

OKLAHOMA STATE SENATE  
CONFERENCE  
COMMITTEE REPORT

May 21, 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,

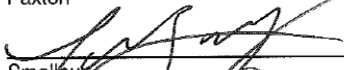
SENATE CONFEREES:

  
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Paxton

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Ikley-Freeman

  
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Smalley

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Young

  
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Daniels

  
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Simpson

HOUSE CONFEREES:

Conference Committee on Rules

Senate Action \_\_\_\_\_ Date \_\_\_\_\_ House Action \_\_\_\_\_ Date \_\_\_\_\_

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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; modifying certain provisions  
related to caregivers and recommending physicians;  
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

1 subdivisions; providing for certificates of  
2 compliance; amending Sections 7 and 14 of Enrolled  
3 House Bill No. 2612 of the 1st Session of the 57th  
4 Oklahoma Legislature, which relate to medical  
5 marijuana; providing for accessibility of medical  
6 marijuana use registry to courts of the state;  
7 striking certain prohibition related to storage of  
8 information; modifying procedures related to issuance  
9 of licenses; modifying provisions related to issuance  
10 of conditional license; providing for codification;  
11 and providing for noncodification.

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

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

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

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

Section 420. A. A person in possession of a state\_issued  
medical marijuana license shall be able to:

1. Consume marijuana legally;
2. Legally possess up to three (3) ounces (84.9 grams) of  
marijuana on their person;

1 3. Legally possess six (6) mature marijuana plants;

2 4. Legally possess six (6) seedling plants;

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

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

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

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

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

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

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

23 F. Medical marijuana license applicants ~~will~~ shall submit ~~their~~  
24 his or her application to the ~~Oklahoma~~ State Department of Health

1 for approval ~~and that the~~. The applicant must be ~~an~~ a resident of  
2 Oklahoma ~~state resident~~ and shall prove residency by a valid  
3 ~~driver's~~ driver license, utility bills, or other accepted methods.

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

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

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

21 I. The State Department of Health ~~will~~ shall make available,  
22 both on its website, and through a telephone verification system, an  
23 easy method to validate the authenticity of a medical marijuana

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1 license ~~holders authenticity~~ by the unique 24-character ~~identifier~~  
2 identification number.

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

6 K. A caregiver license ~~will~~ shall be made available for  
7 qualified caregivers of a medical marijuana license holder who is  
8 homebound. The As provided in Section 11 of Enrolled House Bill No.  
9 2612 of the 1st Session of the 57th Oklahoma Legislature, the  
10 caregiver license ~~will give~~ shall provide the caregiver the same  
11 rights as the medical ~~license holder~~ marijuana patient licensee,  
12 including the ability to possess marijuana, marijuana products and  
13 mature and immature plants pursuant to 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. Applicants for a caregiver  
17 license ~~will~~ shall submit proof of the ~~medical marijuana license~~  
18 ~~holder's~~ license status and homebound status of the medical  
19 marijuana license holder, which they are that the caregiver is the  
20 designee of the medical marijuana license holder, ~~must submit proof~~  
21 that the caregiver is ~~age~~ eighteen (18) years of age or older, and  
22 ~~must submit proof that~~ the caregiver is an Oklahoma resident. This  
23 ~~will~~ shall be the only criteria for a caregiver license.

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

6 M. All applications for a medical marijuana license ~~must~~ shall  
7 be signed by an Oklahoma ~~Board-certified~~ physician. There are no  
8 qualifying conditions. A medical marijuana license must be  
9 recommended according to the accepted standards a reasonable and  
10 prudent physician would follow when recommending or approving any  
11 medication. No physician may be unduly stigmatized or harassed for  
12 signing a medical marijuana license application.

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

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

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



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

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

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

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

23 D. No medical marijuana license holder may be denied custody of  
24 or visitation or parenting time with a minor, and there is no

1 presumption of neglect or child endangerment for conduct allowed  
2 under this law, unless the ~~person's~~ behavior of the person creates  
3 an unreasonable danger to the safety of the minor.

4 E. No person holding a medical marijuana license may unduly be  
5 withheld from holding a state-issued license by virtue of their  
6 being a medical marijuana license holder. ~~This would include such~~  
7 ~~things as~~ including, but not limited 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 marijuana  
10 establishment.

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 marijuana establishments from operating within  
14 municipal boundaries as a matter of law. Municipalities may follow  
15 their standard planning and zoning procedures to determine if  
16 certain zones or districts would be appropriate for locating  
17 marijuana-licensed premises, medical marijuana businesses or any  
18 other premises where marijuana or its by-products are cultivated,  
19 grown, processed, stored or manufactured.

