

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 20, 2019

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB 1030

By: Paxton of the Senate and Bush of the House


Title: Medical marijuana; setting forth provisions related to municipalities and employment; providing for revocation of medical marijuana license; prohibiting smoking of marijuana in certain areas; authorizing municipalities and counties to levy sales tax on certain sales.

together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:


1. That the House recede from all Amendments.
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,


SENATE CONFEREES:




 Paxton



 Smalley



 Daniels



 Simpson

Ikey-Freeman

Young

HOUSE CONFEREES:

Conference Committee on Rules

Senate Action _____ Date _____ House Action _____ Date _____

epc

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 1030

6 By: Paxton of the Senate

7 and

8 Bush of the House

9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to medical marijuana; requiring
11 implementation according to requirements of Oklahoma
12 Medical Marijuana and Patient Protection Act;
13 amending Section 1, State Question No. 788,
14 Initiative Petition No. 412, as amended by Section 1
15 of Enrolled Senate Bill No. 31 of the 1st Session of
16 the 57th Oklahoma Legislature and Section 6, State
17 Question No. 788, Initiative Petition No. 412 (63
18 O.S. Supp. 2018, Sections 420 and 425), which relate
19 to medical marijuana; providing certain offense not
20 punishable by imprisonment; providing for procedures
21 by law enforcement officers; providing for issuance
22 of citations; providing for release on personal
23 recognizance; modifying provisions related to medical
24 marijuana licensing; providing for mandatory effect
of certain provisions; modifying certain terms and
references; modifying provisions related to refusal
by certain schools or landlords; providing for
determinations of undue change or restriction of
municipal zoning laws; authorizing municipalities to
follow certain standard; defining term; requiring
record of licensure revocation proceedings; providing
exception; requiring assistance by State Department
of Health to law enforcement officers; requiring
sharing of information; providing for communication
of information related to medical marijuana license;
requiring availability of information to political
subdivisions; providing for certificates of
compliance; amending Sections 7 and 14 of Enrolled

1 House Bill No. 2612 of the 1st Session of the 57th
2 Oklahoma Legislature, which relate to medical
3 marijuana; providing for accessibility of medical
4 marijuana use registry to courts of the state;
5 modifying procedures related to issuance of licenses;
6 modifying provisions related to issuance of
7 conditional license; providing for codification; and
8 providing for noncodification.

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

10 SECTION 1. NEW LAW A new section of law not to be
11 codified in the Oklahoma Statutes reads as follows:

12 The provisions of this act shall be implemented in accordance
13 with and subject to the Oklahoma Medical Marijuana and Patient
14 Protection Act.

15 SECTION 2. AMENDATORY Section 1, State Question No. 788,
16 Initiative Petition No. 412, as amended by Section 1 of Enrolled
17 Senate Bill No. 31 of the 1st Session of the 57th Oklahoma
18 Legislature (63 O.S. Supp. 2018, Section 420), is amended to read as
19 follows:

20 Section 420. A. A person in possession of a state_issued
21 medical marijuana license shall be able to:

- 22 1. Consume marijuana legally;
- 23 2. Legally possess up to three (3) ounces (84.9 grams) of
24 marijuana on their person;
3. Legally possess six (6) mature marijuana plants;
4. Legally possess six (6) seedling plants;

1 5. Legally possess one (1) ounce (28.3 grams) of concentrated
2 marijuana;

3 6. Legally possess seventy-two (72) ounces (2,037.6 grams) of
4 edible marijuana; and

5 7. Legally possess up to eight (8) ounces (226.4 grams) of
6 marijuana in their residence.

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

22 C. A regulatory office shall be established under the ~~Oklahoma~~
23 State Department of Health which ~~will~~ shall receive applications for
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1 medical marijuana license recipients, dispensaries, growers, and
2 packagers within sixty (60) days of the passage of this initiative.

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

11 E. A temporary license application ~~will~~ shall also be available
12 on the ~~Oklahoma~~ website of the State Department of Health website.
13 A temporary medical marijuana license ~~will~~ shall be granted to any
14 medical marijuana license holder from other states, provided that
15 the state has a state regulated medical marijuana program, and the
16 applicant can prove ~~they are~~ he or she is a member of such.
17 Temporary licenses ~~will~~ shall be issued for thirty (30) days. The
18 cost for a temporary license shall be One Hundred Dollars (\$100.00).
19 Renewal will be granted with resubmission of a new application. No
20 additional criteria ~~will~~ shall be required.

