

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 1726 By: Leewright of the Senate  
3 and  
4 Hilbert of the House  
5  
6

7 [ medical marijuana - license holder protection -  
8 exception from regulatory zoning laws - waste  
disposal license -  
9 emergency ]

10  
11 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill  
and insert:  
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13  
14 "An Act relating to medical marijuana; amending 63  
15 O.S. 2021, Section 427.2, as amended by Section 4,  
Chapter 584, O.S.L. 2021, which relates to the  
16 Oklahoma Medical Marijuana and Patient Protection  
Act; modifying certain definition; amending 63 O.S.  
17 2021, Section 425, as amended by Section 5, Chapter  
553, O.S.L. 2021, which relates to license holder  
18 protection; imposing certain restrictions on  
location of medical marijuana commercial growers;  
19 providing method of certain measurement; providing  
exceptions; amending 63 O.S. 2021, Section 430, as  
20 amended by Section 28, Chapter 553, O.S.L. 2021,  
which relates to the Oklahoma Medical Marijuana  
21 Waste Management Act; adding definition; updating  
statutory language; and declaring an emergency.  
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23

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

1 SECTION 1. AMENDATORY 63 O.S. 2021, Section 427.2, as  
2 amended by Section 4, Chapter 584, O.S.L. 2021, is amended to read  
3 as follows:

4 Section 427.2 As used in the Oklahoma Medical Marijuana and  
5 Patient Protection Act:

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

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

14 3. "Batch number" means a unique numeric or alphanumeric  
15 identifier assigned prior to testing to allow for inventory tracking  
16 and traceability;

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

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

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

23 a. designed or constructed to be significantly difficult  
24 for children under five (5) years of age to open and

1 not difficult for normal adults to use properly as  
2 defined by 16 C.F.R. 1700.15 (1995) and 16 C.F.R.  
3 1700.20 (1995),

4 b. opaque so that the outermost packaging does not allow  
5 the product to be seen without opening the packaging  
6 material, and

7 c. resealable to maintain its child-resistant  
8 effectiveness for multiple openings for any product  
9 intended for more than a single use or containing  
10 multiple servings;

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

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

15 9. "Complete application" means a document prepared in  
16 accordance with the provisions set forth in the Oklahoma Medical  
17 Marijuana and Patient Protection Act, rules promulgated pursuant  
18 thereto, and the forms and instructions provided by the Department  
19 including any supporting documentation required and the applicable  
20 license application fee;

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

22 11. "Director" means the Executive Director of the Oklahoma  
23 Medical Marijuana Authority;

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1       12. "Dispense" means the selling of medical marijuana or a  
2 medical marijuana product to a qualified patient or the designated  
3 caregiver of the patient that is packaged in a suitable container  
4 appropriately labeled for subsequent administration to or use by a  
5 qualifying patient;

6       13. "Dispensary" means a medical marijuana dispensary, an  
7 entity that has been licensed by the Department pursuant to the  
8 Oklahoma Medical Marijuana and Patient Protection Act to purchase  
9 medical marijuana or medical marijuana products from a licensed  
10 medical marijuana commercial grower or medical marijuana processor,  
11 sell medical marijuana or medical marijuana products to patients and  
12 caregivers as defined under the Oklahoma Medical Marijuana and  
13 Patient Protection Act, or sell or transfer products to another  
14 dispensary;

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

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

22       16. "Flower" means the reproductive organs of the marijuana or  
23 cannabis plant referred to as the bud or parts of the plant that are  
24

1 harvested and used to consume in a variety of medical marijuana  
2 products;

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

6 18. "Food-based medical marijuana concentrate" means a medical  
7 marijuana concentrate that was produced by extracting cannabinoids  
8 from medical marijuana through the use of propylene glycol,  
9 glycerin, butter, olive oil, coconut oil or other typical food-safe  
10 cooking fats;

11 19. "Good cause" for purposes of an initial, renewal or  
12 reinstatement license application, or for purposes of discipline of  
13 a licensee, means:

- 14 a. the licensee or applicant has violated, does not meet,  
15 or has failed to comply with any of the terms,  
16 conditions or provisions of the act, any rules  
17 promulgated pursuant thereto, or any supplemental  
18 relevant state or local law, rule or regulation,
- 19 b. the licensee or applicant has failed to comply with  
20 any special terms or conditions that were placed upon  
21 the license pursuant to an order of the State  
22 Department of Health, Oklahoma Medical Marijuana  
23 Authority or the municipality, or

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1 c. the licensed premises of a medical marijuana business  
2 or applicant have been operated in a manner that  
3 adversely affects the public health or welfare or the  
4 safety of the immediate vicinity in which the  
5 establishment is located;

6 20. "Harvest batch" means a specifically identified quantity of  
7 medical marijuana that is uniform in strain, cultivated utilizing  
8 the same cultivation practices, harvested at the same time from the  
9 same location and cured under uniform conditions;

10 21. "Harvested marijuana" means post-flowering medical  
11 marijuana not including trim, concentrate or waste;

12 22. "Heat- or pressure-based medical marijuana concentrate"  
13 means a medical marijuana concentrate that was produced by  
14 extracting cannabinoids from medical marijuana through the use of  
15 heat or pressure;

16 23. "Immature plant" means a nonflowering marijuana plant that  
17 has not demonstrated signs of flowering;

18 24. "Inventory tracking system" means the required tracking  
19 system that accounts for medical marijuana from either the seed or  
20 immature plant stage until the medical marijuana or medical  
21 marijuana product is sold to a patient at a medical marijuana  
22 dispensary, transferred to a medical marijuana research facility,  
23 destroyed by a medical marijuana business or used in a research  
24 project by a medical marijuana research facility;

1       25. "Licensed patient" or "patient" means a person who has been  
2 issued a medical marijuana patient license by the State Department  
3 of Health or Oklahoma Medical Marijuana Authority;

4       26. "Licensed premises" means the premises specified in an  
5 application for a medical marijuana business license, medical  
6 marijuana research facility license or medical marijuana education  
7 facility license pursuant to the Oklahoma Medical Marijuana and  
8 Patient Protection Act that are owned or in possession of the  
9 licensee and within which the licensee is authorized to cultivate,  
10 manufacture, distribute, sell, store, transport, test or research  
11 medical marijuana or medical marijuana products in accordance with  
12 the provisions of the Oklahoma Medical Marijuana and Patient  
13 Protection Act and rules promulgated pursuant thereto;

