public money, the  
7 Authority shall grant the application if it determines that the  
8 applicant meets the criteria in this section.

9 2. If the research will be conducted with a public institution  
10 or public money, the Department shall review the research project of  
11 the applicant to determine if it meets the requirements of this  
12 section and to assess the following:

- 13 a. the quality, study design, value or impact of the  
14 project,
- 15 b. whether the applicant has the appropriate personnel,  
16 expertise, facilities, infrastructure, funding and  
17 human, animal or other approvals in place to  
18 successfully conduct the project, and
- 19 c. whether the amount of marijuana to be grown by the  
20 applicant is consistent with the scope and goals of  
21 the project.

22 3. If the Authority determines that the research project does  
23 not meet the requirements of this section or assesses the criteria  
24 to be inadequate, the application shall be denied.

1 E. A medical marijuana research licensee may only transfer, by  
2 sale or donation, marijuana grown within its operation to other  
3 medical marijuana research licensees. The Department may revoke a  
4 medical marijuana research license for violations of this section  
5 and any other violation of ~~this act~~ the Oklahoma Medical Marijuana  
6 and Patient Protection Act.

7 F. A medical marijuana research licensee may contract to  
8 perform research in conjunction with a public higher education  
9 research institution or another medical marijuana research licensee.

10 G. The growing, cultivating, possessing or transferring, by  
11 sale or donation, of marijuana in accordance with this section and  
12 the rules promulgated pursuant thereto, by a medical marijuana  
13 research licensee shall not be a criminal or civil offense under  
14 state law. A medical marijuana research license shall be issued in  
15 the name of the applicant and shall specify the location in Oklahoma  
16 at which the medical marijuana research licensee intends to operate.  
17 A medical marijuana research licensee shall not allow any other  
18 person to exercise the privilege of the license.

19 H. If the research conducted includes a public institution or  
20 public money, the Authority shall review any reports made by medical  
21 marijuana research licensees under state licensing authority rule  
22 and provide the Authority with its determination on whether the  
23 research project continues to meet research qualifications pursuant  
24 to this section.

1 SECTION 22. AMENDATORY Section 20, Chapter 11, O.S.L.  
2 2019 (63 O.S. Supp. 2020, Section 427.20), is amended to read as  
3 follows:

4 Section 427.20. A. There is hereby created a medical marijuana  
5 education facility license.

6 B. A medical marijuana education facility license may be issued  
7 to a person to possess or cultivate marijuana for the limited  
8 education and research purposes identified in this section.

9 C. A medical marijuana education facility license may only be  
10 granted to a not-for-profit organization structured under Section  
11 501(c) (3) of the Internal Revenue Code, operating as an Oklahoma  
12 not-for-profit registered organization with the Office of the  
13 Secretary of State.

14 D. A medical marijuana education facility license may only be  
15 granted upon the submission of ~~a~~ an annual fee of Five Hundred  
16 Dollars (\$500.00) to the Authority.

17 E. A medical marijuana education facility license may be issued  
18 for the following education and research purposes:

19 1. To test cultivation techniques, strategies, infrastructure,  
20 mediums, lighting and other related technology;

21 2. To demonstrate cultivation techniques, strategies,  
22 infrastructure, mediums, lighting and other related technology;

23 3. To demonstrate the application and use of product  
24 manufacturing technologies;

1 4. To conduct genomic, horticultural or agricultural research;  
2 and

3 5. To conduct research on marijuana-affiliated products or  
4 systems.

5 F. As part of the application process for a medical marijuana  
6 education facility license, an applicant shall submit to the  
7 Authority a description of the project and curriculum that the  
8 applicant intends to conduct and whether the project and curriculum  
9 will be conducted with a public institution or using public money.  
10 If the ~~research~~ project and curriculum will not be conducted with a  
11 public institution or with public money, the Authority shall grant  
12 the application. If the research will be conducted with a public  
13 institution or public money, the Authority shall review the research  
14 project of the applicant to determine if it meets the requirements  
15 of this section and to assess the following:

- 16 1. The quality, study design, value or impact of the project;
- 17 2. Whether the applicant has the appropriate personnel,  
18 expertise, facilities, infrastructure, funding, and human, animal or  
19 other approvals in place to successfully conduct the project; and
- 20 3. Whether the amount of marijuana to be grown by the applicant  
21 is consistent with the scope and goals of the project.

22 If the Authority determines that the education project does not meet  
23 the requirements of this section or assesses the criteria to be  
24 inadequate, the application shall be denied.



1 G. A medical marijuana education facility licensee may only  
2 transfer, by sale or donation, marijuana grown within its operation  
3 to medical marijuana research licensees. The Department may revoke  
4 a medical marijuana education facility license for violations of  
5 this section and any other violation of ~~this act~~ applicable laws,  
6 rules and regulations.

7 H. A medical marijuana education facility licensee may contract  
8 to perform research in conjunction with a public higher education  
9 research institution or another research licensee.

