

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB4055 _____
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

Adopted: _____

Amendment submitted by: TJ Marti _____

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. 4055

By: Marti

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8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to medical marijuana; requiring
10 public utilities to report certain annual commodity
11 usage to the Oklahoma Medical Marijuana Authority;
12 requiring licensed medical marijuana commercial
13 growers to inform public utility as to their license
14 status by certain time; requiring submission of
15 certain annual report to Authority; requiring growers
16 to report annual groundwater usage to the Oklahoma
17 Water Resources Board; providing for cancellation of
18 permit for nonreporting; requiring licensed medical
19 marijuana growers to inform the Board as to their
20 license status by certain time; requiring certain
21 annual report to Authority; amending 63 O.S. 2021,
22 Section 427.3, which relates to powers and duties of
23 the Oklahoma Medical Marijuana Authority; requiring
24 establishment of procedure to monitor and collect
certain commodity usage information for licensed
medical marijuana growers; requiring the development
and availability of certain form; requiring certain
report of usage; providing for codification; and
providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 180.12 of Title 17, unless there
3 is created a duplication in numbering, reads as follows:

4 Public utilities, as defined in Section 151 of Title 17 of the
5 Oklahoma Statutes, shall report to the Oklahoma Medical Marijuana
6 Authority the amount of any commodity supplied by the public utility
7 to licensed medical marijuana commercial grower operations in this
8 state. Existing licensed medical marijuana commercial growers shall
9 be required to inform the public utility as to their status as a
10 licensed medical marijuana commercial grower within thirty (30) days
11 after the effective date of this act. Licensed medical marijuana
12 commercial growers that receive a license after the effective date
13 of this act shall inform the public utility of their status as a
14 licensed commercial grower at the time of connection of services.
15 Public utilities shall annually submit to the Authority the names,
16 addresses, and usage of commodities supplied to the growers on a
17 form provided by the Oklahoma Medical Marijuana Authority.

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1020.24 of Title 82, unless
20 there is created a duplication in numbering, reads as follows:

21 A. Licensed medical marijuana commercial growers who are
22 holders of permits to extract groundwater shall be required to
23 report to the Oklahoma Water Resources Board annually their use of
24 water pursuant to their permits. Willful failure to report annual

1 usage may result in cancellation of the permit by the Board upon
2 proper notice and hearing as provided in the Administrative
3 Procedures Act. Existing licensed medical marijuana commercial
4 growers shall be required to inform the Board as to their status as
5 a licensed medical marijuana commercial grower within thirty (30)
6 days after the effective date of this act. Licensed medical
7 marijuana commercial growers that receive a license after the
8 effective date of this this act shall inform the Board of their
9 status as a commercial grower at the time of permit application.

10 B. The Board shall annually report to the Oklahoma Medical
11 Marijuana Authority the names, addresses, and groundwater usage of
12 all licensed medical marijuana commercial grower permit holders who
13 report usage of groundwater in connection with a marijuana growing
14 operation on a form provided by the Oklahoma Medical Marijuana
15 Authority.

16 SECTION 3. AMENDATORY 63 O.S. 2021, Section 427.3, is
17 amended to read as follows:

18 Section 427.3 A. There is hereby created the Oklahoma Medical
19 Marijuana Authority within the State Department of Health which
20 shall address issues related to the medical marijuana program in
21 Oklahoma including, but not limited to, the issuance of patient
22 licenses and medical marijuana business licenses, and the
23 dispensing, cultivating, processing, testing, transporting, storage,
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1 research, and the use of and sale of medical marijuana pursuant to
2 the Oklahoma Medical Marijuana and Patient Protection Act.

3 B. The Department shall provide support staff to perform
4 designated duties of the Authority. The Department shall also
5 provide office space for meetings of the Authority.

6 C. The Department shall implement the provisions of the
7 Oklahoma Medical Marijuana and Patient Protection Act consistently
8 with the voter-approved State Question No. 788, Initiative Petition
9 No. 412, subject to the provisions of the Oklahoma Medical Marijuana
10 and Patient Protection Act.

11 D. The Department shall exercise its respective powers and
12 perform its respective duties and functions as specified in the
13 Oklahoma Medical Marijuana and Patient Protection Act and this title
14 including, but not limited to, the following:

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

- 19 a. public health policy and public safety policy,
- 20 b. agronomic and horticultural best practices, and
- 21 c. medical and pharmacopoeia best practices;

22 2. Contract with third-party vendors and other governmental
23 entities in order to carry out the respective duties and functions

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1 as specified in the Oklahoma Medical Marijuana and Patient
2 Protection Act;

3 3. Upon complaint or upon its own motion and upon a completed
4 investigation, levy fines as prescribed in applicable laws, rules
5 and regulations and suspend, revoke or not renew licenses pursuant
6 to applicable laws, rules and regulations;

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

10 5. Apply for injunctive or declaratory relief to enforce the
11 provisions of applicable laws, rules and regulations;

12 6. Inspect and examine all licensed premises of medical
13 marijuana businesses, research facilities, education facilities and
14 waste disposal facilities in which medical marijuana is cultivated,
15 manufactured, sold, stored, transported, tested, distributed or
16 disposed of;

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

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

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1 9. Establish a fee schedule and collect fees for performing
2 background checks as the Commissioner deems appropriate. The fees
3 charged pursuant to this paragraph shall not exceed the actual cost
4 incurred for each background check;

5 10. Establish a fee schedule and collect fees for material
6 changes requested by the licensee; ~~and~~

7 11. Establish regulations, which require a medical marijuana
8 business to submit information to the Oklahoma Medical Marijuana
9 Authority, deemed reasonably necessary to assist the Authority in
10 the prevention of diversion of medical marijuana by a licensed
11 medical marijuana business. Such information required by the
12 Authority may include, but shall not be limited to:

- 13 a. the square footage of the licensed premises,
- 14 b. a diagram of the licensed premises,
- 15 c. the number and type of lights at the licensed medical
16 marijuana commercial grower business,
- 17 d. the number, type and production capacity of equipment
18 located at the medical marijuana processing facility,
- 19 e. the names, addresses and telephone numbers of
20 employees or agents of a medical marijuana business,
- 21 f. employment manuals and standard operating procedures
22 for the medical marijuana business, and
- 23 g. any other information as the Authority reasonably
24 deems necessary; and

1 12. Establish a procedure for monitoring and collecting
2 licensed medical marijuana growers' annual usage of commodities
3 provided by public utility companies and any usage of groundwater
4 permitted by the Oklahoma Water Resources Board. The Authority
5 shall develop and make available a form that provides for the
6 entering of information regarding the name, address, and usage of
7 commodities. Public utilities and the Oklahoma Water Resources
8 Board shall use the form to provide information on usage.

9 SECTION 4. This act shall become effective November 1, 2022.

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