21 F. Medical marijuana license applicants ~~will~~ shall submit ~~their~~
22 his or her application to the ~~Oklahoma~~ State Department of Health
23 for approval ~~and that the~~. The applicant must be ~~an~~ a resident of
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1 Oklahoma ~~state resident~~ and shall prove residency by a valid
2 ~~driver's~~ driver license, utility bills, or other accepted methods.

3 G. The ~~Oklahoma~~ State Department of Health shall review the
4 medical marijuana application, ~~approve/reject~~ approve or reject the
5 application, and mail the ~~applicant's~~ approval or rejection letter
6 ~~(stating reasons for rejection)~~ to the applicant stating reasons for
7 rejection within fourteen (14) business days of receipt of the
8 application. Approved applicants ~~will~~ shall be issued a medical
9 marijuana license which will act as proof of ~~their~~ his or her
10 approved status. Applications may only be rejected based on
11 applicant not meeting stated criteria or improper completion of the
12 application.

13 H. The ~~Oklahoma~~ State Department of Health ~~will~~ shall only keep
14 the following records for each approved medical license:

- 15 1. A digital photograph of the license holder;
- 16 2. The expiration date of the license;
- 17 3. The county where the card was issued; and
- 18 4. A unique 24-character identification number assigned to the
19 license.

20 I. The State Department of Health ~~will~~ shall make available,
21 both on its website, and through a telephone verification system, an
22 easy method to validate the authenticity of a medical marijuana
23 ~~license holders authenticity~~ by the unique 24-character ~~identifier~~
24 identification number.

1 J. The State Department of Health ~~will~~ shall ensure that all
2 application records and information are sealed to protect the
3 privacy of medical marijuana license applicants.

4 K. A caregiver license ~~will~~ shall be made available for
5 qualified caregivers of a medical marijuana license holder who is
6 homebound. The caregiver license ~~will~~ shall give the caregiver the
7 same rights as the medical marijuana license holder. Applicants for
8 a caregiver license ~~will~~ shall submit proof of the ~~medical marijuana~~
9 ~~license holder's~~ license status and homebound status of the medical
10 marijuana license holder, ~~which they are~~ that the caregiver is the
11 designee of the medical marijuana license holder, ~~must submit proof~~
12 ~~that the caregiver is~~ age eighteen (18) years of age or older, and
13 ~~must submit proof~~ that the caregiver is an Oklahoma resident. This
14 ~~will~~ shall be the only criteria for a caregiver license.

15 L. All applicants must be eighteen (18) years of age or older.
16 A special exception ~~will~~ shall be granted to an applicant under the
17 age of eighteen (18), however these applications must be signed by
18 two (2) physicians and the ~~applicant's~~ parent or legal guardian of
19 the applicant.

20 M. All applications for a medical marijuana license ~~must~~ shall
21 be signed by an Oklahoma Board-certified physician. There are no
22 qualifying conditions. A medical marijuana license must be
23 recommended according to the accepted standards a reasonable and
24 prudent physician would follow when recommending or approving any

1 medication. No physician may be unduly stigmatized or harassed for
2 signing a medical marijuana license application.

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

6 SECTION 3. AMENDATORY Section 6, State Question No. 788,
7 Initiative Petition No. 412 (63 O.S. Supp. 2018, Section 425), is
8 amended to read as follows:

9 Section 425. A. No school or landlord may refuse to enroll or
10 lease to and may not otherwise penalize a person solely for his or
11 her status as a medical marijuana license holder, unless failing to
12 do so would ~~imminently~~ cause the school or landlord the potential to
13 lose a monetary or licensing-related benefit under federal law or
14 regulations.

15 B. Unless a failure to do so would cause an employer the
16 potential to ~~imminently~~ lose a monetary or licensing-related benefit
17 under federal law or regulations, an employer may not discriminate
18 against a person in hiring, termination or imposing any term or
19 condition of employment or otherwise penalize a person based upon
20 either:

21 1. The ~~person's~~ status of the person as a medical marijuana
22 license holder; or

23 2. Employers may take action against a holder of a medical
24 marijuana license ~~holder~~ if the holder uses or possesses marijuana

1 while in ~~the holder's~~ his or her place of employment or during the
2 hours of employment. Employers may not take action against the
3 holder of a medical marijuana license solely based upon the status
4 of an employee as a medical marijuana license holder or the results
5 of a drug test showing positive for marijuana or its components.

6 C. For the purposes of medical care, including organ
7 transplants, ~~a medical marijuana license holder's~~ the authorized use
8 of marijuana ~~must~~ by a medical marijuana license holder shall be
9 considered the equivalent of the use of any other medication under
10 the direction of a physician and does not constitute the use of an
11 illicit substance or otherwise disqualify a registered qualifying
12 patient from medical care.

