

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 1543

6 By: Treat, Thompson, and Rosino

7 COMMITTEE SUBSTITUTE

8 An Act relating to medical marijuana; amending 63  
9 O.S. 2021, Sections 420, as last amended by Section  
10 1, Chapter 553, O.S.L. 2021, 421, 422, 423, 425, as  
11 last amended by Section 5, Chapter 553, O.S.L. 2021,  
12 426.1, as last amended by Section 7, Chapter 553,  
13 O.S.L. 2021, and 427.2, as last amended by Section 8,  
14 Chapter 553, O.S.L. 2021, which relate to medical  
15 marijuana; conforming language; updating statutory  
16 language; amending 63 O.S. 2021, Section 427.3, as  
17 last amended by Section 9, Chapter 553, O.S.L. 2021,  
18 which relates to Oklahoma Medical Marijuana  
19 Authority; making Authority separate and distinct  
20 agency; directing Authority and Executive Director of  
21 the Authority to continue to exercise statutory  
22 powers, duties, and responsibilities; providing for  
23 continuation of rights and privileges of certain  
24 licenses subject to certain condition; providing for  
succession to contractual rights and  
responsibilities; requiring Executive Director to  
adopt and enforce certain rules and authorizing  
further rulemaking authority; authorizing execution  
of certain agreement; requiring consent of employees  
prior to transfer; providing certain protections  
relating to salary, leave, time earned, and benefits;  
requiring transfer of personnel to be coordinated  
with Office of Management and Enterprise Services;  
requiring Authority to pay certain expenses;  
abolishing certain division within State Department  
of Health upon completion of transfer; directing  
certain coordination; providing for certain  
transfers; exempting Authority from the Oklahoma  
Central Purchasing Act; amending 63 O.S. 2021,  
Section 427.4, as amended by Section 10, Chapter 553,

1 O.S.L. 2021, which relates to Executive Director of  
2 the Authority; providing for appointment of Executive  
3 Director; modifying enforcement powers of Authority;  
4 requiring investigators to meet certain training  
5 requirements; authorizing certain arrests and  
6 assistance of law enforcement; allowing Executive  
7 Director to employ or contract with attorneys;  
8 conforming language; updating statutory language;  
9 amending 63 O.S. 2021, Sections 427.6, as last  
10 amended by Section 11, Chapter 553, O.S.L. 2021,  
11 427.9, 427.10, 427.11, 427.13, as last amended by  
12 Section 16, Chapter 553, O.S.L. 2021, 427.14, as last  
13 amended by Section 17, Chapter 553, O.S.L. 2021,  
14 427.16, as last amended by Section 18, Chapter 553,  
15 O.S.L. 2021, 427.17, 427.18, 427.19, 427.20, and  
16 427.22, which relate to medical marijuana; conforming  
17 language; updating statutory language; amending 63  
18 O.S. 2021, Section 427.23, which relates to medical  
19 marijuana; removing provisions relating to Medical  
20 Marijuana Advisory Council; conforming language;  
21 updating statutory language; amending 63 O.S. 2021,  
22 Sections 427.24 and 430, as last amended by Section  
23 28, Chapter 553, O.S.L. 2021, which relate to medical  
24 marijuana; conforming language; updating statutory  
language; amending 74 O.S. 2021, Section 85.3A, as  
last amended by Section 13, Chapter 101, O.S.L. 2021,  
which relates to entities exempted from the Oklahoma  
Central Purchasing Act; adding exemption; and  
providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 420, as last  
amended by Section 1, Chapter 553, O.S.L. 2021, is amended to read  
as follows:

Section 420. A. A person in possession of a state-issued  
medical marijuana patient license shall be able to:

1. Consume marijuana legally;

1       2. Legally possess up to three (3) ounces or eighty-four and  
2 nine-tenths (84.9) grams of marijuana on their person;

3       3. Legally possess six mature marijuana plants and the  
4 harvested marijuana therefrom;

5       4. Legally possess six seedling plants;

6       5. Legally possess one (1) ounce or twenty-eight and three-  
7 tenths (28.3) grams of concentrated marijuana;

8       6. Legally possess seventy-two (72) ounces or two thousand  
9 thirty-seven and six-tenths (2,037.6) grams of edible marijuana;

10      7. Legally possess up to eight (8) ounces or two hundred  
11 twenty-six and four-tenths (226.4) grams of marijuana in their  
12 residence; and

13      8. Legally possess seventy-two (72) ounces of topical  
14 marijuana.

15      B. Possession of up to one and one-half (1.5) ounces or forty-  
16 two and forty-five one-hundredths (42.45) grams of marijuana by  
17 persons who can state a medical condition, but are not in possession  
18 of a state-issued medical marijuana patient license, shall  
19 constitute a misdemeanor offense not subject to imprisonment but  
20 punishable by a fine not to exceed Four Hundred Dollars (\$400.00).  
21 Any law enforcement officer who comes in contact with a person in  
22 violation of this subsection and who is satisfied as to the identity  
23 of the person, as well as any other pertinent information the law  
24 enforcement officer deems necessary, shall issue to the person a

1 written citation containing a notice to answer the charge against  
2 the person in the appropriate court. Upon receiving the written  
3 promise of the alleged violator to answer as specified in the  
4 citation, the law enforcement officer shall release the person upon  
5 personal recognizance unless there has been a violation of another  
6 provision of law.

7 C. ~~A regulatory office~~ The Oklahoma Medical Marijuana Authority  
8 shall be established ~~under the State Department of Health~~ which  
9 shall receive applications for medical marijuana patient and  
10 caregiver license recipients, dispensaries, growers and processors  
11 within sixty (60) days of the passage of this initiative.

12 D. The ~~State Department of Health~~ Authority shall, within  
13 thirty (30) days of passage of this initiative, make available on  
14 its website, in an easy-to-find location, an application for a  
15 medical marijuana patient license. The license shall be valid for  
16 two (2) years. The biannual application fee shall be One Hundred  
17 Dollars (\$100.00), or Twenty Dollars (\$20.00) for individuals on  
18 Medicaid, Medicare or SoonerCare. The methods of payment shall be  
19 provided on the website of the ~~Department~~ Authority. Reprints of  
20 the medical marijuana patient license shall be Twenty Dollars  
21 (\$20.00).

22 E. A short-term medical marijuana patient license application  
23 shall also be made available on the website of the ~~State Department~~  
24 ~~of Health~~ Authority. A short-term medical marijuana patient license

1 shall be granted to any applicant who can meet the requirements for  
2 a two-year medical marijuana patient license, but whose physician  
3 recommendation for medical marijuana is only valid for sixty (60)  
4 days. Short-term medical marijuana patient licenses shall be issued  
5 for sixty (60) days. The fee for a short-term medical marijuana  
6 patient license, reprints of the short-term medical marijuana  
7 patient license and the procedure for extending or renewing the  
8 license shall be determined by the ~~Department~~ Executive Director of  
9 the Authority.