10 I. The growing, cultivating, possessing or transferring, by  
11 sale or donation, of marijuana in accordance with this section and  
12 the rules promulgated pursuant thereto, by a medical marijuana  
13 education facility licensee shall not be a criminal or civil offense  
14 under state law. A medical marijuana education facility license  
15 shall be issued in the name of the applicant and shall specify the  
16 location in Oklahoma at which the medical marijuana education  
17 facility licensee intends to operate. A medical marijuana education  
18 facility licensee shall not allow any other person to exercise the  
19 privilege of the license.

20 SECTION 23. AMENDATORY Section 22, Chapter 11, O.S.L.  
21 2019 (63 O.S. Supp. 2020, Section 427.22), is amended to read as  
22 follows:

23 Section 427.22. A. ~~An~~ All medical marijuana patient and  
24 caregiver records and information including, but not limited to, any

1 application or renewal and supporting information submitted by a  
2 qualifying patient or designated caregiver under the provisions of  
3 ~~this act including, without limitation,~~ the Oklahoma Medical  
4 Marijuana and Patient Protection Act and information regarding the  
5 physician of the qualifying patient shall be considered confidential  
6 medical records that are exempt from the Oklahoma Open Records Act.

7 B. The dispensary records with patient information shall be  
8 treated as confidential records that are exempt from the Oklahoma  
9 Open Records Act.

10 C. All financial information provided by an applicant or a  
11 licensee in ~~its~~ an application to the Authority shall be treated as  
12 confidential records that are exempt from the Oklahoma Open Records  
13 Act.

14 D. All information provided by an applicant or a licensee that  
15 constitutes private business information shall be treated as  
16 confidential records that are exempt from the Oklahoma Open Records  
17 Act.

18 E. As used in this section, "private business information"  
19 means information that, if disclosed, would give advantage to  
20 competitors or bidders including, but not limited to, information  
21 related to the planning, site location, operations, strategy, or  
22 product development and marketing of an applicant, unless approval  
23 for release of those records is granted by the business.

1        F. All monthly report, inventory tracking and seed-to-sale  
2 information, data and records submitted to the Department shall be  
3 treated as confidential records and are exempt from the Oklahoma  
4 Open Records Act.

5        G. Except for license information concerning licensed patients,  
6 the Department may share confidential information with the other  
7 Oklahoma state agencies to assist those agencies in ensuring  
8 compliance with applicable laws, rules and regulations.

9        SECTION 24.        AMENDATORY        Section 23, Chapter 11, O.S.L.  
10 2019, as amended by Section 11, Chapter 477, O.S.L. 2019 (63 O.S.  
11 Supp. 2020, Section 427.23), is amended to read as follows:

12        Section 427.23. A. The State Commissioner of Health, the  
13 Oklahoma Tax Commission, the State Treasurer, the Secretary of State  
14 and the Director of the Office of Management and Enterprise Services  
15 shall promulgate rules to implement the provisions of ~~this act~~ the  
16 Oklahoma Medical Marijuana and Patient Protection Act.

17        B. ~~The Food Safety Standards Board~~ Medical Marijuana Advisory  
18 Council, in addition to the powers and duties granted in Section 423  
19 of ~~Title 63 of the Oklahoma Statutes~~ this title, may recommend to  
20 the State Commissioner of Health rules relating to all aspects ~~of~~  
21 ~~the~~ regarding the safe cultivation and ~~manufacture~~ manufacturing of  
22 medical marijuana products. In addition to the twelve members  
23 required in Section 423 of this title, the State Department of  
24

1 Health may appoint up to eight additional members. The makeup of  
2 the Council shall include medical marijuana industry representation.

3 SECTION 25. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 427.24 of Title 63, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. Whenever an authorized agent of the State Department of  
7 Health finds, in whole or in part, that the medical marijuana or  
8 medical marijuana product fails to meet the requirements of Sections  
9 420 through 426.1 of Title 63 of the Oklahoma Statutes or the  
10 Oklahoma Medical Marijuana and Patient Protection Act as it relates  
11 to health and safety, the medical marijuana or medical marijuana  
12 product is handled in violation of applicable laws or rules and  
13 regulations of the Department, or the medical marijuana or medical  
14 marijuana product may be poisonous, deleterious to health or is  
15 otherwise unsafe, an electronic or physical tag or other appropriate  
16 marking or hold shall be affixed to the medical marijuana or medical  
17 marijuana product which shall give notice that the medical marijuana  
18 or medical marijuana product is or is suspected of being  
19 manufactured, produced, transferred, sold or offered for sale in  
20 violation of applicable laws or rules and regulations of the  
21 Department and is embargoed. The notice shall further provide a  
22 warning to all persons not to remove or dispose of the medical  
23 marijuana or medical marijuana product until permission for removal  
24 or disposal is given by the Department. It shall be unlawful for

1 any person to remove or dispose of the medical marijuana or medical  
2 marijuana product embargoed without permission by the Department.