13 D. No medical marijuana license holder may be denied custody of
14 or visitation or parenting time with a minor, and there is no
15 presumption of neglect or child endangerment for conduct allowed
16 under this law, unless the ~~person's~~ behavior of the person creates
17 an unreasonable danger to the safety of the minor.

18 E. No person holding a medical marijuana license may unduly be
19 withheld from holding a state-issued license by virtue of their
20 being a medical marijuana license holder. ~~This would include such~~
21 ~~things as~~ including, but not limited to, a concealed carry permit.

22 F. 1. No city or local municipality may unduly change or
23 restrict zoning laws to prevent the opening of a retail marijuana
24 establishment.

1 2. For purposes of this subsection, an undue change or
2 restriction of municipal zoning laws means an act which entirely
3 prevents retail marijuana establishments from operating within
4 municipal boundaries as a matter of law. Municipalities may follow
5 their standard planning and zoning procedures to determine if
6 certain zones or districts would be appropriate for locating
7 marijuana-licensed premises, medical marijuana businesses or any
8 other premises where marijuana or its by-products are cultivated,
9 grown, processed, stored or manufactured.

10 3. For purposes of this section, "retail marijuana
11 establishment" means an entity licensed by the State Department of
12 Health as a medical marijuana dispensary. Retail marijuana
13 establishment does not include those other entities licensed by the
14 Department as marijuana-licensed premises, medical marijuana
15 businesses or other facilities or locations where marijuana or any
16 product containing marijuana or its by-products are cultivated,
17 grown, processed, stored or manufactured.

18 G. The location of any retail marijuana establishment is
19 specifically prohibited within one thousand (1,000) feet ~~from~~ of any
20 public or private school entrance.

21 H. Research ~~will~~ shall be provided for under this law. A
22 researcher may apply to the ~~Oklahoma~~ State Department of Health for
23 a special research license. ~~That license will~~ The license shall be
24 granted, provided the applicant meets the criteria listed under

1 ~~Section 421.B~~ subsection B of Section 421 of this title. Research
2 license holders ~~will~~ shall be required to file monthly consumption
3 reports to the ~~Oklahoma~~ State Department of Health with amounts of
4 marijuana used for research.

5 SECTION 4. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 427 of Title 63, unless there is
7 created a duplication in numbering, reads as follows:

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

16 B. The State Department of Health shall assist any law
17 enforcement officer in the performance of his or her duties upon
18 such request by the law enforcement officer or the request of other
19 local officials having jurisdiction. Except for license information
20 concerning licensed patients, as defined in Section 2 of Enrolled
21 House Bill No. 2612 of the 1st Session of the 57th Oklahoma
22 Legislature, the Department shall share information with law
23 enforcement agencies upon request without a subpoena or search
24 warrant.

1 C. The State Department of Health shall make available all
2 information displayed on medical marijuana licenses, as well as
3 whether or not the license is valid, to law enforcement
4 electronically through the Oklahoma Law Enforcement
5 Telecommunications System.

6 D. The Department shall make available to political
7 subdivisions a list of marijuana-licensed premises, medical
8 marijuana businesses or any other premises where marijuana or its
9 by-products are licensed to be cultivated, grown, processed, stored
10 or manufactured to aid county and municipal governments in
11 identifying locations within their jurisdiction and ensure
12 compliance with local regulations.

13 E. All marijuana-licensed premises, medical marijuana
14 businesses or any other premises where marijuana or its by-products
15 are licensed to be cultivated, grown, processed, stored or
16 manufactured shall submit with their application, after notifying
17 the political subdivision of their intent, a certificate of
18 compliance from the political subdivision where the facility of the
19 applicant or use is to be located certifying compliance with zoning
20 classifications, applicable municipal ordinances and all applicable
21 safety, electrical, fire, plumbing, waste, construction and building
22 specification codes.

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1 SECTION 5. AMENDATORY Section 7 of Enrolled House Bill
2 No. 2612 of the 1st Session of the 57th Oklahoma Legislature, is
3 amended to read as follows:

4 Section 7. A. The Oklahoma Medical Marijuana Authority shall
5 create a medical marijuana use registry of patients and caregivers
6 as provided under this section. The handling of any records
7 maintained in the registry shall comply with all relevant state and
8 federal laws including, but not limited to, the Health Insurance
9 Portability and Accountability Act of 1996 (HIPAA).

10 B. The medical marijuana use registry shall be accessible to:

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

14 2. Any court in this state.