10 F. A temporary medical marijuana patient license application  
11 shall also be available on the website of the ~~State Department of~~  
12 ~~Health~~ Authority for residents of other states. Temporary medical  
13 marijuana patient licenses shall be granted to medical marijuana  
14 license holders from other states, provided that such states have  
15 state-regulated medical marijuana programs and applicants can prove  
16 they are members of such programs. Temporary medical marijuana  
17 patient licenses shall be issued for thirty (30) days. The cost for  
18 a temporary medical marijuana patient license shall be One Hundred  
19 Dollars (\$100.00). Renewal shall be granted with resubmission of a  
20 new application. No additional criteria shall be required.  
21 Reprints of the temporary medical marijuana patient license shall be  
22 Twenty Dollars (\$20.00).

23 G. Medical marijuana patient license applicants shall submit  
24 their applications to the ~~State Department of Health~~ Authority for

1 approval. The applicant shall be a resident of ~~Oklahoma~~ this state  
2 and shall prove residency by a valid driver license, utility bills,  
3 or other accepted methods.

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

14 I. The ~~State Department of Health~~ Authority shall make  
15 available, both on its website and through a telephone verification  
16 system, an easy method to validate the authenticity of the medical  
17 marijuana patient license by the unique 24-character identification  
18 number.

19 J. The ~~State Department of Health~~ Authority shall ensure that  
20 all medical marijuana patient and caregiver records and information  
21 are sealed to protect the privacy of medical marijuana patient  
22 license applicants.

23 K. A caregiver license shall be made available for qualified  
24 caregivers of a medical marijuana patient license holder who is

1 homebound. As provided in Section 427.11 of this title, the  
2 caregiver license shall provide the caregiver the same rights as the  
3 medical marijuana patient licensee including the ability to possess  
4 marijuana, marijuana products and mature and immature plants  
5 pursuant to the Oklahoma Medical Marijuana and Patient Protection  
6 Act, but excluding the ability to use marijuana or marijuana  
7 products unless the caregiver has a medical marijuana patient  
8 license. Applicants for a caregiver license shall submit proof of  
9 the license status and homebound status of the medical marijuana  
10 patient and proof that the applicant is the designee of the medical  
11 marijuana patient. The applicant shall also submit proof that he or  
12 she is eighteen (18) years of age or older and proof of his or her  
13 ~~Oklahoma~~ state residency.

14 L. All applicants for a medical marijuana patient license shall  
15 be eighteen (18) years of age or older. A special exception shall  
16 be granted to an applicant under the age of eighteen (18); however,  
17 these applications shall be signed by two physicians and the parent  
18 or legal guardian of the applicant.

19 M. All applications for a medical marijuana patient license  
20 shall be signed by an Oklahoma physician licensed by and in good  
21 standing with the State Board of Medical Licensure and Supervision  
22 ~~or~~, the State Board of Osteopathic Examiners, or the Board of  
23 Podiatric Medical Examiners. There are no qualifying conditions. A  
24 medical marijuana patient license shall be recommended according to

1 the accepted standards a reasonable and prudent physician would  
2 follow when recommending or approving any medication. No physician  
3 may be unduly stigmatized or harassed for signing a medical  
4 marijuana patient license application.

5 N. Counties and cities may enact medical marijuana guidelines  
6 allowing medical marijuana patient license holders or caregiver  
7 license holders to exceed the state limits set forth in subsection A  
8 of this section.

9 SECTION 2. AMENDATORY 63 O.S. 2021, Section 421, is  
10 amended to read as follows:

11 Section 421. A. ~~The State Department of Health Oklahoma~~  
12 Medical Marijuana Authority shall, within thirty (30) days of  
13 passage of this initiative, make available on its website in an  
14 easy-to-find location an application for a medical marijuana  
15 dispensary license. The application fee shall be Two Thousand Five  
16 Hundred Dollars (\$2,500.00). A method of payment shall be provided  
17 on the website of the ~~Department~~ Authority. Dispensary applicants  
18 must all be residents of ~~Oklahoma~~ this state. Any entity applying  
19 for a dispensary license must be owned by ~~an Oklahoma resident a~~  
20 resident of this state and must be registered to do business in  
21 ~~Oklahoma~~ this state. The ~~Department~~ Authority shall have ninety  
22 (90) business days to review the application; approve, reject or  
23 deny the application; and mail the approval, rejection or denial  
24 letter stating reasons for the rejection or denial to the applicant.



1 B. ~~The State Department of Health~~ Authority shall approve all  
2 applications which meet the following criteria:

3 1. The applicant must be twenty-five (25) years of age or  
4 older;

5 2. The applicant, if applying as an individual, must show  
6 residency in ~~the State of Oklahoma~~ this state;

7 3. All applying entities must show that all members, managers,  
8 and board members are ~~Oklahoma~~ residents of this state;

9 4. An applying entity may show ownership of ~~non-Oklahoma~~  
10 nonstate residents, but that percentage ownership may not exceed  
11 twenty-five percent (25%);

12 5. All applying individuals or entities must be registered to  
13 conduct business in ~~the State of Oklahoma~~ this state; and

14 6. All applicants must disclose all ownership interests in the  
15 dispensary.

16 Applicants with a nonviolent felony conviction in the last two  
17 (2) years, any other felony conviction in the last five (5) years,  
18 inmates in the custody of the Department of Corrections or any  
19 person currently incarcerated shall not qualify for a medical  
20 marijuana dispensary license.

21 C. Licensed medical marijuana dispensaries shall be required to  
22 complete a monthly sales report to the ~~State Department of Health~~  
23 Authority. This report shall be due on the fifteenth of each month  
24 and provide reporting on the previous month. This report shall

1 detail the weight of marijuana purchased at wholesale and the weight  
2 of marijuana sold to licensed medical marijuana patients and  
3 licensed caregivers and account for any waste. The report shall  
4 show total sales in dollars, tax collected in dollars, and tax due  
5 in dollars. The ~~State Department of Health~~ Authority shall have  
6 oversight and auditing responsibilities to ensure that all marijuana  
7 being grown is accounted for.

8 D. Only a licensed medical marijuana dispensary may conduct  
9 retail sales of marijuana or marijuana derivatives. Beginning on  
10 the effective date of this act, licensed medical marijuana  
11 dispensaries shall be authorized to package and sell pre-rolled  
12 marijuana to licensed medical marijuana patients and licensed  
13 caregivers. The products described in this subsection shall contain  
14 only the ground parts of the marijuana plant and shall not include  
15 marijuana concentrates or derivatives. The total net weight of each  
16 pre-roll packaged and sold by a medical marijuana dispensary shall  
17 not exceed one (1) gram. These products shall be tested, packaged  
18 and labeled in accordance with ~~Oklahoma~~ state law and rules  
19 promulgated by the ~~State Commissioner of Health~~ Executive Director  
20 of the Oklahoma Medical Marijuana Authority.