3 B. If the State Commissioner of Health finds that medical  
4 marijuana or medical marijuana product embargoed pursuant to  
5 subsection A of this section does not meet the requirements of  
6 applicable laws or rules and regulations of the Department, or is  
7 poisonous, deleterious to health or otherwise unsafe, the  
8 Commissioner may institute an action in the district court in whose  
9 jurisdiction the medical marijuana or medical marijuana product is  
10 embargoed for the condemnation and destruction of the medical  
11 marijuana or medical marijuana product. If the Commissioner finds  
12 that the medical marijuana or medical marijuana product embargoed  
13 does meet the requirements of applicable laws and the rules and  
14 regulations of the Department and is not poisonous, deleterious to  
15 health or otherwise unsafe, the Commissioner shall remove the  
16 embargo. In any court proceeding regarding an embargo, neither the  
17 State Department of Health, the Oklahoma Medical Marijuana Authority  
18 or the Commissioner shall be held liable if the court finds  
19 reasonable belief for the embargo.

20 C. Except as otherwise provided in subsection D of this  
21 section, if the court finds that the embargoed medical marijuana or  
22 medical marijuana product, in whole or in part, is in violation of  
23 any applicable laws or rules and regulations of the Department or is  
24 poisonous, deleterious to health, or otherwise unsafe, the medical

1 marijuana or medical marijuana product shall be destroyed at the  
2 expense of the defendant under the supervision of the Commissioner.  
3 All court costs, fees, costs of storage and disposal and other  
4 proper expenses shall be paid by the defendant of the medical  
5 marijuana or medical marijuana product.

6 D. The court may order that the medical marijuana or medical  
7 marijuana product be delivered to the defendant for appropriate  
8 labeling or processing under the supervision of the Commissioner  
9 only if:

- 10 1. The violation can be corrected by proper processing of  
11 medical marijuana or medical marijuana product;
- 12 2. All costs, fees and expenses have been paid; and
- 13 3. A sufficient bond is executed and conditioned for  
14 appropriate labeling or processing as the court may require.

15 The expense of supervision shall be paid to the Commissioner by  
16 the person obtaining release of the medical marijuana or medical  
17 marijuana product under bond.

18 SECTION 26. AMENDATORY Section 2, Chapter 337, O.S.L.  
19 2019 (63 O.S. Supp. 2020, Section 428.1), is amended to read as  
20 follows:

21 Section 428.1. As used in ~~this act~~ the Oklahoma Medical  
22 Marijuana Waste Management Act:

- 23 1. "Authority" shall mean the Oklahoma Medical Marijuana  
24 Authority, or successor agency;

1           2. "Commercial licensee" shall mean any person or entity issued  
2 a license by the Oklahoma Medical Marijuana Authority, or successor  
3 agency, to conduct commercial business in this state;

4           3. "Disposal" shall mean the ~~final~~ disposition of medical  
5 marijuana waste by ~~either~~ a process which renders the waste unusable  
6 and unrecognizable through physical destruction or a recycling  
7 process;

8           4. "Facility" shall mean ~~a location~~ the licensed or permitted  
9 premises where the disposal of medical marijuana waste takes place  
10 by a licensee;

11           5. "License" shall mean a medical marijuana waste disposal  
12 license;

13           6. "Licensee" shall mean the holder of a medical marijuana  
14 waste disposal license;

15           7. "Medical marijuana waste" shall mean:

16           a.    unused, surplus, returned or out-of-date marijuana and  
17                plant debris of the plant of the genus Cannabis,  
18                including dead plants and all unused plant parts,  
19                except the term shall not include seeds, roots, stems,  
20                stalks and fan leaves, ~~and~~ and

21           b.    all product which is deemed to fail laboratory testing  
22                and cannot be remediated or decontaminated; and

23

24

1 8. "Medical marijuana waste disposal license" shall mean a  
2 license issued by the Oklahoma Medical Marijuana Authority, or  
3 successor agency.

4 SECTION 27. AMENDATORY Section 3, Chapter 337, O.S.L.  
5 2019 (63 O.S. Supp. 2020, Section 429), is amended to read as  
6 follows:

7 Section 429. A. Medical marijuana waste shall be subject to  
8 the provisions of ~~this act~~ the Oklahoma Medical Marijuana Waste  
9 Management Act and shall not be subject to the provisions of the  
10 Uniform Controlled Dangerous Substances Act. Nothing in ~~this act~~  
11 the Oklahoma Medical Marijuana Waste Management Act shall alter or  
12 affect the jurisdictional areas of environmental responsibility of  
13 the Department of Environmental Quality as provided for in Title 27A  
14 of the Oklahoma Statutes.

15 B. Commercial licensees, medical marijuana research facilities  
16 and medical marijuana education facilities shall be authorized to  
17 destroy the following marijuana plant parts without being required  
18 to utilize the services of a medical marijuana waste disposal  
19 facility:

- 20 1. ~~Root balls~~ Roots;
- 21 2. Stems;
- 22 3. Fan leaves; ~~and~~
- 23 4. Seeds; ~~and~~
- 24 5. Stalks.