14       27. "Manufacture" means the production, propagation,  
15 compounding or processing of a medical marijuana product, excluding  
16 marijuana plants, either directly or indirectly by extraction from  
17 substances of natural or synthetic origin, or independently by means  
18 of chemical synthesis, or by a combination of extraction and  
19 chemical synthesis;

20       28. "Marijuana" shall have the same meaning as such term is  
21 defined in Section 2-101 of this title and shall not include any  
22 plant or material containing delta-8 or delta-10  
23 tetrahydrocannabinol which is grown, processed or sold pursuant to  
24 the provisions of the Oklahoma Industrial Hemp Program;

1       29. "Material change" means any change that would require a  
2 substantive revision to the standard operating procedures of a  
3 licensee for the cultivation or production of medical marijuana,  
4 medical marijuana concentrate or medical marijuana products;

5       30. "Mature plant" means a harvestable female marijuana plant  
6 that is flowering;

7       31. "Medical marijuana business (MMB)" means a licensed medical  
8 marijuana dispensary, medical marijuana processor, medical marijuana  
9 commercial grower, medical marijuana laboratory, medical marijuana  
10 business operator or a medical marijuana transporter;

11       32. "Medical marijuana concentrate" or "concentrate" means a  
12 specific subset of medical marijuana that was produced by extracting  
13 cannabinoids from medical marijuana. Categories of medical  
14 marijuana concentrate include water-based medical marijuana  
15 concentrate, food-based medical marijuana concentrate, solvent-based  
16 medical marijuana concentrate, and heat- or pressure-based medical  
17 marijuana concentrate;

18       33. "Medical marijuana commercial grower" or "commercial  
19 grower" means an entity licensed to cultivate, prepare and package  
20 medical marijuana and transfer or contract for transfer medical  
21 marijuana to a medical marijuana dispensary, medical marijuana  
22 processor, any other medical marijuana commercial grower, medical  
23 marijuana research facility, medical marijuana education facility  
24 and pesticide manufacturers. A commercial grower may sell seeds,



1 flower or clones to commercial growers pursuant to the Oklahoma  
2 Medical Marijuana and Patient Protection Act;

3 34. "Medical marijuana education facility" or "education  
4 facility" means a person or entity approved pursuant to the Oklahoma  
5 Medical Marijuana and Patient Protection Act to operate a facility  
6 providing training and education to individuals involving the  
7 cultivation, growing, harvesting, curing, preparing, packaging or  
8 testing of medical marijuana, or the production, manufacture,  
9 extraction, processing, packaging or creation of medical-marijuana-  
10 infused products or medical marijuana products as described in the  
11 Oklahoma Medical Marijuana and Patient Protection Act;

12 35. "Medical-marijuana-infused product" means a product infused  
13 with medical marijuana including, but not limited to, edible  
14 products, ointments and tinctures;

15 36. "Medical marijuana product" or "product" means a product  
16 that contains cannabinoids that have been extracted from plant  
17 material or the resin therefrom by physical or chemical means and is  
18 intended for administration to a qualified patient including, but  
19 not limited to, oils, tinctures, edibles, pills, topical forms,  
20 gels, creams, vapors, patches, liquids and forms administered by a  
21 nebulizer, excluding live plant forms which are considered medical  
22 marijuana;

23 37. "Medical marijuana processor" means a person or entity  
24 licensed pursuant to the Oklahoma Medical Marijuana and Patient

1 Protection Act to operate a business including the production,  
2 manufacture, extraction, processing, packaging or creation of  
3 concentrate, medical-marijuana-infused products or medical marijuana  
4 products as described in the Oklahoma Medical Marijuana and Patient  
5 Protection Act;

6 38. "Medical marijuana research facility" or "research  
7 facility" means a person or entity approved pursuant to the Oklahoma  
8 Medical Marijuana and Patient Protection Act to conduct medical  
9 marijuana research. A medical marijuana research facility is not a  
10 medical marijuana business;

11 39. "Medical marijuana testing laboratory" or "laboratory"  
12 means a public or private laboratory licensed pursuant to the  
13 Oklahoma Medical Marijuana and Patient Protection Act, to conduct  
14 testing and research on medical marijuana and medical marijuana  
15 products;

16 40. "Medical marijuana transporter" or "transporter" means a  
17 person or entity that is licensed pursuant to the Oklahoma Medical  
18 Marijuana and Patient Protection Act. A medical marijuana  
19 transporter does not include a medical marijuana business that  
20 transports its own medical marijuana, medical marijuana concentrate  
21 or medical marijuana products to a property or facility adjacent to  
22 or connected to the licensed premises if the property is another  
23 licensed premises of the same medical marijuana business;

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1       41. "Medical marijuana waste" or "waste" means unused, surplus,  
2 returned or out-of-date marijuana, plant debris of the plant of the  
3 genus Cannabis including dead plants and all unused plant parts and  
4 roots, except the term shall not include roots, stems, stalks and  
5 fan leaves;

6       42. "Medical use" means the acquisition, possession, use,  
7 delivery, transfer or transportation of medical marijuana, medical  
8 marijuana products, medical marijuana devices or paraphernalia  
9 relating to the administration of medical marijuana to treat a  
10 licensed patient;

11       43. "Mother plant" means a marijuana plant that is grown or  
12 maintained for the purpose of generating clones, and that will not  
13 be used to produce plant material for sale to a medical marijuana  
14 processor or medical marijuana dispensary;

15       44. "Oklahoma physician" or "physician" means a physician  
16 licensed by and in good standing with the State Board of Medical  
17 Licensure and Supervision, the State Board of Osteopathic Examiners  
18 or the Board of Podiatric Medical Examiners;

19       45. "Oklahoma resident" means an individual who can provide  
20 proof of residency as required by the Oklahoma Medical Marijuana and  
21 Patient Protection Act;

22       46. "Owner" means, except where the context otherwise requires,  
23 a direct beneficial owner including, but not limited to, all persons  
24 or entities as follows:

- a. all shareholders owning an interest of a corporate entity and all officers of a corporate entity,
- b. all partners of a general partnership,
- c. all general partners and all limited partners that own an interest in a limited partnership,
- d. all members that own an interest in a limited liability company,
- e. all beneficiaries that hold a beneficial interest in a trust and all trustees of a trust,
- f. all persons or entities that own interest in a joint venture,
- g. all persons or entities that own an interest in an association,
- h. the owners of any other type of legal entity, and
- i. any other person holding an interest or convertible note in any entity which owns, operates or manages a licensed facility;

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

48. "Person" means a natural person, partnership, association, business trust, company, corporation, estate, limited liability company, trust or any other legal entity or organization, or a manager, agent, owner, director, servant, officer or employee

1 thereof, except that "person" does not include any governmental  
2 organization;

3 49. "Pesticide" means any substance or mixture of substances  
4 intended for preventing, destroying, repelling or mitigating any  
5 pest or any substance or mixture of substances intended for use as a  
6 plant regulator, defoliant or desiccant, except that the term  
7 "pesticide" shall not include any article that is a "new animal  
8 drug" as designated by the United States Food and Drug  
9 Administration;

10 50. "Production batch" means:

- 11 a. any amount of medical marijuana concentrate of the  
12 same category and produced using the same extraction  
13 methods, standard operating procedures and an  
14 identical group of harvest batch of medical marijuana,  
15 or  
16 b. any amount of medical marijuana product of the same  
17 exact type, produced using the same ingredients,  
18 standard operating procedures and the same production  
19 batch of medical marijuana concentrate;

20 51. "Public institution" means any entity established or  
21 controlled by the federal government, state government, or a local  
22 government or municipality including, but not limited to,  
23 institutions of higher education or related research institutions;

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1        52. "Public money" means any funds or money obtained by the  
2 holder from any governmental entity including, but not limited to,  
3 research grants;

4        53. "Recommendation" means a document that is signed or  
5 electronically submitted by a physician on behalf of a patient for  
6 the use of medical marijuana pursuant to the Oklahoma Medical  
7 Marijuana and Patient Protection Act;

8        54. "Registered to conduct business" means a person that has  
9 provided proof that the business applicant is in good standing with  
10 the ~~Oklahoma~~ Secretary of State and Oklahoma Tax Commission;

11        55. "Remediation" means the process by which the medical  
12 marijuana flower or trim, which has failed microbial testing, is  
13 processed into solvent-based medical marijuana concentrate and  
14 retested as required by the Oklahoma Medical Marijuana and Patient  
15 Protection Act;

16        56. "Research project" means a discrete scientific endeavor to  
17 answer a research question or a set of research questions related to  
18 medical marijuana and is required for a medical marijuana research  
19 license. A research project shall include a description of a  
20 defined protocol, clearly articulated goals, defined methods and  
21 outputs, and a defined start and end date. The description shall  
22 demonstrate that the research project will comply with all  
23 requirements in the Oklahoma Medical Marijuana and Patient  
24 Protection Act and rules promulgated pursuant thereto. All research

1 and development conducted by a medical marijuana research facility  
2 shall be conducted in furtherance of an approved research project;

3 57. "Revocation" means the final decision by the Department  
4 that any license issued pursuant to the Oklahoma Medical Marijuana  
5 and Patient Protection Act is rescinded because the individual or  
6 entity does not comply with the applicable requirements set forth in  
7 the Oklahoma Medical Marijuana and Patient Protection Act or rules  
8 promulgated pursuant thereto;

9 58. "School" means a public or private preschool ~~or~~, a public  
10 or private elementary or secondary school, or a technology center  
11 school which is primarily used for classroom instruction. A  
12 homeschool, daycare or child-care facility shall not be considered a  
13 "school" as used in the Oklahoma Medical Marijuana and Patient  
14 Protection Act;

15 59. "Shipping container" means a hard-sided container with a  
16 lid or other enclosure that can be secured in place. A shipping  
17 container is used solely for the transport of medical marijuana,  
18 medical marijuana concentrate, or medical marijuana products between  
19 medical marijuana businesses, a medical marijuana research facility,  
20 or a medical marijuana education facility;

21 60. "Solvent-based medical marijuana concentrate" means a  
22 medical marijuana concentrate that was produced by extracting  
23 cannabinoids from medical marijuana through the use of a solvent  
24 approved by the Department;

1           61. "State Question" means Oklahoma State Question No. 788,  
2 Initiative Petition No. 412, approved by a majority vote of the  
3 citizens of Oklahoma on June 26, 2018;

4           62. "Strain" means the classification of marijuana or cannabis  
5 plants in either pure sativa, indica, afghanica, ruderalis or hybrid  
6 varieties;

7           63. "THC" means tetrahydrocannabinol, which is the primary  
8 psychotropic cannabinoid in marijuana formed by decarboxylation of  
9 naturally tetrahydrocannabinolic acid, which generally occurs by  
10 exposure to heat;

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

20           65. "Transporter agent" means a person who transports medical  
21 marijuana or medical marijuana products for a licensed transporter  
22 and holds a transporter agent license pursuant to the Oklahoma  
23 Medical Marijuana and Patient Protection Act;



1       66. "Universal symbol" means the image established by the State  
2 Department of Health or Oklahoma Medical Marijuana Authority and  
3 made available to licensees through its website indicating that the  
4 medical marijuana or the medical marijuana product contains THC;

5       67. "Usable marijuana" means the dried leaves, flowers, oils,  
6 vapors, waxes and other portions of the marijuana plant and any  
7 mixture or preparation thereof, excluding seeds, roots, stems,  
8 stalks and fan leaves; and

9       68. "Water-based medical marijuana concentrate" means a  
10 concentrate that was produced by extracting cannabinoids from  
11 medical marijuana through the use of only water, ice or dry ice.

12       SECTION 2.       AMENDATORY       63 O.S. 2021, Section 425, as  
13 amended by Section 5, Chapter 553, O.S.L. 2021, is amended to read  
14 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 patient licensee, unless failing  
18 to do so would cause the school or landlord the potential to lose a  
19 monetary or licensing-related benefit under federal law or  
20 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 a person in hiring, termination or imposing any term or condition of

1 employment or otherwise penalize a person based upon the status of  
2 the person as a medical marijuana patient licensee. Employers may  
3 take action against a medical marijuana patient licensee if the  
4 licensee uses or possesses marijuana while in his or her place of  
5 employment or during the hours of employment. Employers may not  
6 take action against a medical marijuana patient licensee solely  
7 based upon the status of an employee as a medical marijuana patient  
8 licensee or the results of a drug test showing positive for  
9 marijuana or its components.