21 E. No medical marijuana dispensary shall offer or allow a  
22 medical marijuana patient licensee, caregiver licensee or other  
23 member of the public to handle or otherwise have physical contact  
24 with any medical marijuana not contained in a sealed or separate

1 package. Provided, such prohibition shall not preclude an employee  
2 of the medical marijuana dispensary from handling loose or  
3 nonpackaged medical marijuana to be placed in packaging consistent  
4 with the Oklahoma Medical Marijuana and Patient Protection Act and  
5 the rules promulgated by the ~~Authority~~ Executive Director for the  
6 packaging of medical marijuana for retail sale. Provided, further,  
7 such prohibition shall not prevent a medical marijuana dispensary  
8 from displaying samples of its medical marijuana in separate display  
9 cases, jars or other containers and allowing medical marijuana  
10 patient licensees and caregiver licensees the ability to handle or  
11 smell the various samples as long as the sample medical marijuana is  
12 used for display purposes only and is not offered for retail sale.

13 SECTION 3. AMENDATORY 63 O.S. 2021, Section 422, is  
14 amended to read as follows:

15 Section 422. A. ~~The State Department of Health~~ Oklahoma  
16 Medical Marijuana Authority shall, within thirty (30) days of  
17 passage of this initiative, make available on its website in an  
18 easy-to-find location an application for a commercial grower  
19 license. The application fee shall be Two Thousand Five Hundred  
20 Dollars (\$2,500.00). A method of payment shall be provided on the  
21 website of the ~~Department~~ Authority. ~~The State Department of Health~~  
22 Authority shall have ninety (90) days to review the application;  
23 approve, reject or deny the application; and mail the approval,  
24

1 rejection or denial letter stating the reasons for the rejection or  
2 denial to the applicant.

3 B. The ~~State Department of Health~~ Authority shall approve all  
4 applications which meet the following criteria:

5 1. The applicant must be twenty-five (25) years of age or  
6 older;

7 2. The applicant, if applying as an individual, must show  
8 residency in ~~the State of Oklahoma~~ this state;

9 3. All applying entities must show that all members, managers,  
10 and board members are ~~Oklahoma~~ residents of this state;

11 4. An applying entity may show ownership of ~~non-Oklahoma~~  
12 nonstate residents, but that percentage ownership may not exceed  
13 twenty-five percent (25%);

14 5. All applying individuals or entities must be registered to  
15 conduct business in ~~the State of Oklahoma~~ this state; and

16 6. All applicants must disclose all ownership interests in the  
17 commercial grower operation.

18 Applicants with a nonviolent felony conviction in the last two  
19 (2) years, any other felony conviction in the last five (5) years,  
20 inmates in the custody of the Department of Corrections or any  
21 person currently incarcerated shall not qualify for a commercial  
22 grower license.

23 C. A licensed commercial grower may sell marijuana to a  
24 licensed dispensary or a licensed processor. Further, sales by a

1 licensed commercial grower shall be considered wholesale sales and  
2 shall not be subject to taxation. Under no circumstances may a  
3 licensed commercial grower sell marijuana directly to a licensed  
4 medical marijuana patient or licensed caregiver. A licensed  
5 commercial grower may only sell at the wholesale level to a licensed  
6 dispensary, a licensed grower or a licensed processor. If the  
7 federal government lifts restrictions on buying and selling  
8 marijuana between states, then a licensed commercial grower would be  
9 allowed to sell and buy marijuana wholesale from, or to, an out-of-  
10 state wholesale provider. A licensed commercial grower shall be  
11 required to complete a monthly yield and sales report to the ~~State~~  
12 ~~Department of Health~~ Authority. This report shall be due on the  
13 fifteenth of each month and provide reporting on the previous month.  
14 This report shall detail the amount of marijuana harvested in  
15 pounds, the amount of drying or dried marijuana on hand, the amount  
16 of marijuana sold to licensed processors in pounds, the amount of  
17 waste in pounds, and the amount of marijuana sold to licensed  
18 dispensaries in pounds. Additionally, this report shall show total  
19 wholesale sales in dollars. The ~~State Department of Health~~  
20 Authority shall have oversight and auditing responsibilities to  
21 ensure that all marijuana being grown by licensed commercial growers  
22 is accounted for.

23 D. There shall be no limits on how much marijuana a licensed  
24 commercial grower can grow.

1 E. Beginning on ~~the effective date of this act~~ November 1,  
2 2021, licensed commercial growers shall be authorized to package and  
3 sell pre-rolled marijuana to licensed medical marijuana  
4 dispensaries. The products described in this subsection shall  
5 contain only the ground parts of the marijuana plant and shall not  
6 include marijuana concentrates or derivatives. The total net weight  
7 of each pre-roll packaged and sold by medical marijuana commercial  
8 growers shall not exceed one (1) gram. These products must be  
9 tested, packaged and labeled in accordance with ~~Oklahoma~~ state law  
10 and rules promulgated by the ~~State Commissioner of Health~~ Executive  
11 Director of the Oklahoma Medical Marijuana Authority.

12 SECTION 4. AMENDATORY 63 O.S. 2021, Section 423, is  
13 amended to read as follows:

14 Section 423. A. The ~~State Department of Health~~ Oklahoma  
15 Medical Marijuana Authority shall, within thirty (30) days of  
16 passage of this initiative, make available on its website in an  
17 easy-to-find location an application for a medical marijuana  
18 processing license. The ~~Department~~ Authority shall be authorized to  
19 issue two types of medical marijuana processor licenses based on the  
20 level of risk posed by the type of processing conducted:

- 21 1. Nonhazardous medical marijuana processor license; and
- 22 2. Hazardous medical marijuana processor license.

23 The application fee for a nonhazardous or hazardous medical  
24 marijuana processor license shall be Two Thousand Five Hundred

1 Dollars (\$2,500.00). A method of payment shall be provided on the  
2 website of the ~~Department~~ Authority. The ~~State Department of Health~~  
3 Authority shall have ninety (90) days to review the application;  
4 approve, reject or deny the application; and mail the approval,  
5 rejection or denial letter stating the reasons for the rejection or  
6 denial to the applicant.

7 B. The ~~State Department of Health~~ Authority shall approve all  
8 applications which meet the following criteria:

9 1. The applicant must be twenty-five (25) years of age or  
10 older;

11 2. The applicant, if applying as an individual, must show  
12 residency in ~~the State of Oklahoma~~ this state;

13 3. All applying entities must show that all members, managers,  
14 and board members are ~~Oklahoma~~ residents of this state;

15 4. An applying entity may show ownership of ~~non-Oklahoma~~  
16 nonstate residents, but that percentage ownership may not exceed  
17 twenty-five percent (25%);

18 5. All applying individuals or entities must be registered to  
19 conduct business in ~~the State of Oklahoma~~ this state; and

20 6. All applicants must disclose all ownership interests in the  
21 processing operation.

22 Applicants with a nonviolent felony conviction in the last two  
23 (2) years, any other felony conviction in the last five (5) years,  
24 inmates in the custody of the Department of Corrections or any

1 person currently incarcerated shall not qualify for a medical  
2 marijuana processing license.

3 C. 1. A licensed processor may take marijuana plants and  
4 distill or process these plants into concentrates, edibles, and  
5 other forms for consumption.