15 C. All other records regarding a medical marijuana licensee
16 shall be maintained by the Authority and shall be deemed
17 confidential. The handling of any records maintained by the
18 Authority shall comply with all relevant state and federal laws
19 including, but not limited to, the Health Insurance Portability and
20 Accountability Act of 1996 (HIPAA). Such records shall be marked as
21 confidential, shall not be made available to the public and shall
22 only be made available to the licensee, designee of the licensee,
23 any physician of the licensee or the caregiver of the licensee. No
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1 personally identifiable information, as defined under HIPAA, shall
2 be stored at the Department.

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

6 E. The Department shall ensure that all application records and
7 information are sealed to protect the privacy of medical marijuana
8 patient license applicants.

9 SECTION 6. AMENDATORY Section 14 of Enrolled House Bill
10 No. 2612 of the 1st Session of the 57th Oklahoma Legislature, is
11 amended to read as follows:

12 Section 14. A. There is hereby created the medical marijuana
13 business license, which shall include the following categories:

- 14 1. Medical marijuana commercial grower;
- 15 2. Medical marijuana processor;
- 16 3. Medical marijuana dispensary;
- 17 4. Medical marijuana transporter; and
- 18 5. Medical marijuana testing laboratory.

19 B. The Authority, with the aid of the Office of Management and
20 Enterprise Services, shall develop a website for medical marijuana
21 business applications.

22 C. The Authority shall make available on its website or the
23 website of the Oklahoma Medical Marijuana Authority in an easy-to-
24 find location, applications for a medical marijuana business.

1 D. The nonrefundable application fee for a medical marijuana
2 business license shall be Two Thousand Five Hundred Dollars
3 (\$2,500.00).

4 E. All applicants seeking licensure as a medical marijuana
5 business shall comply with the following general requirements:

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

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

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

14 4. All applications shall be complete and accurate in every
15 detail;

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

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

22 7. All applicants shall be approved for licensing review that,
23 at a minimum, meets the following criteria:

24

- 1 a. all applicants shall be age twenty-five (25) years of
2 age or older,
3 b. any applicant applying as an individual shall show
4 proof that the applicant is an Oklahoma resident
5 pursuant to paragraph 11 of this subsection,
6 c. any applicant applying as an entity shall show that
7 seventy-five percent (75%) of all members, managers,
8 executive officers, partners, board members or any
9 other form of business ownership are Oklahoma
10 residents pursuant to paragraph 11 of this subsection,
11 d. all applying individuals or entities shall be
12 registered to conduct business in the State of
13 Oklahoma,
14 e. all applicants shall disclose all ownership interests
15 pursuant to this act, and
16 f. applicants shall not have been convicted of a
17 nonviolent felony in the last two (2) years, and any
18 other felony conviction within the last five (5)
19 years, shall not be current inmates, or currently
20 incarcerated in a jail or corrections facility;

21 8. There shall be no limit to the number of medical marijuana
22 business licenses or categories that an individual or entity can
23 apply for or receive, although each application and each category
24 shall require a separate application and application fee. A

1 commercial grower, processor and dispensary, or any combination
2 thereof, are authorized to share the same address or physical
3 location, subject to the restrictions set forth in this act;

4 9. All applicants for a medical marijuana business license,
5 research facility license or education facility license authorized
6 by this act shall undergo an Oklahoma criminal history background
7 check conducted by the Oklahoma State Bureau of Investigation (OSBI)
8 within thirty (30) days prior to the application for the license,
9 including:

- 10 a. individual applicants applying on their own behalf,
- 11 b. individuals applying on behalf of an entity,
- 12 c. all principal officers of an entity, and
- 13 d. all owners of an entity as defined by this act;

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

17 11. In order to be considered an Oklahoma resident for purposes
18 of a medical marijuana business application, all applicants shall
19 provide proof of Oklahoma residency for at least two (2) years
20 immediately preceding the date of application or five (5) years of
21 continuous Oklahoma residency during the preceding twenty-five (25)
22 years immediately preceding the date of application. Sufficient
23 documentation of proof of residency shall include a combination of
24 the following:

- 1 a. an unexpired Oklahoma-issued driver license,
- 2 b. an Oklahoma voter identification card,
- 3 c. a utility bill preceding the date of application,
- 4 excluding cellular telephone and Internet bills,
- 5 d. a residential property deed to property in the State
- 6 of Oklahoma, and
- 7 e. a rental agreement preceding the date of application
- 8 for residential property located in the State of
- 9 Oklahoma;

10 12. All license applicants shall be required to submit a
11 registration with the Oklahoma State Bureau of Narcotics and
12 Dangerous Drugs Control as provided in Sections 2-202 through 2-204
13 of Title 63 of the Oklahoma Statutes;