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

1 businesses or other facilities or locations where marijuana or any  
2 product containing marijuana or its by-products are cultivated,  
3 grown, processed, stored or manufactured.

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

7 H. Research ~~will~~ shall be provided for under this law. A  
8 researcher may apply to the ~~Oklahoma~~ State Department of Health for  
9 a special research license. ~~That license will~~ The license shall be  
10 granted, provided the applicant meets the criteria listed under  
11 ~~Section 421.B~~ subsection B of Section 421 of this title. Research  
12 license holders ~~will~~ shall be required to file monthly consumption  
13 reports to the ~~Oklahoma~~ State Department of Health with amounts of  
14 marijuana used for research.

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

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

3 B. The State Department of Health shall assist any law  
4 enforcement officer in the performance of his or her duties upon  
5 such request by the law enforcement officer or the request of other  
6 local officials having jurisdiction. Except for license information  
7 concerning licensed patients, as defined in Section 2 of Enrolled  
8 House Bill No. 2612 of the 1st Session of the 57th Oklahoma  
9 Legislature, the Department shall share information with law  
10 enforcement agencies upon request without a subpoena or search  
11 warrant.

12 C. The State Department of Health shall make available all  
13 information displayed on medical marijuana licenses, as well as  
14 whether or not the license is valid, to law enforcement  
15 electronically through the Oklahoma Law Enforcement  
16 Telecommunications System.

17 D. The Department shall make available to political  
18 subdivisions a list of marijuana-licensed premises, medical  
19 marijuana businesses or any other premises where marijuana or its  
20 by-products are licensed to be cultivated, grown, processed, stored  
21 or manufactured to aid county and municipal governments in  
22 identifying locations within their jurisdiction and ensure  
23 compliance with local regulations.

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1 E. All marijuana-licensed premises, medical marijuana  
2 businesses or any other premises where marijuana or its by-products  
3 are licensed to be cultivated, grown, processed, stored or  
4 manufactured shall submit with their application, after notifying  
5 the political subdivision of their intent, a certificate of  
6 compliance from the political subdivision where the facility of the  
7 applicant or use is to be located certifying compliance with zoning  
8 classifications, applicable municipal ordinances and all applicable  
9 safety, electrical, fire, plumbing, waste, construction and building  
10 specification codes.

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

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

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

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

24 2. Any court in this state.

1 C. All other records regarding a medical marijuana licensee  
2 shall be maintained by the Authority and shall be deemed  
3 confidential. The handling of any records maintained by the  
4 Authority shall comply with all relevant state and federal laws  
5 including, but not limited to, the Health Insurance Portability and  
6 Accountability Act of 1996 (HIPAA). Such records shall be marked as  
7 confidential, shall not be made available to the public and shall  
8 only be made available to the licensee, designee of the licensee,  
9 any physician of the licensee or the caregiver of the licensee. ~~No~~  
10 ~~personally identifiable information, as defined under HIPAA, shall~~  
11 ~~be stored at the Department.~~

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

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

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

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

- 23 1. Medical marijuana commercial grower;
- 24 2. Medical marijuana processor;

- 1 3. Medical marijuana dispensary;
- 2 4. Medical marijuana transporter; and
- 3 5. Medical marijuana testing laboratory.

4 B. The Authority, with the aid of the Office of Management and  
5 Enterprise Services, shall develop a website for medical marijuana  
6 business applications.

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

10 D. The nonrefundable application fee for a medical marijuana  
11 business license shall be Two Thousand Five Hundred Dollars  
12 (\$2,500.00).

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

15 1. All applications for licenses and registrations authorized  
16 pursuant to this section shall be made upon forms prescribed by the  
17 Authority;

18 2. Each application shall identify the city or county in which  
19 the applicant seeks to obtain licensure as a medical marijuana  
20 business;

21 3. Applicants shall submit a complete application to the  
22 Department before the application may be accepted or considered;  
23

1 4. All applications shall be complete and accurate in every  
2 detail;

3 5. All applications shall include all attachments or  
4 supplemental information required by the forms supplied by the  
5 Authority;

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

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

11 a. all applicants shall be age twenty-five (25) years of  
12 age or older,

13 b. any applicant applying as an individual shall show  
14 proof that the applicant is an Oklahoma resident  
15 pursuant to paragraph 11 of this subsection,