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

16 D. No medical marijuana patient licensee may be denied custody  
17 of or visitation or parenting time with a minor child, and there is  
18 no presumption of neglect or child endangerment for conduct allowed  
19 under this law unless the behavior of the medical marijuana patient  
20 licensee creates an unreasonable danger to the safety of the minor  
21 child.

22 E. No person who possesses a medical marijuana patient license  
23 may be unduly withheld from holding another state-issued license by  
24

1 virtue of his or her status as a medical marijuana patient licensee  
2 including, but not limited to, a concealed carry permit.

3 F. 1. No city or local municipality may unduly change or  
4 restrict zoning laws to prevent the opening of a medical marijuana  
5 dispensary.

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

15 3. A medical marijuana dispensary does not include those other  
16 entities licensed by the Oklahoma Medical Marijuana Authority as  
17 marijuana-licensed premises, medical marijuana businesses or other  
18 facilities or locations where marijuana or any product containing  
19 marijuana or its by-products are cultivated, grown, processed,  
20 stored or manufactured.

21 G. 1. The location of any medical marijuana dispensary is  
22 specifically prohibited within one thousand (1,000) feet of any  
23 public school or private school. The distance indicated in this  
24 ~~subsection~~ paragraph shall be measured from the nearest property

1 line of such public school or private school to the nearest  
2 perimeter wall of the licensed premises of such medical marijuana  
3 dispensary. If a medical marijuana dispensary met the requirements  
4 of this ~~subsection~~ paragraph at the time of its initial licensure,  
5 the medical marijuana dispensary licensee shall be permitted to  
6 continue operating at the licensed premises in the same manner and  
7 not be subject to nonrenewal or revocation due to subsequent events  
8 or changes in regulations occurring after licensure that would  
9 render the medical marijuana dispensary in violation by being within  
10 one thousand (1,000) feet of a public school or private school. If  
11 any public school or private school is established within one  
12 thousand (1,000) feet of any medical marijuana dispensary after such  
13 medical marijuana dispensary has been licensed, the provisions of  
14 this ~~subsection~~ paragraph shall not be a deterrent to the renewal of  
15 such license or warrant revocation of the license. For purposes of  
16 this ~~subsection~~ paragraph, a property owned, used or operated by a  
17 public school or by a private school that is not used for classroom  
18 instruction on core curriculum, such as an administrative building,  
19 athletic facility, ballpark, field or stadium, shall not constitute  
20 a public school or private school unless such property is located on  
21 the same campus as a building used for classroom instruction on core  
22 curriculum.

23 2. The location of any medical marijuana commercial grower  
24 shall not be within one thousand (1,000) feet of any public school

1 or private school as measured from the nearest property line of such  
2 public school or private school to the nearest property line of the  
3 licensed premises of such medical marijuana commercial grower.  
4 Additionally, the location of the medical marijuana commercial  
5 grower shall not adjoin to any public school or private school or be  
6 located at the same physical address as the public school or private  
7 school. If a medical marijuana commercial grower met the  
8 requirements of this paragraph at the time of its initial licensure,  
9 the medical marijuana commercial grower licensee shall be permitted  
10 to continue operating at the licensed premises in the same manner  
11 and not be subject to nonrenewal or revocation due to subsequent  
12 events or changes in regulations occurring after licensure that  
13 would render the medical marijuana commercial grower in violation of  
14 this paragraph. If any public school or private school is  
15 established within one thousand (1,000) feet of any medical  
16 marijuana commercial grower after such medical marijuana commercial  
17 grower has been licensed, or if any public school or private school  
18 is established adjoining to or at the same physical address as any  
19 medical marijuana commercial grower after such medical marijuana  
20 commercial grower has been licensed, the provisions of this  
21 paragraph shall not be a deterrent to the renewal of such license or  
22 warrant revocation of the license. For purposes of this paragraph,  
23 a property owned, used, or operated by a public school or by a  
24 private school that is not used for classroom instruction on core

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

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

15 SECTION 3. AMENDATORY 63 O.S. 2021, Section 430, as  
16 amended by Section 28, Chapter 553, O.S.L. 2021, is amended to read  
17 as follows:

18 Section 430. A. There is hereby created and authorized a  
19 medical marijuana waste disposal license. A person or entity in  
20 possession of a medical marijuana waste disposal license shall be  
21 entitled to possess, transport and dispose of medical marijuana  
22 waste. No person or entity shall dispose of medical marijuana waste  
23 without a valid medical marijuana waste disposal license. The  
24 Oklahoma Medical Marijuana Authority shall issue licenses upon

1 proper application by a licensee and determination by the Authority  
2 that the proposed site and facility are physically and technically  
3 suitable. Upon a finding that a proposed medical marijuana waste  
4 disposal facility is not physically or technically suitable, the  
5 Authority shall deny the license. The Authority may, upon  
6 determining that public health or safety requires emergency action,  
7 issue a temporary license for treatment or storage of medical  
8 marijuana waste for a period not to exceed ninety (90) days. The  
9 Authority shall not, for the first year of the licensure program,  
10 issue more than ten medical marijuana waste disposal licenses. Upon  
11 the conclusion of the first year, the Authority shall assess the  
12 need for additional medical marijuana waste disposal licenses and  
13 shall, if demonstrated, increase the number of licenses as deemed  
14 necessary by the Authority.