6 2. ~~As required by subsection D of this section, the State~~  
7 ~~Department of Health~~ The Executive Director of the Authority shall,  
8 within sixty (60) days of passage of this initiative, make available  
9 a set of standards which shall be used by licensed processors in the  
10 preparation of edible marijuana products. The standards should be  
11 in line with current food preparation guidelines. No excessive or  
12 punitive rules may be established by the ~~State Department of Health~~  
13 Executive Director.

14 3. Up to two times a year, the ~~State Department of Health~~  
15 Authority may inspect a processing operation and determine its  
16 compliance with the preparation standards. If deficiencies are  
17 found, a written report of the deficiency shall be issued to the  
18 licensed processor. The licensed processor shall have one (1) month  
19 to correct the deficiency or be subject to a fine of Five Hundred  
20 Dollars (\$500.00) for each deficiency.

21 4. A licensed processor may sell marijuana products it creates  
22 to a licensed dispensary or any other licensed processor. All sales  
23 by a licensed processor shall be considered wholesale sales and  
24 shall not be subject to taxation.



1           5. Under no circumstances may a licensed processor sell  
2 marijuana or any marijuana product directly to a licensed medical  
3 marijuana patient or licensed caregiver. However, a licensed  
4 processor may process cannabis into a concentrated form for a  
5 licensed medical marijuana patient for a fee.

6           6. Licensed processors shall be required to complete a monthly  
7 yield and sales report to the ~~State Department of Health~~ Authority.  
8 This report shall be due on the fifteenth of each month and shall  
9 provide reporting on the previous month. This report shall detail  
10 the amount of marijuana and medical marijuana products purchased in  
11 pounds, the amount of marijuana cooked or processed in pounds, and  
12 the amount of waste in pounds. Additionally, this report shall show  
13 total wholesale sales in dollars. The ~~State Department of Health~~  
14 Authority shall have oversight and auditing responsibilities to  
15 ensure that all marijuana being processed is accounted for.

16           D. The ~~Department~~ Authority shall oversee the inspection and  
17 compliance of licensed processors producing products with marijuana  
18 as an additive. ~~The State Department of Health shall be compelled~~  
19 ~~to, within thirty (30) days of passage of this initiative, appoint~~  
20 ~~twelve (12) Oklahoma residents to the Medical Marijuana Advisory~~  
21 ~~Council, who are marijuana industry experts, to create a list of~~  
22 ~~food safety standards for processing and handling medical marijuana~~  
23 ~~in Oklahoma. These standards shall be adopted by the Department and~~  
24 ~~the Department may enforce these standards for licensed processors.~~

1 ~~The Department shall develop a standards review procedure and these~~  
2 ~~standards can be altered by calling another council of twelve (12)~~  
3 ~~Oklahoma marijuana industry experts. A signed letter of twenty~~  
4 ~~operating, licensed processors shall constitute a need for a new~~  
5 ~~council and standards review.~~

6 ~~E.~~ If it becomes permissible under federal law, marijuana may  
7 be moved across state lines.

8 ~~F.~~ E. Any device used for the processing or consumption of  
9 medical marijuana shall be considered legal to be sold,  
10 manufactured, distributed and possessed. No merchant, wholesaler,  
11 manufacturer or individual may be unduly harassed or prosecuted for  
12 selling, manufacturing or possessing marijuana paraphernalia.

13 SECTION 5. AMENDATORY 63 O.S. 2021, Section 425, as last  
14 amended by Section 5, Chapter 553, O.S.L. 2021, is amended to read  
15 as follows:

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

22 B. Unless a failure to do so would cause an employer the  
23 potential to lose a monetary or licensing-related benefit under  
24 federal law or regulations, an employer may not discriminate against

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

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

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

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

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. 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 shall be measured from the nearest property line of such

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

23 H. Research shall be provided for under this law. A researcher  
24 may apply to the ~~State Department of Health~~ Oklahoma Medical

1 Marijuana Authority for a special research license. The research  
2 license shall be granted, provided the applicant meets the criteria  
3 listed in the Oklahoma Medical Marijuana and Patient Protection Act.  
4 Research licensees shall be required to file monthly consumption  
5 reports to the ~~State Department of Health~~ Authority with amounts of  
6 marijuana used for research. Biomedical and clinical research which  
7 is subject to federal regulations and institutional oversight shall  
8 not be subject to oversight by the ~~State Department of Health~~  
9 Authority.

10 SECTION 6. AMENDATORY 63 O.S. 2021, Section 426.1, as  
11 last amended by Section 7, Chapter 553, O.S.L. 2021, is amended to  
12 read as follows:

13 Section 426.1. A. All licensure revocation hearings conducted  
14 pursuant to marijuana licenses established in the Oklahoma Statutes  
15 shall be recorded. A party may request a copy of the recording of  
16 the proceedings. Copies shall be provided to local law enforcement  
17 if the revocation was based on alleged criminal activity.

18 B. The ~~State Department of Health~~ Oklahoma Medical Marijuana  
19 Authority shall assist any law enforcement officer in the  
20 performance of his or her duties upon such request by the law  
21 enforcement officer or the request of other local officials having  
22 jurisdiction. Except for license information concerning licensed  
23 patients, as defined in Section 427.2 of this title, the ~~Department~~

24

1 Authority shall share information with law enforcement agencies upon  
2 request without a subpoena or search warrant.

3 C. The ~~State Department of Health~~ Authority shall make  
4 available all information on whether or not a medical marijuana  
5 patient or caregiver license is valid to law enforcement  
6 electronically through an online verification system.

7 D. The ~~Department~~ Authority shall make available to ~~Oklahoma~~  
8 state agencies and political subdivisions a list of marijuana-  
9 licensed premises, medical marijuana businesses or any other  
10 premises where marijuana or its by-products are licensed to be  
11 cultivated, grown, processed, stored or manufactured to aid ~~Oklahoma~~  
12 state agencies and county and municipal governments in identifying  
13 locations within their jurisdiction and ensuring compliance with  
14 applicable laws, rules and regulations.

15 E. Any marijuana-licensed premises, medical marijuana business  
16 or any other premises where marijuana or its by-products are  
17 licensed to be cultivated, grown, processed, stored or manufactured  
18 shall submit with its application or request to change location,  
19 after notifying the political subdivision of its intent, a  
20 certificate of compliance from the political subdivision where the  
21 facility of the applicant or licensee is to be located certifying  
22 compliance with zoning classifications, applicable municipal  
23 ordinances and all applicable safety, electrical, fire, plumbing,  
24 waste, construction and building specification codes.

1       Once a certificate of compliance has been submitted to the  
2 Oklahoma Medical Marijuana Authority showing full compliance as  
3 outlined in this subsection, no additional certificate of compliance  
4 shall be required for license renewal unless a change of use or  
5 occupancy occurs, or there is any change concerning the facility or  
6 location that would, by law, require additional inspection,  
7 licensure or permitting by the state or municipality.