16 c. any applicant applying as an entity shall show that  
17 seventy-five percent (75%) of all members, managers,  
18 executive officers, partners, board members or any  
19 other form of business ownership are Oklahoma  
20 residents pursuant to paragraph 11 of this subsection,

21 d. all applying individuals or entities shall be  
22 registered to conduct business in the State of  
23 Oklahoma,  
24



1 e. all applicants shall disclose all ownership interests  
2 pursuant to this act, and

3 f. applicants shall not have been convicted of a  
4 nonviolent felony in the last two (2) years, and any  
5 other felony conviction within the last five (5)  
6 years, shall not be current inmates, or currently  
7 incarcerated in a jail or corrections facility;

8 8. There shall be no limit to the number of medical marijuana  
9 business licenses or categories that an individual or entity can  
10 apply for or receive, although each application and each category  
11 shall require a separate application and application fee. A  
12 commercial grower, processor and dispensary, or any combination  
13 thereof, are authorized to share the same address or physical  
14 location, subject to the restrictions set forth in this act;

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

- 21 a. individual applicants applying on their own behalf,
- 22 b. individuals applying on behalf of an entity,
- 23 c. all principal officers of an entity, and
- 24 d. all owners of an entity as defined by this act;

1 10. All applicable fees charged by OSBI are the responsibility  
2 of the applicant and shall not be higher than fees charged to any  
3 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 12. All license applicants shall be required to submit a  
22 registration with the Oklahoma State Bureau of Narcotics and  
23 Dangerous Drugs Control as provided in Sections 2-202 through 2-204  
24 of Title 63 of the Oklahoma Statutes;

1 13. All applicants shall establish their identity through  
2 submission of a color copy or digital image of one of the following  
3 unexpired documents:

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

14 14. All applicants shall submit an applicant photograph.

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

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

22 2. Approved applicants shall be issued a medical marijuana  
23 business license for the specific category applied under which shall  
24 act as proof of their approved status. Rejection letters shall

1 provide a reason for the rejection. Applications may only be  
2 rejected based on the applicant not meeting the standards set forth  
3 in the provisions of this section, improper completion of the  
4 application, or for a reason provided for in this act. If an  
5 application is rejected for failure to provide required information,  
6 the applicant shall have thirty (30) days to submit the required  
7 information for reconsideration. No additional application fee  
8 shall be charged for such reconsideration.

9 3. Status-update letters shall provide a reason for delay in  
10 either approval or rejection should a situation arise in which an  
11 application was submitted properly, but a delay in processing the  
12 application occurred.

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

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

21 I. ~~In the event that an applicant has not received the~~  
22 ~~necessary permits, certificates or licenses from a municipality, but~~  
23 ~~the applicant has fulfilled all other obligations required by this~~  
24 ~~act, the Authority shall grant a conditional license. A conditional~~

1 ~~license shall remain valid for a period of one (1) year or until the~~  
2 ~~applicant obtains the necessary local permits, certificates or~~  
3 ~~licenses. An applicant shall not transfer any medical marijuana,~~  
4 ~~concentrate or products to a medical marijuana business, patient or~~  
5 ~~caregiver until approval is received from the Authority.~~

6 J. A medical marijuana business license shall not be issued to  
7 or held by:

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

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

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

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

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

21 a. file taxes, interest or penalties due related to a  
22 medical marijuana business, or

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

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

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

5       8. A publicly traded company.

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

18       ~~L.~~ J. The failure of an applicant to provide the requested  
19 information by the Authority deadline may be grounds for denial of  
20 the application.

21       ~~M.~~ K. All applicants shall submit information to the Department  
22 and Authority in a full, faithful, truthful and fair manner. The  
23 Department and Authority may recommend denial of an application  
24 where the applicant made misstatements, omissions,

1 misrepresentations or untruths in the application or in connection  
2 with the background investigation of the applicant. This type of  
3 conduct may be considered as the basis for additional administrative  
4 action against the applicant. Typos and scrivener errors shall not  
5 be grounds for denial.

6 ~~N.~~ L. A licensed medical marijuana business premises shall be  
7 subject to and responsible for compliance with applicable provisions  
8 for medical marijuana business facilities as described in the most  
9 recent versions of the Oklahoma Uniform Building Code, the  
10 International Building Code and the International Fire Code, unless  
11 granted an exemption by the Authority or municipality.

12 ~~O.~~ M. All medical marijuana business licensees shall pay the  
13 relevant licensure fees prior to receiving licensure to operate a  
14 medical marijuana business, as defined in this act for each class of  
15 license.

16  
17 57-1-2336 DC 5/21/2019 1:31:54 PM