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

17 1. Complete an application form, as prescribed by the  
18 Authority, which shall include:

- 19 a. an attestation that the applicant is authorized to  
20 make application on behalf of the entity,
- 21 b. full name of the organization,
- 22 c. trade name, if applicable,
- 23 d. type of business organization,
- 24 e. complete mailing address,

- 1 f. an attestation that the commercial entity will not be
- 2 located on tribal land,
- 3 g. telephone number and email address of the entity, and
- 4 h. name, residential address and date of birth of each
- 5 owner and each member, manager and board member, if
- 6 applicable;

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

- 11 a. the first, middle and last name of the applicant and
- 12 suffix, if applicable,
- 13 b. the residence address and mailing address of the
- 14 applicant,
- 15 c. the date of birth of the applicant,
- 16 d. the preferred telephone number and email address of
- 17 the applicant,
- 18 e. an attestation that the information provided by the
- 19 applicant is true and correct, and
- 20 f. a statement signed by the applicant pledging not to
- 21 divert marijuana to any individual or entity that is
- 22 not lawfully entitled to possess marijuana; and

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



- 1 a. a list of all persons or entities that have an  
2 ownership interest in the entity,
- 3 b. a certificate of good standing from the ~~Oklahoma~~  
4 Secretary of State, if applicable,
- 5 c. an Affidavit of Lawful Presence for each owner,
- 6 d. proof that the proposed location of the disposal  
7 facility is at least one thousand (1,000) feet from a  
8 ~~public or private~~ school. The distance indicated in  
9 this subparagraph shall be measured from the nearest  
10 property line of such ~~public or private~~ school to the  
11 nearest perimeter wall of the premises of such  
12 disposal facility. If any ~~public or private~~ school is  
13 established within one thousand (1,000) feet of any  
14 disposal facility after such disposal facility has  
15 been licensed, the provisions of this subparagraph  
16 shall not be a deterrent to the renewal of such  
17 license or warrant revocation of the license. For the  
18 purposes of this section, "school" shall mean the same  
19 as provided in Section 427.2 of this title, and
- 20 e. documents establishing the applicant, the members,  
21 managers and board members, if applicable, and  
22 seventy-five percent (75%) of the ownership interests  
23 are Oklahoma residents as established in Section 420  
24

1 et seq. of this title, as it relates to proof of  
2 residency.

3 C. No license shall be issued except upon proof of sufficient  
4 liability insurance and financial responsibility. Liability  
5 insurance shall be provided by the applicant and shall apply to  
6 sudden and nonsudden bodily injury or property damage on, below or  
7 above the surface, as required by the rules of the Authority. Such  
8 insurance shall be maintained for the period of operation of the  
9 facility and shall provide coverage for damages resulting from  
10 operation of the facility during operation and after closing.

11 D. Submission of an application for a medical marijuana waste  
12 disposal license shall constitute permission for entry to and  
13 inspection of the facility of the licensee during hours of operation  
14 and other reasonable times. Refusal to permit such entry of  
15 inspection shall constitute grounds for the nonrenewal, suspension  
16 or revocation of a license. The Authority may perform an annual  
17 unannounced on-site inspection of the operations and any facility of  
18 the licensee. If the Authority receives a complaint concerning  
19 noncompliance by a licensee with the provisions of the Oklahoma  
20 Medical Marijuana Waste Management Act, the Authority may conduct  
21 additional unannounced, on-site inspections beyond an annual  
22 inspection. The Authority may refer all complaints alleging  
23 criminal activity that are made against a licensed facility to  
24 appropriate state or local law enforcement authorities.

1 E. The Authority shall issue an annual permit for each medical  
2 marijuana waste disposal facility operated by a licensee. A permit  
3 shall be issued only upon proper application by a licensee and  
4 determination by the Authority that the proposed site and facility  
5 are physically and technically suitable. Upon a finding that a  
6 proposed medical marijuana waste disposal facility is not physically  
7 or technically suitable, the Authority shall deny the permit. The  
8 Authority shall have the authority to revoke a permit upon a finding  
9 that the site and facility are not physically and technically  
10 suitable for processing. The Authority may, upon determining that  
11 public health or safety requires emergency action, issue a temporary  
12 permit for treatment or storage of medical marijuana waste for a  
13 period not to exceed ninety (90) days.

14 F. The cost of a medical marijuana waste disposal license shall  
15 be Five Thousand Dollars (\$5,000.00) for the initial license. The  
16 cost of a medical marijuana waste disposal facility permit shall be  
17 Five Hundred Dollars (\$500.00). A medical marijuana waste disposal  
18 facility permit that has been revoked shall be reinstated upon  
19 remittance of a reinstatement fee of Five Hundred Dollars (\$500.00)  
20 to restore the facility permit. All license and permit fees shall  
21 be deposited into the Oklahoma Medical Marijuana Authority Revolving  
22 Fund as provided in Section 427.5 of this title.

23 G. The holder of a medical marijuana waste disposal license  
24 shall not be required to obtain a medical marijuana transporter

1 license provided for in the Oklahoma Medical Marijuana and Patient  
2 Protection Act for purposes of transporting medical marijuana waste.

3 H. All commercial licensees, as defined in Section 428.1 of  
4 this title, shall utilize a licensed medical marijuana waste  
5 disposal service to process all medical marijuana waste generated by  
6 the licensee.

7 I. The State Commissioner of Health shall promulgate rules for  
8 the implementation of the Oklahoma Medical Marijuana Waste  
9 Management Act. Promulgated rules shall address disposal process  
10 standards, site security and any other subject matter deemed  
11 necessary by the Authority.

12 SECTION 4. It being immediately necessary for the preservation  
13 of the public peace, health or safety, an emergency is hereby  
14 declared to exist, by reason whereof this act shall take effect and  
15 be in full force from and after its passage and approval."

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Passed the House of Representatives the 27th day of April, 2022.

\_\_\_\_\_  
Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Presiding Officer of the Senate

1 ENGROSSED SENATE  
2 BILL NO. 1726

By: Leewright of the Senate

3 and

4 Hilbert of the House

5  
6 [ medical marijuana - license holder protection -  
7 exception from regulatory zoning laws - waste  
8 disposal license -  
9 emergency ]

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

11 SECTION 5. AMENDATORY 63 O.S. 2021, Section 427.2, as  
12 last amended by Section 4, Chapter 584, O.S.L. 2021, is amended to  
13 read as follows:

14 Section 427.2. As used in the Oklahoma Medical Marijuana and  
15 Patient Protection Act:

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

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

24

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

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

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

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

10        a. designed or constructed to be significantly difficult  
11            for children under five (5) years of age to open and  
12            not difficult for normal adults to use properly as  
13            defined by 16 C.F.R. 1700.15 (1995) and 16 C.F.R.  
14            1700.20 (1995),

15        b. opaque so that the outermost packaging does not allow  
16            the product to be seen without opening the packaging  
17            material, and

18        c. resealable to maintain its child-resistant  
19            effectiveness for multiple openings for any product  
20            intended for more than a single use or containing  
21            multiple servings;