8       SECTION 7.       AMENDATORY       63 O.S. 2021, Section 427.2, as  
9 last amended by Section 8, Chapter 553, O.S.L. 2021, is amended to  
10 read as follows:

11       Section 427.2. As used in the Oklahoma Medical Marijuana and  
12 Patient Protection Act:

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

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

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

24



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

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

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

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

12 b. opaque so that the outermost packaging does not allow  
13 the product to be seen without opening the packaging  
14 material, and

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

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

22 8. ~~"Commissioner" means the State Commissioner of Health;~~

23 ~~9.~~ "Complete application" means a document prepared in  
24 accordance with the provisions set forth in the Oklahoma Medical

1 Marijuana and Patient Protection Act, rules promulgated pursuant  
2 thereto, and the forms and instructions provided by the ~~Department~~  
3 Oklahoma Medical Marijuana Authority, including any supporting  
4 documentation required and the applicable license application fee;

5 ~~10. "Department" means the State Department of Health;~~

6 ~~11.~~ 9. "Director" means the Executive Director of the Oklahoma  
7 Medical Marijuana Authority;

8 ~~12.~~ 10. "Dispense" means the selling of medical marijuana or a  
9 medical marijuana product to a qualified patient or the designated  
10 caregiver of the patient that is packaged in a suitable container  
11 appropriately labeled for subsequent administration to or use by a  
12 qualifying patient;

13 ~~13.~~ 11. "Dispensary" means a medical marijuana dispensary, an  
14 entity that has been licensed by the ~~Department~~ Authority pursuant  
15 to the Oklahoma Medical Marijuana and Patient Protection Act to  
16 purchase medical marijuana or medical marijuana products from a  
17 licensed medical marijuana commercial grower or licensed medical  
18 marijuana processor, to prepare and package noninfused pre-rolled  
19 medical marijuana, and to sell medical marijuana or medical  
20 marijuana products to licensed patients and caregivers as defined in  
21 this section, or sell or transfer products to another licensed  
22 dispensary;

23 ~~14.~~ 12. "Edible medical marijuana product" means any medical-  
24 marijuana-infused product for which the intended use is oral

1 consumption including, but not limited to, any type of food, drink  
2 or pill;

3 ~~15.~~ 13. "Entity" means an individual, general partnership,  
4 limited partnership, limited liability company, trust, estate,  
5 association, corporation, cooperative or any other legal or  
6 commercial entity;

7 ~~16.~~ 14. "Flower" means the reproductive organs of the marijuana  
8 or cannabis plant referred to as the bud or parts of the plant that  
9 are harvested and used for consumption in a variety of medical  
10 marijuana products;

11 ~~17.~~ 15. "Flowering" means the reproductive state of the  
12 marijuana or cannabis plant in which there are physical signs of  
13 flower or budding out of the nodes of the stem;

14 ~~18.~~ 16. "Food-based medical marijuana concentrate" means a  
15 medical marijuana concentrate that was produced by extracting  
16 cannabinoids from medical marijuana through the use of propylene  
17 glycol, glycerin, butter, olive oil, coconut oil or other typical  
18 food-safe cooking fats;

19 ~~19.~~ 17. "Harvest batch" means a specifically identified  
20 quantity of medical marijuana that is uniform in strain, cultivated  
21 utilizing the same cultivation practices, harvested at the same time  
22 from the same location and cured under uniform conditions;

23 ~~20.~~ 18. "Harvested marijuana" means postflowering medical  
24 marijuana not including trim, concentrate or waste;

1       ~~21.~~ 19. "Heat- or pressure-based medical marijuana concentrate"  
2 means a medical marijuana concentrate that was produced by  
3 extracting cannabinoids from medical marijuana through the use of  
4 heat or pressure;

5       ~~22.~~ 20. "Immature plant" means a nonflowering marijuana plant  
6 that has not demonstrated signs of flowering;

7       ~~23.~~ 21. "Inventory tracking system" means the required tracking  
8 system that accounts for the entire life span of medical marijuana  
9 and medical marijuana products, including any testing samples  
10 thereof and medical marijuana waste;

11       ~~24.~~ 22. "Licensed patient" or "patient" means a person who has  
12 been issued a medical marijuana patient license by the ~~State~~  
13 ~~Department of Health or~~ Oklahoma Medical Marijuana Authority;

14       ~~25.~~ 23. "Licensed premises" means the premises specified in an  
15 application for a medical marijuana business license, medical  
16 marijuana research facility license or medical marijuana education  
17 facility license pursuant to the Oklahoma Medical Marijuana and  
18 Patient Protection Act that are owned or in possession of the  
19 licensee and within which the licensee is authorized to cultivate,  
20 manufacture, distribute, sell, store, transport, test or research  
21 medical marijuana or medical marijuana products in accordance with  
22 the provisions of the Oklahoma Medical Marijuana and Patient  
23 Protection Act and rules promulgated pursuant thereto;

24

1       ~~26.~~ 24. "Manufacture" means the production, propagation,  
2 compounding or processing of a medical marijuana product, excluding  
3 marijuana plants, either directly or indirectly by extraction from  
4 substances of natural or synthetic origin, or independently by means  
5 of chemical synthesis, or by a combination of extraction and  
6 chemical synthesis;

7       ~~27.~~ 25. "Marijuana" shall have the same meaning as such term is  
8 defined in Section 2-101 of this title;

9       ~~28.~~ 26. "Material change" means any change that would affect  
10 the qualifications for licensure of an applicant or licensee;

11       ~~29.~~ 27. "Mature plant" means a harvestable female marijuana  
12 plant that is flowering;

13       ~~30.~~ 28. "Medical marijuana business (MMB)" means a licensed  
14 medical marijuana dispensary, medical marijuana processor, medical  
15 marijuana commercial grower, medical marijuana laboratory, medical  
16 marijuana business operator or a medical marijuana transporter;

17       ~~31.~~ 29. "Medical marijuana concentrate" or "concentrate" means  
18 a specific subset of medical marijuana that was produced by  
19 extracting cannabinoids from medical marijuana. Categories of  
20 medical marijuana concentrate include water-based medical marijuana  
21 concentrate, food-based medical marijuana concentrate, solvent-based  
22 medical marijuana concentrate, and heat- or pressure-based medical  
23 marijuana concentrate;

24

1       ~~32.~~ 30. "Medical marijuana commercial grower" or "commercial  
2 grower" means an entity licensed to cultivate, prepare and package  
3 medical marijuana or package medical marijuana as pre-rolls, and  
4 transfer or contract for transfer medical marijuana and medical  
5 marijuana pre-rolls to a medical marijuana dispensary, medical  
6 marijuana processor, any other medical marijuana commercial grower,  
7 medical marijuana research facility or medical marijuana education  
8 facility. A commercial grower may sell seeds, flower or clones to  
9 commercial growers pursuant to the Oklahoma Medical Marijuana and  
10 Patient Protection Act;

11       ~~33.~~ 31. "Medical marijuana education facility" or "education  
12 facility" means a person or entity approved pursuant to the Oklahoma  
13 Medical Marijuana and Patient Protection Act to operate a facility  
14 providing training and education to individuals involving the  
15 cultivation, growing, harvesting, curing, preparing, packaging or  
16 testing of medical marijuana, or the production, manufacture,  
17 extraction, processing, packaging or creation of medical-marijuana-  
18 infused products or medical marijuana products as described in the  
19 Oklahoma Medical Marijuana and Patient Protection Act;