1 Unless restricted by local ordinance, commercial licensees,  
2 medical marijuana research facilities and medical marijuana  
3 education facilities shall be authorized to destroy the above-listed  
4 marijuana plant parts ~~on-site~~ on site by open burning, incineration,  
5 burying, mulching, composting or any other technique approved by the  
6 Department of Environmental Quality.

7 ~~C. Commercial licensees, medical marijuana research facilities~~  
8 ~~and medical marijuana education facilities engaged in the disposal~~  
9 ~~of medical marijuana waste shall create and maintain documentation~~  
10 ~~on a form prescribed by the Oklahoma Medical Marijuana Authority~~  
11 ~~that includes precise weights or counts of medical marijuana waste~~  
12 ~~and the manner in which the medical marijuana waste is disposed.~~  
13 ~~Such documentation shall contain a witness affidavit and signature~~  
14 ~~attesting to the lawful disposal of the medical marijuana waste~~  
15 ~~under penalty of perjury. All disposal records shall be maintained~~  
16 ~~by commercial licensees, medical marijuana research facilities and~~  
17 ~~medical marijuana educational facilities for a period of five (5)~~  
18 ~~years and shall be subject to inspection and auditing by the~~  
19 ~~Authority.~~

20 SECTION 28. AMENDATORY Section 4, Chapter 337, O.S.L.  
21 2019 (63 O.S. Supp. 2020, Section 430), is amended to read as  
22 follows:

23 Section 430. A. There is hereby created and authorized a  
24 medical marijuana waste disposal license. A person or entity in

1 possession of a medical marijuana waste disposal license shall be  
2 entitled to possess, transport and dispose of medical marijuana  
3 waste. No person or entity shall ~~possess, transport or~~ dispose of  
4 medical marijuana waste without a valid medical marijuana waste  
5 disposal license. The Oklahoma Medical Marijuana Authority shall  
6 issue licenses upon proper application by a licensee and  
7 determination by the Authority that the proposed site and facility  
8 are physically and technically suitable. Upon a finding that a  
9 proposed medical marijuana waste disposal facility is not physically  
10 or technically suitable, the Authority shall deny the license. The  
11 Authority may, upon determining that public health or safety  
12 requires emergency action, issue a temporary license for treatment  
13 or storage of medical marijuana waste for a period not to exceed  
14 ninety (90) days. The Authority shall not, for the first year of  
15 the licensure program, issue more than ten medical marijuana waste  
16 disposal licenses. Upon the conclusion of the first year, the  
17 Authority shall assess the need for additional medical marijuana  
18 waste disposal licenses and shall, if demonstrated, increase the  
19 number of licenses as deemed necessary by the Authority.

20 B. Entities applying for a medical marijuana waste disposal  
21 license shall undergo the following screening process:

22 1. Complete an application form, as prescribed by the  
23 Authority, which shall include:  
24

- a. an attestation that the applicant is authorized to make application on behalf of the entity,
- b. full name of the organization,
- c. trade name, if applicable,
- d. type of business organization,
- e. complete mailing address,
- f. an attestation that the commercial entity will not be located on tribal land,
- g. telephone number and email address of the entity, and
- h. name, residential address and date of birth of each owner and each member, manager and board member, if applicable;

2. The application for a medical marijuana waste disposal license made by an individual on his or her own behalf shall be on the form prescribed by the Authority and shall include, but not be limited to:

- a. the first, middle and last name of the applicant and suffix, if applicable,
- b. the residence address and mailing address of the applicant,
- c. the date of birth of the applicant,
- d. the preferred telephone number and email address of the applicant,

- e. an attestation that the information provided by the applicant is true and correct, and
- f. a statement signed by the applicant pledging not to divert marijuana to any individual or entity that is not lawfully entitled to possess marijuana; and

3. Each application shall be accompanied by the following documentation:

- a. a list of all persons or entities that have an ownership interest in the entity,
- b. a certificate of good standing from the Oklahoma Secretary of State, if applicable,
- c. an Affidavit of Lawful Presence for each owner,
- d. proof that the proposed location of the disposal facility is at least one thousand (1,000) feet from a public or private school. The distance indicated in this subparagraph shall be measured from ~~any entrance of the nearest property line of such public or private school to the nearest property line point perimeter wall of the premises of such disposal facility.~~ If any public or private school is established within one thousand (1,000) feet of any disposal facility after such disposal facility has been licensed, the provisions of this subparagraph shall not be a

1           deterrent to the renewal of such license or warrant  
2           revocation of the license, and

3           e.    documents establishing the applicant, the members,  
4           managers and board members, if applicable, and  
5           seventy-five percent (75%) of the ownership interests  
6           are Oklahoma residents as established in Section 420  
7           et seq. of ~~Title 63 of the Oklahoma Statutes~~ this  
8           title, as it relates to proof of residency.