14 13. All applicants shall establish their identity through
15 submission of a color copy or digital image of one of the following
16 unexpired documents:

- 17 a. front and back of an Oklahoma driver license,
- 18 b. front and back of an Oklahoma identification card,
- 19 c. a United States passport or other photo identification
- 20 issued by the United States government,
- 21 d. certified copy of the applicant's birth certificate
- 22 for minor applicants who do not possess a document
- 23 listed in this section, or
- 24

1 e. a tribal identification card approved for
2 identification purposes by the Oklahoma Department of
3 Public Safety; and

4 14. All applicants shall submit an applicant photograph.

5 F. The Authority shall review the medical marijuana business
6 application, approve or reject the application and mail the
7 approval, rejection or status-update letter to the applicant within
8 ninety (90) days of receipt of the application.

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

12 2. Approved applicants shall be issued a medical marijuana
13 business license for the specific category applied under which shall
14 act as proof of their approved status. Rejection letters shall
15 provide a reason for the rejection. Applications may only be
16 rejected based on the applicant not meeting the standards set forth
17 in the provisions of this section, improper completion of the
18 application, or for a reason provided for in this act. If an
19 application is rejected for failure to provide required information,
20 the applicant shall have thirty (30) days to submit the required
21 information for reconsideration. No additional application fee
22 shall be charged for such reconsideration.

23 3. Status-update letters shall provide a reason for delay in
24 either approval or rejection should a situation arise in which an

1 application was submitted properly, but a delay in processing the
2 application occurred.

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

6 ~~H. A license provided by this act or by Section 421, 422, 423
7 or 425 of Title 63 of the Oklahoma Statutes shall not be issued
8 until all relevant local licenses and permits have been issued by
9 the municipality, including but not limited to an occupancy permit
10 or certificate of compliance.~~

11 ~~I. In the event that an applicant has not received the
12 necessary permits, certificates or licenses from a municipality, but
13 the applicant has fulfilled all other obligations required by this
14 act, the Authority shall grant a conditional license. A conditional
15 license shall remain valid for a period of one (1) year or until the
16 applicant obtains the necessary local permits, certificates or
17 licenses. An applicant shall not transfer any medical marijuana,
18 concentrate or products to a medical marijuana business, patient or
19 caregiver until approval is received from the Authority.~~

20 ~~J. A medical marijuana business license shall not be issued to
21 or held by:~~

22 1. A person until all required fees have been paid;
23
24

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

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

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

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

13 a. file taxes, interest or penalties due related to a
14 medical marijuana business, or

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

17 6. A sheriff, deputy sheriff, police officer or prosecuting
18 officer, or an officer or employee of the Authority or municipality;

19 7. A person whose authority to be a caregiver as defined in
20 this act has been revoked by the Department; or

21 8. A publicly traded company.

22 ~~K.~~ I. In investigating the qualifications of an applicant or a
23 licensee, the Department, Authority and municipalities may have
24 access to criminal history record information furnished by a

1 criminal justice agency subject to any restrictions imposed by such
2 an agency. In the event the Department considers the criminal
3 history record of the applicant, the Department shall also consider
4 any information provided by the applicant regarding such criminal
5 history record, including but not limited to evidence of
6 rehabilitation, character references and educational achievements,
7 especially those items pertaining to the period of time between the
8 last criminal conviction of the applicant and the consideration of
9 the application for a state license.

10 ~~H.~~ J. The failure of an applicant to provide the requested
11 information by the Authority deadline may be grounds for denial of
12 the application.

13 ~~M.~~ K. All applicants shall submit information to the Department
14 and Authority in a full, faithful, truthful and fair manner. The
15 Department and Authority may recommend denial of an application
16 where the applicant made misstatements, omissions,
17 misrepresentations or untruths in the application or in connection
18 with the background investigation of the applicant. This type of
19 conduct may be considered as the basis for additional administrative
20 action against the applicant. Typos and scrivener errors shall not
21 be grounds for denial.

22 ~~N.~~ L. A licensed medical marijuana business premises shall be
23 subject to and responsible for compliance with applicable provisions
24 for medical marijuana business facilities as described in the most

1 recent versions of the Oklahoma Uniform Building Code, the
2 International Building Code and the International Fire Code, unless
3 granted an exemption by the Authority or municipality.

4 Ø. M. All medical marijuana business licensees shall pay the
5 relevant licensure fees prior to receiving licensure to operate a
6 medical marijuana business, as defined in this act for each class of
7 license.

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