20       ~~34.~~ 32. "Medical-marijuana-infused product" means a product  
21 infused with medical marijuana including, but not limited to, edible  
22 products, ointments and tinctures;

23       ~~35.~~ 33. "Medical marijuana product" or "product" means a  
24 product that contains cannabinoids that have been extracted from

1 plant material or the resin therefrom by physical or chemical means  
2 and is intended for administration to a qualified patient including,  
3 but not limited to, oils, tinctures, edibles, pills, topical forms,  
4 gels, creams, vapors, patches, liquids, and forms administered by a  
5 nebulizer, excluding live plant forms which are considered medical  
6 marijuana;

7 ~~36.~~ 34. "Medical marijuana processor" means a person or entity  
8 licensed pursuant to the Oklahoma Medical Marijuana and Patient  
9 Protection Act to operate a business including the production,  
10 manufacture, extraction, processing, packaging or creation of  
11 concentrate, medical-marijuana-infused products or medical marijuana  
12 products as described in the Oklahoma Medical Marijuana and Patient  
13 Protection Act;

14 ~~37.~~ 35. "Medical marijuana research facility" or "research  
15 facility" means a person or entity approved pursuant to the Oklahoma  
16 Medical Marijuana and Patient Protection Act to conduct medical  
17 marijuana research. A medical marijuana research facility is not a  
18 medical marijuana business;

19 ~~38.~~ 36. "Medical marijuana testing laboratory" or "laboratory"  
20 means a public or private laboratory licensed pursuant to the  
21 Oklahoma Medical Marijuana and Patient Protection Act to conduct  
22 testing and research on medical marijuana and medical marijuana  
23 products;

24

1       ~~39.~~ 37. "Medical marijuana transporter" or "transporter" means  
2 a person or entity that is licensed pursuant to the Oklahoma Medical  
3 Marijuana and Patient Protection Act. A medical marijuana  
4 transporter does not include a medical marijuana business that  
5 transports its own medical marijuana, medical marijuana concentrate  
6 or medical marijuana products to a property or facility adjacent to  
7 or connected to the licensed premises if the property is another  
8 licensed premises of the same medical marijuana business;

9       ~~40.~~ 38. "Medical marijuana waste" or "waste" means unused,  
10 surplus, returned or out-of-date marijuana, plant debris of the  
11 plant of the genus Cannabis including dead plants and all unused  
12 plant parts and roots, except the term shall not include roots,  
13 stems, stalks and fan leaves;

14       ~~41.~~ 39. "Medical use" means the acquisition, possession, use,  
15 delivery, transfer or transportation of medical marijuana, medical  
16 marijuana products, medical marijuana devices or paraphernalia  
17 relating to the administration of medical marijuana to treat a  
18 licensed patient;

19       ~~42.~~ 40. "Mother plant" means a marijuana plant that is grown or  
20 maintained for the purpose of generating clones, and that will not  
21 be used to produce plant material for sale to a medical marijuana  
22 processor or medical marijuana dispensary;

23       ~~43.~~ 41. "Oklahoma physician" or "physician" means a physician  
24 licensed by and in good standing with the State Board of Medical



1 Licensure and Supervision, the State Board of Osteopathic Examiners  
2 or the Board of Podiatric Medical Examiners;

3 ~~44.~~ 42. "Oklahoma resident" means an individual who can provide  
4 proof of residency as required by the Oklahoma Medical Marijuana and  
5 Patient Protection Act;

6 ~~45.~~ 43. "Owner" means, except where the context otherwise  
7 requires, a direct beneficial owner including, but not limited to,  
8 all persons or entities as follows:

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

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 ~~46.~~ 44. "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 ~~47.~~ 45. "Person" means a natural person, partnership,  
8 association, business trust, company, corporation, estate, limited  
9 liability company, trust or any other legal entity or organization,  
10 or a manager, agent, owner, director, servant, officer or employee  
11 thereof, except that "person" does not include any governmental  
12 organization;

13 ~~48.~~ 46. "Pesticide" means any substance or mixture of  
14 substances intended for preventing, destroying, repelling or  
15 mitigating any pest or any substance or mixture of substances  
16 intended for use as a plant regulator, defoliant or desiccant,  
17 except that the term "pesticide" shall not include any article that  
18 is a "new animal drug" as designated by the United States Food and  
19 Drug Administration;

20 ~~49.~~ 47. "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 ~~50.~~ 48. "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 ~~51.~~ 49. "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 ~~52.~~ 50. "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 ~~53.~~ 51. "Registered to conduct business" means a person that  
19 has provided proof that the business applicant or licensee is in  
20 good standing with the ~~Oklahoma~~ Secretary of State;

21 ~~54.~~ 52. "Remediation" means the process by which a harvest  
22 batch or production batch that fails testing undergoes a procedure  
23 to remedy the harvest batch or production batch and is retested in  
24 accordance with ~~Oklahoma~~ state laws, rules and regulations;

1       ~~55.~~ 53. "Research project" means a discrete scientific endeavor  
2 to answer a research question or a set of research questions related  
3 to medical marijuana and is required for a medical marijuana  
4 research license. A research project shall include a description of  
5 a defined protocol, clearly articulated goals, defined methods and  
6 outputs, and a defined start and end date. The description shall  
7 demonstrate that the research project will comply with all  
8 requirements in the Oklahoma Medical Marijuana and Patient  
9 Protection Act and rules promulgated pursuant thereto. All research  
10 and development conducted by a medical marijuana research facility  
11 shall be conducted in furtherance of an approved research project;

12       ~~56.~~ 54. "Revocation" means the final decision by the ~~Department~~  
13 Authority that any license issued pursuant to the Oklahoma Medical  
14 Marijuana and Patient Protection Act is rescinded because the  
15 individual or entity does not comply with the applicable  
16 requirements set forth in the Oklahoma Medical Marijuana and Patient  
17 Protection Act or rules promulgated pursuant thereto;

18       ~~57.~~ 55. "School" means a public or private elementary, middle  
19 or high school used for school classes and instruction. A  
20 homeschool, daycare or child-care facility shall not be considered a  
21 "school" as used in the Oklahoma Medical Marijuana and Patient  
22 Protection Act;

23       ~~58.~~ 56. "Shipping container" means a hard-sided container with  
24 a lid or other enclosure that can be secured in place. A shipping

1 container is used solely for the transport of medical marijuana,  
2 medical marijuana concentrate, or medical marijuana products between  
3 medical marijuana businesses, a medical marijuana research facility,  
4 or a medical marijuana education facility;

5 ~~59.~~ 57. "Solvent-based medical marijuana concentrate" means a  
6 medical marijuana concentrate that was produced by extracting  
7 cannabinoids from medical marijuana through the use of a solvent  
8 approved by the ~~Department~~ Executive Director;

9 ~~60.~~ 58. "State Question" means Oklahoma State Question No. 788,  
10 Initiative Petition No. 412, approved by a majority vote of the  
11 citizens of Oklahoma on June 26, 2018;