9           C.   No license shall be issued except upon proof of sufficient  
10          liability insurance and financial responsibility. Liability  
11          insurance shall be provided by the applicant and shall apply to  
12          sudden and nonsudden bodily injury or property damage on, below or  
13          above the surface, as required by the rules of the Authority. Such  
14          insurance shall be maintained for the period of operation of the  
15          facility and shall provide coverage for damages resulting from  
16          operation of the facility during operation and after closing. ~~In~~  
17          ~~lieu of liability insurance required by this subsection, an~~  
18          ~~equivalent amount of cash, securities, bond or alternate financial~~  
19          ~~assurance, of a type and in an amount acceptable to the Authority,~~  
20          ~~may be substituted; provided, that such deposit shall be maintained~~  
21          ~~for a period of five (5) years after the date of last operation of~~  
22          ~~the facility.~~

23          D.   Submission of an application for a medical marijuana waste  
24          disposal license shall constitute permission for entry to and

1 inspection of the facility of the licensee during hours of operation  
2 and other reasonable times. Refusal to permit such entry of  
3 inspection shall constitute grounds for the nonrenewal, suspension  
4 or revocation of a license. The Authority may perform an annual  
5 unannounced on-site inspection of the operations and any facility of  
6 the licensee. If the Authority receives a complaint concerning  
7 noncompliance by a licensee with the provisions of ~~this act~~ the  
8 Oklahoma Medical Marijuana Waste Management Act, the Authority may  
9 conduct additional unannounced, on-site inspections beyond an annual  
10 inspection. The Authority ~~shall~~ may refer all complaints alleging  
11 criminal activity that are made against a licensed facility to  
12 appropriate state or local law enforcement authorities.

13 E. The Authority shall issue a an annual permit for each  
14 medical marijuana waste disposal facility operated by a licensee. A  
15 permit shall be issued only upon proper application by a licensee  
16 and determination by the Authority that the proposed site and  
17 facility are physically and technically suitable. Upon a finding  
18 that a proposed medical marijuana waste disposal facility is not  
19 physically or technically suitable, the Authority shall deny the  
20 permit. The Authority shall have the authority to revoke a permit  
21 upon a finding that the site and facility are not physically and  
22 technically suitable for processing. The Authority may, upon  
23 determining that public health or safety requires emergency action,  
24

1 issue a temporary permit for treatment or storage of medical  
2 marijuana waste for a period not to exceed ninety (90) days.

3 F. The cost of a medical marijuana waste disposal license shall  
4 be Five Thousand Dollars (\$5,000.00) for the initial license. The  
5 cost of a medical marijuana waste disposal facility permit shall be  
6 Five Hundred Dollars (\$500.00). A medical marijuana waste disposal  
7 facility permit that has been revoked shall be reinstated upon  
8 remittance of a reinstatement fee of Five Hundred Dollars (\$500.00)  
9 to restore the facility permit. All license and permit fees shall  
10 be deposited into the ~~Public Health Special~~ Oklahoma Medical  
11 Marijuana Authority Revolving Fund as provided in Section ~~1-107~~  
12 427.5 of ~~Title 63 of the Oklahoma Statutes~~ this title.

13 G. The holder of a medical marijuana waste disposal license  
14 shall not be required to obtain a medical marijuana transporter  
15 license provided for in the Oklahoma Medical Marijuana and Patient  
16 Protection Act for purposes of transporting medical marijuana waste.

17 H. All commercial licensees, as defined in Section ~~2~~ 428.1 of  
18 ~~this act~~ this title, shall utilize a licensed medical marijuana waste  
19 disposal service to process all medical marijuana waste generated by  
20 the licensee.

21 I. The State Commissioner of Health shall promulgate rules for  
22 the implementation of ~~this act~~ the Oklahoma Medical Marijuana Waste  
23 Management Act. Promulgated rules shall address disposal process  
24

1 standards, site security and any other subject matter deemed  
2 necessary by the Authority.

3 SECTION 29. AMENDATORY 63 O.S. 2011, Section 2-302, as  
4 last amended by Section 57, Chapter 161, O.S.L. 2020 (63 O.S. Supp.  
5 2020, Section 2-302), is amended to read as follows:

6 Section 2-302. A. Every person who manufactures, distributes,  
7 dispenses, prescribes, administers or uses for scientific purposes  
8 any controlled dangerous substance within or into this state, or who  
9 proposes to engage in the manufacture, distribution, dispensing,  
10 prescribing, administering or use for scientific purposes of any  
11 controlled dangerous substance within or into this state shall  
12 obtain a registration issued by the Director of the Oklahoma State  
13 Bureau of Narcotics and Dangerous Drugs Control, in accordance with  
14 rules promulgated by the Director. Persons registered by the  
15 Director under Section 2-101 et seq. of this title to manufacture,  
16 distribute, dispense~~r~~ or conduct research with controlled dangerous  
17 substances may possess, manufacture, distribute, dispense~~r~~ or  
18 conduct research with those substances to the extent authorized by  
19 their registration and in conformity with the other provisions of  
20 the Uniform Controlled Dangerous Substances Act. Every wholesaler,  
21 manufacturer or distributor of any drug product containing  
22 pseudoephedrine or phenylpropanolamine, or their salts, isomers~~r~~ or  
23 salts of isomers shall obtain a registration issued by the Director  
24 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs



1 Control in accordance with rules promulgated by the Director and as  
2 provided for in Section 2-332 of this title. Any person who  
3 manufactures, distributes, dispenses, prescribes, administers or  
4 uses for scientific purposes any controlled dangerous substances  
5 within or into this state without first obtaining a registration  
6 issued by the Director of the Oklahoma State Bureau of Narcotics and  
7 Dangerous Drugs Control shall be subject to the same statutory and  
8 administrative jurisdiction of the Director as if that person were  
9 an applicant or registrant.

10 B. Out-of-state pharmaceutical suppliers who provide controlled  
11 dangerous substances to individuals within this state shall obtain a  
12 registration issued by the Director of the Oklahoma State Bureau of  
13 Narcotics and Dangerous Drugs Control, in accordance with rules  
14 promulgated by the Director. This provision shall also apply to  
15 wholesale distributors who distribute controlled dangerous  
16 substances to pharmacies or other entities registered within this  
17 state in accordance with rules promulgated by the Director.

18 C. Every person who owns in whole or in part a public or  
19 private medical facility for which a majority of patients are issued  
20 on a reoccurring monthly basis a prescription for opioids,  
21 benzodiazepines, barbiturates or carisoprodol, but not including  
22 Suboxone or buprenorphine, shall obtain a registration issued by the  
23 Director of the Oklahoma State Bureau of Narcotics and Dangerous  
24 Drugs Control.

1 D. Every manufacturer and distributor required to register  
2 under the provisions of this section shall provide all data required  
3 pursuant to 21 U.S.C., Section 827(d)(1) on a monthly basis to the  
4 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.  
5 Controlled dangerous substances in Schedule I shall be reported in  
6 accordance with rules promulgated by the Director. Reporting of  
7 controlled dangerous substances pursuant to 21 U.S.C., Section  
8 827(d)(1) shall include, but not be limited to:

9 1. The manufacturer's or distributor's name, address, phone  
10 number, DEA registration number and controlled dangerous substance  
11 registration number issued by the Bureau;

12 2. The name, address and DEA registration number of the entity  
13 to whom the controlled dangerous substance was sold;

14 3. The date of the sale of the controlled dangerous substance;

15 4. The name and National Drug Code of the controlled dangerous  
16 substance sold; and

17 5. The number of containers and the strength and quantity of  
18 controlled dangerous substances in each container sold.

19 E. The information maintained and provided pursuant to  
20 subsection D of this section shall be confidential and not open to  
21 the public. Access to the information shall, at the discretion of  
22 the Director, be limited to:

23 1. Peace officers certified pursuant to the provisions of  
24 Section 3311 of Title 70 of the Oklahoma Statutes who are employed

1 as investigative agents of the Oklahoma State Bureau of Narcotics  
2 and Dangerous Drugs Control or the Office of the Attorney General;

3 2. The United States Drug Enforcement Administration Diversion  
4 Group Supervisor; and

5 3. A multicounty grand jury properly convened pursuant to the  
6 provisions of the Multicounty Grand Jury Act.

7 F. Manufacturers, distributors, home care agencies, hospices,  
8 home care services, medical facility owners referred to in  
9 subsection C of this section and scientific researchers shall obtain  
10 a registration annually. Other practitioners shall obtain a  
11 registration for a period to be determined by the Director that will  
12 be for a period not less than one (1) year nor more than three (3)  
13 years.

14 G. Every trainer or handler of a canine controlled dangerous  
15 substances detector who, in the ordinary course of such trainer's or  
16 handler's profession, desires to possess any controlled dangerous  
17 substance, annually, shall obtain a registration issued by the  
18 Director for a fee of Seventy Dollars (\$70.00). Such persons shall  
19 be subject to all applicable provisions of Section 2-101 et seq. of  
20 this title and such applicable rules promulgated by the Director for  
21 those individuals identified in subparagraph a of paragraph 32 of  
22 Section 2-101 of this title. Persons registered by the Director  
23 pursuant to this subsection may possess controlled dangerous  
24 substances to the extent authorized by their registration and in

1 conformity with the other provisions of the Uniform Controlled  
2 Dangerous Substances Act.