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

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

2 9. "Complete application" means a document prepared in  
3 accordance with the provisions set forth in the Oklahoma Medical  
4 Marijuana and Patient Protection Act, rules promulgated pursuant  
5 thereto, and the forms and instructions provided by the Department  
6 including any supporting documentation required and the applicable  
7 license application fee;

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

9 11. "Director" means the Executive Director of the Oklahoma  
10 Medical Marijuana Authority;

11 12. "Dispense" means the selling of medical marijuana or a  
12 medical marijuana product to a qualified patient or the designated  
13 caregiver of the patient that is packaged in a suitable container  
14 appropriately labeled for subsequent administration to or use by a  
15 qualifying patient;

16 13. "Dispensary" means a medical marijuana dispensary, an  
17 entity that has been licensed by the Department pursuant to the  
18 Oklahoma Medical Marijuana and Patient Protection Act to purchase  
19 medical marijuana or medical marijuana products from a licensed  
20 medical marijuana commercial grower or medical marijuana processor,  
21 sell medical marijuana or medical marijuana products to patients and  
22 caregivers as defined under the Oklahoma Medical Marijuana and  
23 Patient Protection Act, or sell or transfer products to another  
24 dispensary;



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

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

8 16. "Flower" means the reproductive organs of the marijuana or  
9 cannabis plant referred to as the bud or parts of the plant that are  
10 harvested and used to consume in a variety of medical marijuana  
11 products;

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

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

20 19. "Good cause" for purposes of an initial, renewal or  
21 reinstatement license application, or for purposes of discipline of  
22 a licensee, means:

23 a. the licensee or applicant has violated, does not meet,  
24 or has failed to comply with any of the terms,

1 conditions or provisions of the act, any rules  
2 promulgated pursuant thereto, or any supplemental  
3 relevant state or local law, rule or regulation,

4 b. the licensee or applicant has failed to comply with  
5 any special terms or conditions that were placed upon  
6 the license pursuant to an order of the State  
7 Department of Health, Oklahoma Medical Marijuana  
8 Authority or the municipality, or

9 c. the licensed premises of a medical marijuana business  
10 or applicant have been operated in a manner that  
11 adversely affects the public health or welfare or the  
12 safety of the immediate vicinity in which the  
13 establishment is located;

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

18 21. "Harvested marijuana" means post-flowering medical  
19 marijuana not including trim, concentrate or waste;

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

1       23. "Immature plant" means a nonflowering marijuana plant that  
2 has not demonstrated signs of flowering;

3       24. "Inventory tracking system" means the required tracking  
4 system that accounts for medical marijuana from either the seed or  
5 immature plant stage until the medical marijuana or medical  
6 marijuana product is sold to a patient at a medical marijuana  
7 dispensary, transferred to a medical marijuana research facility,  
8 destroyed by a medical marijuana business or used in a research  
9 project by a medical marijuana research facility;

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

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

23       27. "Manufacture" means the production, propagation,  
24 compounding or processing of a medical marijuana product, excluding

1 marijuana plants, either directly or indirectly by extraction from  
2 substances of natural or synthetic origin, or independently by means  
3 of chemical synthesis, or by a combination of extraction and  
4 chemical synthesis;

5 28. "Marijuana" shall have the same meaning as such term is  
6 defined in Section 2-101 of this title and shall not include any  
7 plant or material containing delta-8 or delta-10  
8 tetrahydrocannabinol which is grown, processed or sold pursuant to  
9 the provisions of the Oklahoma Industrial Hemp Program;

10 29. "Material change" means any change that would require a  
11 substantive revision to the standard operating procedures of a  
12 licensee for the cultivation or production of medical marijuana,  
13 medical marijuana concentrate or medical marijuana products;

14 30. "Mature plant" means a harvestable female marijuana plant  
15 that is flowering;

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

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

1 medical marijuana concentrate, and heat- or pressure-based medical  
2 marijuana concentrate;

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

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

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

24

1           36. "Medical marijuana product" or "product" means a product  
2 that contains cannabinoids that have been extracted from plant  
3 material or the resin therefrom by physical or chemical means and is  
4 intended for administration to a qualified patient including, but  
5 not limited to, oils, tinctures, edibles, pills, topical forms,  
6 gels, creams, vapors, patches, liquids and forms administered by a  
7 nebulizer, excluding live plant forms which are considered medical  
8 marijuana;

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

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

21           39. "Medical marijuana testing laboratory" or "laboratory"  
22 means a public or private laboratory licensed pursuant to the  
23 Oklahoma Medical Marijuana and Patient Protection Act, to conduct  
24

1 testing and research on medical marijuana and medical marijuana  
2 products;

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

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

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

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

1       44. "Oklahoma physician" or "physician" means a physician  
2 licensed by and in good standing with the State Board of Medical  
3 Licensure and Supervision, the State Board of Osteopathic Examiners  
4 or the Board of Podiatric Medical Examiners;

5       45. "Oklahoma resident" means an individual who can provide  
6 proof of residency as required by the Oklahoma Medical Marijuana and  
7 Patient Protection Act;

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

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



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

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

20 50. "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. "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. "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. "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 the Oklahoma Medical  
17 Marijuana and Patient Protection Act;

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

21 55. "Remediation" means the process by which the medical  
22 marijuana flower or trim, which has failed microbial testing, is  
23 processed into solvent-based medical marijuana concentrate and  
24

1 retested as required by the Oklahoma Medical Marijuana and Patient  
2 Protection Act;

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

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

20 58. "School" means a public or private preschool ~~or~~, a public  
21 or private elementary or secondary school, or a technology center  
22 school which is primarily used for classroom instruction. A  
23 homeschool, daycare or child-care facility shall not be considered a  
24

1 "school" as used in the Oklahoma Medical Marijuana and Patient  
2 Protection Act;

3 59. "Shipping container" means a hard-sided container with a  
4 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. "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. "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. "Strain" means the classification of marijuana or cannabis  
17 plants in either pure sativa, indica, afghanica, ruderalis or hybrid  
18 varieties;

19 63. "THC" means tetrahydrocannabinol, which is the primary  
20 psychotropic cannabinoid in marijuana formed by decarboxylation of  
21 naturally tetrahydrocannabinolic acid, which generally occurs by  
22 exposure to heat;