12 ~~61.~~ 59. "Strain" means the name given to a particular variety  
13 of medical marijuana that is based on a combination of factors which  
14 may include, but is not limited to, botanical lineage, appearance,  
15 chemical profile and accompanying effects. An example of a "strain"  
16 would be "OG Kush" or "Pineapple Express";

17 ~~62.~~ 60. "THC" means tetrahydrocannabinol, which is the primary  
18 psychotropic cannabinoid in marijuana formed by decarboxylation of  
19 naturally tetrahydrocannabinolic acid, which generally occurs by  
20 exposure to heat;

21 ~~63.~~ 61. "Transporter agent" means a person who transports  
22 medical marijuana or medical marijuana products as an employee of a  
23 licensed medical marijuana business and holds a transporter agent  
24

1 license specific to that business pursuant to the Oklahoma Medical  
2 Marijuana and Patient Protection Act;

3 ~~64.~~ 62. "Universal symbol" means the image established by the  
4 ~~State Department of Health or~~ Oklahoma Medical Marijuana Authority  
5 and made available to licensees through its website indicating that  
6 the medical marijuana or the medical marijuana product contains THC;

7 ~~65.~~ 63. "Usable marijuana" means the dried leaves, flowers,  
8 oils, vapors, waxes and other portions of the marijuana plant and  
9 any mixture or preparation thereof, excluding seeds, roots, stems,  
10 stalks and fan leaves; and

11 ~~66.~~ 64. "Water-based medical marijuana concentrate" means a  
12 concentrate that was produced by extracting cannabinoids from  
13 medical marijuana through the use of only water, ice or dry ice.

14 SECTION 8. AMENDATORY 63 O.S. 2021, Section 427.3, as  
15 last amended by Section 9, Chapter 553, O.S.L. 2021, is amended to  
16 read as follows:

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

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

4       1. Beginning on the effective date of this act, the Authority  
5 shall cease to be part of or a division of the State Department of  
6 Health and shall be deemed to be a separate and distinct agency, to  
7 be known as the Oklahoma Medical Marijuana Authority. The Authority  
8 and the Executive Director of the Authority shall continue to  
9 exercise their statutory powers, duties, and contractual  
10 responsibilities. All records, property, equipment, assets, monies,  
11 financial interests, liabilities, matters pending, and funds of the  
12 division shall be transferred to the Authority.

13       2. All licenses granted by the Department pertaining to medical  
14 marijuana shall maintain rights and privileges under the authority  
15 of the Authority; provided, however, that all licenses shall be  
16 subject to revocation, suspension, or disciplinary action for  
17 violation of any of the provisions of the Oklahoma Medical Marijuana  
18 and Patient Protection Act and rules promulgated by the Executive  
19 Director.

20       3. The Authority shall succeed to any contractual rights or  
21 responsibilities incurred by the Department pertaining to medical  
22 marijuana.

23       4. Rules promulgated by the State Commissioner of Health  
24 pertaining to medical marijuana that are in effect on the effective

1 date of this act shall be immediately adopted and enforced by the  
2 Executive Director. The Executive Director maintains the authority  
3 to further promulgate and enforce rules.

4 5. The Department and the Authority may enter into an agreement  
5 for the transfer of personnel from the Department to the Authority.  
6 No employee shall be transferred to the Authority except on the  
7 freely given written consent of the employee. All employees who are  
8 transferred to the Authority shall not be required to accept a  
9 lesser grade or salary than presently received. All employees shall  
10 retain leave, sick and annual time earned, and any retirement and  
11 longevity benefits which have accrued during their tenure with the  
12 Department. The transfer of personnel between the state agencies  
13 shall be coordinated with the Office of Management and Enterprise  
14 Services.

15 6. The expenses incurred by the Authority as a result of the  
16 transfer required by this subsection shall be paid by the Authority.

17 7. The division within the Department known as the Oklahoma  
18 Medical Marijuana Authority shall be abolished by the Department  
19 after the transfer has been completed.

20 8. The Office of Management and Enterprise Services shall  
21 coordinate the transfer of records, property, equipment, assets,  
22 funds, allotments, purchase orders, liabilities, outstanding  
23 financial obligations, or encumbrances provided for in this  
24 subsection.



1 C. The ~~Department~~ Authority shall implement the provisions of  
2 the Oklahoma Medical Marijuana and Patient Protection Act  
3 consistently with the voter-approved State Question No. 788,  
4 Initiative Petition No. 412, subject to the provisions of the  
5 Oklahoma Medical Marijuana and Patient Protection Act.

6 D. The ~~Department~~ Authority shall exercise its respective  
7 powers and perform its respective duties and functions as specified  
8 in the Oklahoma Medical Marijuana and Patient Protection Act and  
9 this title including, but not limited to, the following:

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

- 14 a. public health policy and public safety policy,
- 15 b. agronomic and horticultural best practices, and
- 16 c. medical and pharmacopoeia best practices;

17 2. Contract with third-party vendors and other governmental  
18 entities in order to carry out the respective duties and functions  
19 as specified in the Oklahoma Medical Marijuana and Patient  
20 Protection Act;

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

1 4. Issue subpoenas for the appearance or production of persons,  
2 records and things in connection with disciplinary or contested  
3 cases considered by the ~~Department~~ Authority;

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

6 6. Inspect and examine all licensed premises of medical  
7 marijuana businesses, research facilities, education facilities and  
8 waste disposal facilities in which medical marijuana is cultivated,  
9 manufactured, sold, stored, transported, tested, distributed or  
10 disposed of;

11 7. Upon action by the federal government by which the  
12 production, sale and use of marijuana in ~~Oklahoma~~ this state does  
13 not violate federal law, work with the ~~Oklahoma State~~ Banking  
14 Department and the State Treasurer to develop good practices and  
15 standards for banking and finance for medical marijuana businesses;

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

18 9. Establish a fee schedule and collect fees for performing  
19 background checks as the ~~Commissioner~~ Executive Director deems  
20 appropriate. The fees charged pursuant to this paragraph shall not  
21 exceed the actual cost incurred for each background check;

22 10. Establish a fee schedule and collect fees for material  
23 changes requested by the licensee; and  
24

1 11. Establish regulations, which require a medical marijuana  
2 business to submit information to the Oklahoma Medical Marijuana  
3 Authority, deemed reasonably necessary to assist the Authority in  
4 the prevention of diversion of medical marijuana by a licensed  
5 medical marijuana business. Such information required by the  
6 Authority may include, but shall not be limited to:

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

19 E. The Authority shall be exempt from the Oklahoma Central  
20 Purchasing Act.

21 SECTION 9. AMENDATORY 63 O.S. 2021, Section 427.4, as  
22 amended by Section 10, Chapter 553, O.S.L. 2021, is amended to read  
23 as follows:  
24

1 Section 427.4. A. The Oklahoma Medical Marijuana Authority, ~~in~~  
2 ~~conjunction with the State Department of Health,~~ shall employ an  
3 Executive Director and other personnel as necessary to assist the  
4 Authority in carrying out its duties. The Executive Director shall  
5 be appointed by the Governor, with the advice and consent of the  
6 Senate. The Executive Director shall serve at the pleasure of the  
7 Governor and may be removed or replaced without cause. Compensation  
8 for the Executive Director shall be determined pursuant to Section  
9 3601.2 of Title 74 of the Oklahoma Statutes.