3 H. The following persons shall not be required to register and  
4 may lawfully possess controlled dangerous substances under the  
5 provisions of Section 2-101 et seq. of this title:

6 1. An agent, or an employee thereof, of any registered  
7 manufacturer, distributor, dispenser or user for scientific purposes  
8 of any controlled dangerous substance, if such agent is acting in  
9 the usual course of such agent's or employee's business or  
10 employment;

11 2. Any person lawfully acting under the direction of a person  
12 authorized to administer controlled dangerous substances under  
13 Section 2-312 of this title;

14 3. A common or contract carrier or warehouseman, or an employee  
15 thereof, whose possession of any controlled dangerous substance is  
16 in the usual course of such carrier's or warehouseman's business or  
17 employment;

18 4. An ultimate user or a person in possession of any controlled  
19 dangerous substance pursuant to a lawful order of a practitioner;

20 5. An individual pharmacist acting in the usual course of such  
21 pharmacist's employment with a pharmacy registered pursuant to the  
22 provisions of Section 2-101 et seq. of this title;

23 6. A nursing home licensed by this state;

24

1           7. Any Department of Mental Health and Substance Abuse Services  
2 employee or any person whose facility contracts with the Department  
3 of Mental Health and Substance Abuse Services whose possession of  
4 any dangerous drug, as defined in Section 353.1 of Title 59 of the  
5 Oklahoma Statutes, is for the purpose of delivery of a mental health  
6 consumer's medicine to the consumer's home or residence;

7           8. Registered nurses and licensed practical nurses; and

8           9. An assisted living facility licensed by the State of  
9 Oklahoma.

10          I. The Director may, by rule, waive the requirement for  
11 registration or fee for registration of certain manufacturers,  
12 distributors, dispensers, prescribers, administrators, or users for  
13 scientific purposes if the Director finds it consistent with the  
14 public health and safety.

15          J. A separate registration shall be required at each principal  
16 place of business or professional practice where the applicant  
17 manufactures, distributes, dispenses, prescribes, administers, or  
18 uses for scientific purposes controlled dangerous substances.

19          K. The Director is authorized to inspect the establishment of a  
20 registrant or applicant for registration in accordance with rules  
21 promulgated by the Director.

22          L. No person engaged in a profession or occupation for which a  
23 license to engage in such activity is provided by law shall be  
24 registered under the Uniform Controlled Dangerous Substances Act

1 unless such person holds a valid license of such person's profession  
2 or occupation.

3 M. Registrations shall be issued on the first day of November  
4 of each year. Registrations may be issued at other times, however,  
5 upon certification of the professional licensing board.

6 N. The licensing boards of all professions and occupations to  
7 which the use of controlled dangerous substances is incidental shall  
8 furnish a current list to the Director, not later than the first day  
9 of October of each year, of the persons holding valid licenses. All  
10 such persons except persons exempt from registration requirements  
11 under subsection H of this section shall be subject to the  
12 registration requirements of Section 2-101 et seq. of this title.

13 O. The licensing board of any professional defined as a mid-  
14 level practitioner shall notify and furnish to the Director, not  
15 later than the first day of October of each year, that such  
16 professional holds a valid license, a current listing of individuals  
17 licensed and registered with their respective boards to prescribe,  
18 order, select, obtain and administer controlled dangerous  
19 substances. The licensing board shall immediately notify the  
20 Director of any action subsequently taken against any such  
21 individual.

22 P. Beginning November 1, 2010, each registrant that prescribes,  
23 administers or dispenses methadone shall be required to check the  
24

1 prescription profile of the patient on the central repository of the  
2 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

3 SECTION 30. AMENDATORY 63 O.S. 2011, Section 2-304, as  
4 amended by Section 1, Chapter 1, O.S.L. 2015 (63 O.S. Supp. 2020,  
5 Section 2-304), is amended to read as follows:

6 Section 2-304. A. A registration, pursuant to Section 2-303 of  
7 this title, to manufacture, distribute, dispense, prescribe,  
8 administer or use for scientific purposes a controlled dangerous  
9 substance shall be limited, conditioned, denied, suspended or  
10 revoked by the Director upon a finding that the registrant:

11 1. Has materially falsified any application filed pursuant to  
12 the Uniform Controlled Dangerous Substances Act or required by the  
13 Uniform Controlled Dangerous Substances Act:

14 a. it shall be unlawful to knowingly and willfully:

15 (1) make false statements, include false data or omit  
16 material information on an application for a  
17 registration with the Oklahoma State Bureau of  
18 Narcotics and Dangerous Drugs Control,

19 (2) provide false data or omit material information  
20 in any records or reports required by rule or law  
21 to be created, maintained or submitted to the  
22 Bureau,

23 b. any registrant or applicant for a registration or any  
24 official, agent or employee of any registrant or

1           applicant for a registration who violates the  
2           provisions of this subsection shall be guilty of a  
3           misdemeanor and additionally subject to administrative  
4           action;

5           2. Has been found guilty of, entered a plea of guilty~~7~~ or  
6 entered a plea of nolo contendere to a misdemeanor relating to any  
7 substance defined herein as a controlled dangerous substance or any  
8 felony under the laws of any state or the United States;

9           3. Has had his or her federal registration retired, suspended~~7~~  
10 or revoked by a competent federal authority and is no longer  
11 authorized by federal law to manufacture, distribute, dispense,  
12 prescribe, administer or use for scientific purposes controlled  
13 dangerous substances;

14           4. Has failed to maintain effective controls against the  
15 diversion of controlled dangerous substances to unauthorized persons  
16 or entities;