23 64. "Test batch" means with regard to usable marijuana, a  
24 homogenous, identified quantity of usable marijuana by strain, no

1 greater than ten (10) pounds, that is harvested during a seven-day  
2 period from a specified cultivation area, and with regard to oils,  
3 vapors and waxes derived from usable marijuana, means an identified  
4 quantity that is uniform, that is intended to meet specifications  
5 for identity, strength and composition, and that is manufactured,  
6 packaged and labeled during a specified time period according to a  
7 single manufacturing, packaging and labeling protocol;

8 65. "Transporter agent" means a person who transports medical  
9 marijuana or medical marijuana products for a licensed transporter  
10 and holds a transporter agent license pursuant to the Oklahoma  
11 Medical Marijuana and Patient Protection Act;

12 66. "Universal symbol" means the image established by the State  
13 Department of Health or Oklahoma Medical Marijuana Authority and  
14 made available to licensees through its website indicating that the  
15 medical marijuana or the medical marijuana product contains THC;

16 67. "Usable marijuana" means the dried leaves, flowers, oils,  
17 vapors, waxes and other portions of the marijuana plant and any  
18 mixture or preparation thereof, excluding seeds, roots, stems,  
19 stalks and fan leaves; and

20 68. "Water-based medical marijuana concentrate" means a  
21 concentrate that was produced by extracting cannabinoids from  
22 medical marijuana through the use of only water, ice or dry ice.

23

24

1 SECTION 6. AMENDATORY 63 O.S. 2021, Section 425, as last  
2 amended by Section 5, Chapter 553, O.S.L. 2021, is amended to read  
3 as follows:

4 Section 425. A. No school or landlord may refuse to enroll or  
5 lease to and may not otherwise penalize a person solely for his or  
6 her status as a medical marijuana patient licensee, unless failing  
7 to do so would cause the school or landlord the potential to lose a  
8 monetary or licensing-related benefit under federal law or  
9 regulations.

10 B. Unless a failure to do so would cause an employer the  
11 potential to lose a monetary or licensing-related benefit under  
12 federal law or regulations, an employer may not discriminate against  
13 a person in hiring, termination or imposing any term or condition of  
14 employment or otherwise penalize a person based upon the status of  
15 the person as a medical marijuana patient licensee. Employers may  
16 take action against a medical marijuana patient licensee if the  
17 licensee uses or possesses marijuana while in his or her place of  
18 employment or during the hours of employment. Employers may not  
19 take action against a medical marijuana patient licensee solely  
20 based upon the status of an employee as a medical marijuana patient  
21 licensee or the results of a drug test showing positive for  
22 marijuana or its components.

23 C. For the purposes of medical care, including organ  
24 transplants, the authorized use of marijuana by a medical marijuana

1 patient licensee shall be considered the equivalent of the use of  
2 any other medication under the direction of a physician and does not  
3 constitute the use of an illicit substance or otherwise disqualify a  
4 registered qualifying patient from medical care.

5 D. No medical marijuana patient licensee may be denied custody  
6 of or visitation or parenting time with a minor child, and there is  
7 no presumption of neglect or child endangerment for conduct allowed  
8 under this law unless the behavior of the medical marijuana patient  
9 licensee creates an unreasonable danger to the safety of the minor  
10 child.

11 E. No person who possesses a medical marijuana patient license  
12 may be unduly withheld from holding another state-issued license by  
13 virtue of his or her status as a medical marijuana patient licensee  
14 including, but not limited to, a concealed carry permit.

15 F. 1. No city or local municipality may unduly change or  
16 restrict zoning laws to prevent the opening of a medical marijuana  
17 dispensary.

18 2. For purposes of this subsection, an undue change or  
19 restriction of municipal zoning laws means an act which entirely  
20 prevents medical marijuana dispensaries from operating within  
21 municipal boundaries as a matter of law. Municipalities may follow  
22 their standard planning and zoning procedures to determine if  
23 certain zones or districts would be appropriate for locating  
24 marijuana-licensed premises, medical marijuana businesses or any

1 other premises where marijuana or its by-products are cultivated,  
2 grown, processed, stored or manufactured.

3 3. A medical marijuana dispensary does not include those other  
4 entities licensed by the Oklahoma Medical Marijuana Authority as  
5 marijuana-licensed premises, medical marijuana businesses or other  
6 facilities or locations where marijuana or any product containing  
7 marijuana or its by-products are cultivated, grown, processed,  
8 stored or manufactured.

9 G. The location of any medical marijuana dispensary or  
10 commercial grower is specifically prohibited within one thousand  
11 (1,000) feet of any ~~public school or private~~ school. The distance  
12 indicated in this subsection shall be measured from the nearest  
13 property line of such ~~public school or private~~ school to the nearest  
14 perimeter wall of the licensed premises of such medical marijuana  
15 dispensary or commercial grower. If a medical marijuana dispensary  
16 or commercial grower met the requirements of this subsection at the  
17 time of its initial licensure, the medical marijuana dispensary or  
18 commercial grower licensee shall be permitted to continue operating  
19 at the licensed premises in the same manner and not be subject to  
20 nonrenewal or revocation due to subsequent events or changes in  
21 regulations occurring after licensure that would render the medical  
22 marijuana dispensary or commercial grower in violation by being  
23 within one thousand (1,000) feet of a ~~public school or private~~  
24 school. If any ~~public school or private~~ school is established



1 within one thousand (1,000) feet of any medical marijuana dispensary  
2 or commercial grower after such medical marijuana dispensary or  
3 commercial grower has been licensed, the provisions of this  
4 subsection shall not be a deterrent to the renewal of such license  
5 or warrant revocation of the license. For purposes of this  
6 subsection, a property owned, used or operated by a ~~public school or~~  
7 ~~by a private~~ school that is not used for classroom instruction on  
8 core curriculum, such as an administrative building, athletic  
9 facility, ballpark, field or stadium, shall not constitute a ~~public~~  
10 ~~school or private~~ school unless such property is located on the same  
11 campus as a building used for classroom instruction on core  
12 curriculum.

13 H. Research shall be provided for under this law. A researcher  
14 may apply to the State Department of Health for a special research  
15 license. The research license shall be granted, provided the  
16 applicant meets the criteria listed in the Medical Marijuana and  
17 Patient Protection Act. Research licensees shall be required to  
18 file monthly consumption reports to the State Department of Health  
19 with amounts of marijuana used for research. Biomedical and  
20 clinical research which is subject to federal regulations and  
21 institutional oversight shall not be subject to oversight by the  
22 State Department of Health.

