

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3813 _____
Of the printed Bill

Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Preston Stinson

Adopted: _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3813

By: Stinson

7
8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to medical marijuana; amending 63
10 O.S. 2021, Section 427.4, which relates to the
11 Oklahoma Medical Marijuana and Patient Protection
12 Act; clarifying law enforcement powers of certain
13 employees of the Oklahoma Medical Marijuana
14 Authority; allowing for the search and seizure of
15 illegally held medical marijuana or marijuana
16 products; authorizing the referral of evidence,
17 reports, or charges; authorizing employees of the
18 Authority to provide aid in certain prosecutions;
19 requiring Authority investigators to meet certain
20 training and qualifications; authorizing certain
21 employees of the Authority to arrest violators under
22 specific circumstances; allowing Executive Director
23 of the Authority to employ or contract for attorneys;
24 describing duties for attorneys employed by the
Authority; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 427.4, is
amended to read as follows:

Section 427.4 A. The Oklahoma Medical Marijuana Authority, in
conjunction with the State Department of Health, shall employ an

1 Executive Director and other personnel as necessary to assist the
2 Authority in carrying out its duties.

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

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

7 2. The individual or his or her spouse, parent, child, spouse
8 of a child, sibling, or spouse of a sibling has an application for a
9 medical marijuana business license pending before the ~~Department~~
10 Authority or is a member of the board of directors of a medical
11 marijuana business, or is an individual financially interested in
12 any licensee or medical marijuana business.

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

16 D. The Commissioner may delegate to any officer or employee of
17 the Department any of the powers of the Executive Director and may
18 designate any officer or employee of the Department to perform any
19 of the duties of the Executive Director.

20 E. The Executive Director shall be authorized to suggest rules
21 governing the oversight and implementation of the Oklahoma Medical
22 Marijuana and Patient Protection Act.

23 F. The Department is hereby authorized to create employment
24 positions necessary for the implementation of its obligations

1 pursuant to the Oklahoma Medical Marijuana and Patient Protection
2 Act including, but not limited to, Authority investigators and a
3 senior director of enforcement. The Department and the Authority,
4 the senior director of enforcement, the Executive Director, and
5 ~~Department~~ Authority investigators shall have all the powers and
6 authority of any peace officer officers of this state for the
7 purpose of enforcing the provisions of the Oklahoma Medical
8 Marijuana and Patient Protection Act and any rules promulgated
9 pursuant to the Oklahoma Medical Marijuana and Patient Protection
10 Act. These powers include, but are not limited to:

11 1. ~~Investigate~~ Investigating violations or suspected violations
12 of the Oklahoma Medical Marijuana and Patient Protection Act and any
13 rules promulgated pursuant thereto;

14 2. ~~Serve~~ Serving all warrants, summonses, subpoenas,
15 administrative citations, notices or other processes relating to the
16 enforcement of laws regulating medical marijuana, concentrate, and
17 medical marijuana product;

18 3. Searching and seizing any and all medical marijuana or
19 marijuana products illegally held in violation of the Oklahoma
20 Medical Marijuana and Patient Protection Act, any rules promulgated
21 pursuant to the Oklahoma Medical Marijuana and Patient Protection
22 Act, and Oklahoma state statutes;

23 4. ~~Assist~~ Assisting or ~~aid~~ aiding any law enforcement officer
24 in the performance of his or her duties upon such law enforcement

1 officer's request or the request of other local officials having
2 jurisdiction;

3 ~~4.~~ 5. Referring any evidence, reports, or charges regarding
4 violations of any provision of the Oklahoma Medical Marijuana and
5 Patient Protection Act which carry criminal penalties to the
6 appropriate law enforcement authority and prosecutorial authority
7 for action;

8 6. Aiding law enforcement authorities of this state or the
9 federal government in the prosecution of violations of the Oklahoma
10 Medical Marijuana and Patient Protection Act;

11 ~~7.~~ Require Requiring any business applicant or licensee to
12 permit an inspection of licensed premises during business hours or
13 at any time of apparent operation, marijuana equipment, and
14 marijuana accessories, or books and records; and to permit the
15 testing of or examination of medical marijuana, concentrate, or
16 product;

17 ~~5.~~ 8. Require Requiring applicants and licensees to submit
18 complete and current applications, information and fees required by
19 the Oklahoma Medical Marijuana and Patient Protection Act, the
20 Oklahoma Medical Marijuana Waste Management Act and Sections 420
21 through 426.1 of this title, and approve material changes made by
22 the applicant or licensee;

23 ~~6.~~ 9. Require Requiring medical marijuana business licensees to
24 submit a sample or unit of medical marijuana or medical marijuana

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

10 ~~7.~~ 10. Require Requiring medical marijuana business licensees
11 to periodically submit samples or units of medical marijuana or
12 medical marijuana products to the quality assurance laboratory for
13 quality assurance purposes. Licensed growers, processors,
14 dispensaries, and transporters shall not be required to submit
15 samples or units of medical marijuana or medical marijuana products
16 more than twice a year. The licensee shall provide the samples or
17 units of medical marijuana or medical marijuana products at its own
18 expense but shall not be responsible for the costs of testing.

19 G. All Authority investigators shall meet all training and
20 qualifications for peace officers as required by Section 3311 of
21 Title 70 of the Oklahoma Statutes.

22 H. The senior director of enforcement and any Authority
23 investigator, as provided in subsection F of this section, shall be
24 authorized to arrest violators for unlawful offenses committed in

1 the presence of the senior director of enforcement, or any Authority
2 investigator, or upon the development of probable cause that such
3 crime has been committed, and further, upon request of a sheriff or
4 another peace officer of this state, or any political subdivision
5 thereof, assist in the apprehension and arrest of a violator or
6 suspected violator of any of the laws of this state.

7 I. The Executive Director may employ attorneys or contract with
8 attorneys, as needed, to advise the Executive Director and the
9 Authority on all legal matters. Such attorneys shall appear for and
10 represent the Executor Director and the Authority in all
11 administrative hearings and all litigation or other proceedings
12 which may arise in the discharge of their duties. At the request of
13 the Authority, such attorneys shall assist district attorneys in
14 prosecuting charges of violators of the Oklahoma Medical Marijuana
15 and Patient Protection Act.

16 SECTION 2. This act shall become effective November 1, 2022.

18 58-2-10332 GRS 02/09/22