17           5. Has prescribed, dispensed or administered a controlled  
18 dangerous substance from schedules other than those specified in his  
19 or her state or federal registration;

20           6. Has had a restriction, suspension, revocation, limitation,  
21 condition~~7~~ or probation placed on his or her professional license or  
22 certificate or practice as a result of a proceeding pursuant to the  
23 general statutes;



1 7. Is abusing or, within the past five (5) years, has abused or  
2 excessively used drugs or controlled dangerous substances;

3 8. Has prescribed, sold, administered, or ordered any  
4 controlled substance for an immediate family member, himself or  
5 herself; provided that this shall not apply to a medical emergency  
6 when no other doctor is available to respond to the emergency;

7 9. Has possessed, used, prescribed, dispensed or administered  
8 drugs or controlled dangerous substances for other than legitimate  
9 medical or scientific purposes or for purposes outside the normal  
10 course of his or her professional practice;

11 10. Has been under the influence of alcohol or another  
12 intoxicating substance which adversely affected the central nervous  
13 system, vision, hearing or other sensory or motor functioning to  
14 such degree the person was impaired during the performance of his or  
15 her job; or

16 11. Has violated any federal law relating to any controlled  
17 substances, any provision of the Uniform Controlled Dangerous  
18 Substances Act, or any rules of the Oklahoma State Bureau of  
19 Narcotics and Dangerous Drugs Control.

20 B. In the event the Director suspends or revokes a registration  
21 granted under Section 2-303 of this title, all controlled dangerous  
22 substances owned or possessed by the registrant pursuant to such  
23 registration at the time of denial or suspension or the effective  
24 date of the revocation order, as the case may be, may in the

1 discretion of the Director be impounded and preserved. No  
2 disposition may be made of substances impounded and preserved until  
3 the time for taking an appeal has elapsed or until all appeals have  
4 been concluded unless a court, upon application therefor, orders the  
5 sale of perishable substances and the deposit of the proceeds of the  
6 sale with the court. Upon a revocation order becoming final, all  
7 such controlled dangerous substances shall be forfeited to the  
8 state.

9 C. The Drug Enforcement Administration shall promptly be  
10 notified of all orders suspending or revoking registration and all  
11 forfeitures of controlled dangerous substances.

12 D. In lieu of or in addition to any other remedies available to  
13 the Director, if a finding is made that a registrant has committed  
14 any act in violation of federal law relating to any controlled  
15 substance, any provision of the Uniform Controlled Dangerous  
16 Substances Act, or any rules of the Oklahoma State Bureau of  
17 Narcotics and Dangerous Drugs Control, the Director is hereby  
18 authorized to assess an administrative penalty not to exceed Two  
19 Thousand Dollars (\$2,000.00) for each such act. The provisions of  
20 this subsection shall not apply to violations of subsection G of  
21 Section 2-309D of this title. Nothing in this section shall be  
22 construed so as to permit the Director of the State Bureau of  
23 Narcotics and Dangerous Drugs Control to assess administrative fines

24

1 for violations of the provisions of subsection G of Section 2-309D  
2 of this title.

3 SECTION 31. AMENDATORY 63 O.S. 2011, Section 2-305, is  
4 amended to read as follows:

5 Section 2-305. A. Before denying, suspending or revoking a  
6 registration ~~or~~, refusing a renewal of registration or taking  
7 administrative action on a non-registrant engaged in manufacturing,  
8 distributing, dispensing, prescribing, administering or using for  
9 scientific purposes, any controlled dangerous substance within or  
10 into this state, the Director shall serve upon the applicant or  
11 registrant an order to show cause why registration should not be  
12 denied, revoked or suspended or why the renewal should not be  
13 refused. The order to show cause shall contain a statement of the  
14 basis therefor and shall call upon the applicant or registrant to  
15 appear before the appropriate person or agency at a time and place  
16 within thirty (30) days after the date of service of the order, but  
17 in the case of a denial or renewal of registration the show cause  
18 order shall be served within thirty (30) days before the expiration  
19 of the registration. These proceedings shall be conducted in  
20 accordance with the Administrative Procedures Act without regard to  
21 any criminal prosecution or other proceeding. Proceedings to refuse  
22 renewal of registration shall not abate the existing registration  
23 which shall remain in effect pending the outcome of the  
24 administrative hearing.

1 B. The Director shall suspend, without an order to show cause,  
2 any registration simultaneously with the institution of proceedings  
3 under Section 2-304 of this title, if he or she finds there is  
4 imminent danger to the public health or safety which warrants this  
5 action. The suspension shall continue in effect until the  
6 conclusion of the proceedings, including judicial review thereof,  
7 unless sooner withdrawn by the Director or dissolved by a court of  
8 competent jurisdiction.

9 SECTION 32. This act shall become effective November 1, 2021.”

10 Passed the Senate the 22nd day of April, 2021.

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Presiding Officer of the Senate

14 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
15 2021.

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Presiding Officer of the House  
19 of Representatives

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