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1 SECTION 7. AMENDATORY 63 O.S. 2021, Section 430, as  
2 amended by Section 28, Chapter 553, O.S.L. 2021, is amended to read  
3 as follows:

4 Section 430. A. There is hereby created and authorized a  
5 medical marijuana waste disposal license. A person or entity in  
6 possession of a medical marijuana waste disposal license shall be  
7 entitled to possess, transport and dispose of medical marijuana  
8 waste. No person or entity shall dispose of medical marijuana waste  
9 without a valid medical marijuana waste disposal license. The  
10 Oklahoma Medical Marijuana Authority shall issue licenses upon  
11 proper application by a licensee and determination by the Authority  
12 that the proposed site and facility are physically and technically  
13 suitable. Upon a finding that a proposed medical marijuana waste  
14 disposal facility is not physically or technically suitable, the  
15 Authority shall deny the license. The Authority may, upon  
16 determining that public health or safety requires emergency action,  
17 issue a temporary license for treatment or storage of medical  
18 marijuana waste for a period not to exceed ninety (90) days. The  
19 Authority shall not, for the first year of the licensure program,  
20 issue more than ten medical marijuana waste disposal licenses. Upon  
21 the conclusion of the first year, the Authority shall assess the  
22 need for additional medical marijuana waste disposal licenses and  
23 shall, if demonstrated, increase the number of licenses as deemed  
24 necessary by the Authority.

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

3 1. Complete an application form, as prescribed by the  
4 Authority, which shall include:

5 a. an attestation that the applicant is authorized to  
6 make application on behalf of the entity,

7 b. full name of the organization,

8 c. trade name, if applicable,

9 d. type of business organization,

10 e. complete mailing address,

11 f. an attestation that the commercial entity will not be  
12 located on tribal land,

13 g. telephone number and email address of the entity, and

14 h. name, residential address and date of birth of each  
15 owner and each member, manager and board member, if  
16 applicable;

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

21 a. the first, middle and last name of the applicant and  
22 suffix, if applicable,

23 b. the residence address and mailing address of the  
24 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 the nearest property line of such ~~public or private~~ school to the nearest 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

1           been licensed, the provisions of this subparagraph  
2           shall not be a deterrent to the renewal of such  
3           license or warrant revocation of the license. For the  
4           purposes of this section, "school" shall mean the same  
5           as provided in Section 427.2 of this title, and

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

12          C. No license shall be issued except upon proof of sufficient  
13          liability insurance and financial responsibility. Liability  
14          insurance shall be provided by the applicant and shall apply to  
15          sudden and nonsudden bodily injury or property damage on, below or  
16          above the surface, as required by the rules of the Authority. Such  
17          insurance shall be maintained for the period of operation of the  
18          facility and shall provide coverage for damages resulting from  
19          operation of the facility during operation and after closing.

20          D. Submission of an application for a medical marijuana waste  
21          disposal license shall constitute permission for entry to and  
22          inspection of the facility of the licensee during hours of operation  
23          and other reasonable times. Refusal to permit such entry of  
24          inspection shall constitute grounds for the nonrenewal, suspension

1 or revocation of a license. The Authority may perform an annual  
2 unannounced on-site inspection of the operations and any facility of  
3 the licensee. If the Authority receives a complaint concerning  
4 noncompliance by a licensee with the provisions of the Oklahoma  
5 Medical Marijuana Waste Management Act, the Authority may conduct  
6 additional unannounced, on-site inspections beyond an annual  
7 inspection. The Authority may refer all complaints alleging  
8 criminal activity that are made against a licensed facility to  
9 appropriate state or local law enforcement authorities.

10 E. The Authority shall issue an annual permit for each medical  
11 marijuana waste disposal facility operated by a licensee. A permit  
12 shall be issued only upon proper application by a licensee and  
13 determination by the Authority that the proposed site and facility  
14 are physically and technically suitable. Upon a finding that a  
15 proposed medical marijuana waste disposal facility is not physically  
16 or technically suitable, the Authority shall deny the permit. The  
17 Authority shall have the authority to revoke a permit upon a finding  
18 that the site and facility are not physically and technically  
19 suitable for processing. The Authority may, upon determining that  
20 public health or safety requires emergency action, issue a temporary  
21 permit for treatment or storage of medical marijuana waste for a  
22 period not to exceed ninety (90) days.

23 F. The cost of a medical marijuana waste disposal license shall  
24 be Five Thousand Dollars (\$5,000.00) for the initial license. The

1 cost of a medical marijuana waste disposal facility permit shall be  
2 Five Hundred Dollars (\$500.00). A medical marijuana waste disposal  
3 facility permit that has been revoked shall be reinstated upon  
4 remittance of a reinstatement fee of Five Hundred Dollars (\$500.00)  
5 to restore the facility permit. All license and permit fees shall  
6 be deposited into the Oklahoma Medical Marijuana Authority Revolving  
7 Fund as provided in Section 427.5 of this title.

8 G. The holder of a medical marijuana waste disposal license  
9 shall not be required to obtain a medical marijuana transporter  
10 license provided for in the Oklahoma Medical Marijuana and Patient  
11 Protection Act for purposes of transporting medical marijuana waste.

12 H. All commercial licensees, as defined in Section 428.1 of  
13 this title, shall utilize a licensed medical marijuana waste  
14 disposal service to process all medical marijuana waste generated by  
15 the licensee.

16 I. The State Commissioner of Health shall promulgate rules for  
17 the implementation of the Oklahoma Medical Marijuana Waste  
18 Management Act. Promulgated rules shall address disposal process  
19 standards, site security and any other subject matter deemed  
20 necessary by the Authority.

21 SECTION 8. It being immediately necessary for the preservation  
22 of the public peace, health or safety, an emergency is hereby  
23 declared to exist, by reason whereof this act shall take effect and  
24 be in full force from and after its passage and approval.

1 Passed the Senate the 23rd day of March, 2022.

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\_\_\_\_\_  
Presiding Officer of the Senate

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5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

6 2022.

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Presiding Officer of the House  
of Representatives

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