

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 3813

6 By: Stinson

7 COMMITTEE SUBSTITUTE

8 An Act relating to medical marijuana; amending 63
9 O.S. 2021, Section 427.4, which relates to the
10 Oklahoma Medical Marijuana and Patient Protection
11 Act; updating language; clarifying law enforcement
12 powers of certain employees of the Oklahoma Medical
13 Marijuana Authority; allowing for the search and
14 seizure of illegally held marijuana or marijuana
15 products; authorizing the referral of evidence,
16 reports, or charges; authorizing employees of the
17 Authority to provide aid in certain prosecutions;
18 requiring Authority investigators to meet certain
19 training requirements and qualifications; authorizing
20 certain employees of the Authority to arrest
21 violators under specific circumstances; allowing
22 Executive Director of the Authority to employ or
23 contract for attorneys; describing duties for
24 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~~ Authority any of the powers of the Executive Director
18 and may designate any officer or employee of the Department to
19 perform any 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~~ Authority is hereby authorized to create
24 employment positions necessary for the implementation of its

1 obligations pursuant to the Oklahoma Medical Marijuana and Patient
2 Protection Act including, but not limited to, Authority
3 investigators and a ~~senior~~ director of enforcement. The ~~Department~~
4 ~~and the~~ Authority, the ~~senior~~ director of enforcement, the Executive
5 Director, and ~~Department~~ investigators of the Authority shall have
6 all the powers and authority of ~~any~~ a peace officer of this state
7 for the purpose of enforcing the provisions of the Oklahoma Medical
8 Marijuana and Patient Protection Act, rules promulgated by the
9 Executive Director, or criminal laws of this state. These powers
10 shall 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,~~
13 any rules promulgated pursuant thereto, and any violations of
14 criminal laws of this state discovered through the course of such
15 investigations;

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

20 3. Seizing any marijuana or marijuana product held in violation
21 of the Oklahoma Medical Marijuana and Patient Protection Act, any
22 other laws of this state, or any rules promulgated by the Executive
23 Director;

24

1 4. Assist Assisting or ~~aid~~ aiding any law enforcement officer
2 in the performance of his or her duties upon such law enforcement
3 officer's request or the request of other local officials having
4 jurisdiction;

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

10 6. Aiding the enforcement authorities of this state or any
11 county or municipality of the state, or the federal government, in
12 prosecutions of violations of the Oklahoma Medical Marijuana and
13 Patient Protection Act or any other laws of this state that carry
14 criminal penalties involving crimes discovered during the
15 investigation of violations or suspected violations of the Oklahoma
16 Medical Marijuana and Patient Protection Act, or any rules
17 promulgated pursuant thereto;

18 7. Require Requiring any business applicant or licensee to
19 permit an inspection of licensed premises during business hours or
20 at any time of apparent operation, marijuana equipment, and
21 marijuana accessories, or books and records; and to permit the
22 testing of or examination of medical marijuana, marijuana
23 concentrate, or marijuana product;

24

1 ~~5.~~ 8. ~~Require~~ Requiring applicants and licensees to submit
2 complete and current applications, information and fees required by
3 the Oklahoma Medical Marijuana and Patient Protection Act, the
4 Oklahoma Medical Marijuana Waste Management Act and Sections 420
5 through 426.1 of this title, and approve material changes made by
6 the applicant or licensee;

7 ~~6.~~ 9. ~~Require~~ Requiring medical marijuana business licensees to
8 submit a sample or unit of medical marijuana or medical marijuana
9 product to the quality assurance laboratory when the ~~Department~~
10 Authority has reason to believe the medical marijuana or medical
11 marijuana product may be unsafe for patient consumption or
12 inhalation or has not been tested in accordance with the provisions
13 of the Oklahoma Medical Marijuana and Patient Protection Act and the
14 rules and regulations ~~of the Department~~ promulgated by the Executive
15 Director. The licensee shall provide the samples or units of
16 medical marijuana or medical marijuana products at its own expense
17 but shall not be responsible for the costs of testing; and

18 ~~7.~~ 10. ~~Require~~ Requiring medical marijuana business licensees
19 to periodically submit samples or units of medical marijuana or
20 medical marijuana products to the quality assurance laboratory for
21 quality assurance purposes. Licensed growers, processors,
22 dispensaries, and transporters shall not be required to submit
23 samples or units of medical marijuana or medical marijuana products
24 more than twice a year. The licensee shall provide the samples or

1 units of medical marijuana or medical marijuana products at its own
2 expense but shall not be responsible for the costs of testing.

3 G. All investigators of the Authority shall meet all training
4 requirements and qualifications for peace officers as required by
5 Section 3311 et seq. of Title 70 of the Oklahoma Statutes.

6 H. During the course of an investigation, the director of
7 enforcement or any investigator of the Authority, as provided in
8 subsection F of this section, may arrest a violator or suspected
9 violator of any laws of this state committed in the presence of the
10 director of enforcement or any investigator of the Authority, or
11 upon the development of probable cause that such crime has been
12 committed. The director of enforcement and any investigator of the
13 Authority as provided by subsection F of this section may, upon
14 request of a sheriff or another peace officer of this state, or any
15 political subdivision thereof, assist in the apprehension and arrest
16 of a violator or suspected violator of any of the laws of this
17 state.

18 I. The Executive Director may employ or contract with
19 attorneys, as needed, to advise the Executive Director and the
20 Authority on all legal matters and appear for and represent the
21 Executer Director and the Authority in all administrative hearings
22 and all litigation or other proceedings which may arise in the
23 discharge of their duties. At the request of the Executive
24 Director, such attorneys shall assist district attorneys in

1 prosecuting charges of violators of the Oklahoma Medical Marijuana
2 and Patient Protection Act or any other laws of this state carrying
3 criminal penalties involving crimes discovered during the
4 investigation of violations or suspected violations of the Oklahoma
5 Medical Marijuana and Patient Protection Act or any rules
6 promulgated pursuant thereto.

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

8
9 58-2-10994 JL 03/03/22

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24