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

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

14 2. The individual or his or her spouse, parent, child, spouse  
15 of a child, sibling, or spouse of a sibling has an application for a  
16 medical marijuana business license pending before the ~~Department~~  
17 Authority or is a member of the board of directors of a medical  
18 marijuana business, or is an individual financially interested in  
19 any licensee or medical marijuana business.

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

23 D. The ~~Commissioner~~ Executive Director may delegate to any  
24 officer or employee of the ~~Department~~ Authority any of the powers of

1 the Executive Director and may designate any officer or employee of  
2 the ~~Department~~ Authority to perform any of the duties of the  
3 Executive Director.

4 E. The Executive Director ~~shall be authorized to suggest~~ may  
5 promulgate rules governing the oversight and implementation of the  
6 Oklahoma Medical Marijuana and Patient Protection Act.

7 F. The ~~Department~~ Authority is hereby authorized to create  
8 employment positions necessary for the implementation of its  
9 obligations pursuant to the Oklahoma Medical Marijuana and Patient  
10 Protection Act including, but not limited to, ~~Authority~~  
11 investigators of the Authority and a ~~senior~~ director of enforcement.  
12 The ~~Department and the~~ Authority, the ~~senior~~ director of  
13 enforcement, the Executive Director, and ~~Department~~ investigators of  
14 the Authority shall have all the powers and authority of ~~any a~~ any a peace  
15 officer of this state for the purpose of enforcing the provisions of  
16 the Oklahoma Medical Marijuana and Patient Protection Act and other  
17 laws pertaining to medical marijuana, rules promulgated by the  
18 Executive Director, or criminal laws of this state. These powers  
19 shall include but not be limited to:

20 1. ~~Investigate~~ Investigating violations or suspected violations  
21 of the Oklahoma Medical Marijuana and Patient Protection Act ~~and or~~ or  
22 other laws pertaining to medical marijuana, any rules promulgated  
23 pursuant thereto, and any violations of criminal laws of this state  
24 discovered through the course of such investigations;

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

5           3. ~~Assist or aid~~ Seizing any marijuana or marijuana product  
6 illegally held in violation of the Oklahoma Medical Marijuana  
7 Patient Protection Act, any other laws of this state, or any rules  
8 promulgated by the Executive Director;

9           4. Assisting or aiding any law enforcement officer in the  
10 performance of his or her duties upon such law enforcement officer's  
11 request or the request of other local officials having jurisdiction;

12           5. Referring any evidence, reports, or charges regarding  
13 violations of any provision of the Oklahoma Medical Marijuana and  
14 Patient Protection Act that carries criminal penalty, or of any  
15 other criminal laws of this state, to the appropriate law  
16 enforcement authority and prosecutorial authority for action;

17           6. Aiding the enforcement authorities of this state or any  
18 county or municipality of the state, or the federal government, in  
19 prosecutions of violations of the Oklahoma Medical Marijuana and  
20 Patient Protection Act or any other laws of this state that carry  
21 criminal penalty involving crimes discovered during the  
22 investigation of violations or suspected violations of the Oklahoma  
23 Medical Marijuana and Patient Protection Act or other laws

1 pertaining to medical marijuana or any rules promulgated pursuant  
2 thereto;

3 ~~4. Require~~ 7. Requiring any business applicant or licensee to  
4 permit an inspection of licensed premises during business hours or  
5 at any time of apparent operation, marijuana equipment, and  
6 marijuana accessories, or books and records; and to permit the  
7 testing of or examination of medical marijuana, concentrate, or  
8 product;

9 ~~5. Require~~ 8. Requiring applicants and licensees to submit  
10 complete and current applications, information and fees required by  
11 the Oklahoma Medical Marijuana and Patient Protection Act, the  
12 Oklahoma Medical Marijuana Waste Management Act and Sections 420  
13 through 426.1 of this title, and approve material changes made by  
14 the applicant or licensee;

15 ~~6. Require~~ 9. Requiring medical marijuana business licensees  
16 to submit a sample or unit of medical marijuana or medical marijuana  
17 product to the quality assurance laboratory when the ~~Department~~  
18 Authority has reason to believe the medical marijuana or medical  
19 marijuana product may be unsafe for patient consumption or  
20 inhalation or has not been tested in accordance with the provisions  
21 of the Oklahoma Medical Marijuana and Patient Protection Act and the  
22 rules and regulations ~~of the Department~~ promulgated by the Executive  
23 Director. The licensee shall provide the samples or units of  
24

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

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

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

15 H. During the course of an investigation, the director of  
16 enforcement or any investigator of the Authority as provided by  
17 subsection F of this section may arrest a violator or suspected  
18 violator of any laws of this state committed in the presence of the  
19 director of enforcement or any investigator of the Authority or upon  
20 the development of probable cause that such crime has been  
21 committed. The director of enforcement or any investigator of the  
22 Authority as provided by subsection F of this section may, upon  
23 request of a sheriff or another peace officer of this state, or any  
24 political subdivision thereof, assist in the apprehension and arrest



1 of a violator or suspected violator of any of the laws of this  
2 state.

3 I. The Executive Director may employ or contract with  
4 attorneys, as needed, to advise the Executive Director and the  
5 Authority on all legal matters and to appear for and represent the  
6 Executive Director and the Authority in all administrative hearings  
7 and all litigation or other proceedings which may arise in the  
8 discharge of their duties. At the request of the Executive  
9 Director, such attorneys shall assist district attorneys in  
10 prosecuting charges of violators of the Oklahoma Medical Marijuana  
11 and Patient Protection Act or any other laws of this state that  
12 carry criminal penalty involving crimes discovered during the  
13 investigation of violations or suspected violations of the Oklahoma  
14 Medical Marijuana and Patient Protection Act or other laws  
15 pertaining to medical marijuana or any rules promulgated pursuant  
16 thereto.

17 SECTION 10. AMENDATORY 63 O.S. 2021, Section 427.6, as  
18 last amended by Section 11, Chapter 553, O.S.L. 2021, is amended to  
19 read as follows:

20 Section 427.6. A. ~~The State Department of Health~~ Oklahoma  
21 Medical Marijuana Authority shall address issues related to the  
22 medical marijuana program in ~~Oklahoma~~ this state including, but not  
23 limited to, monitoring and disciplinary actions as they relate to  
24 the medical marijuana program.

1 B. 1. The ~~Department~~ Authority or its designee may perform on-  
2 site inspections or investigations of a licensee or applicant for  
3 any medical marijuana business license, research facility, education  
4 facility or waste disposal facility to determine compliance with  
5 applicable laws, rules and regulations or submissions made pursuant  
6 to this section. The ~~Department~~ Authority may enter the licensed  
7 premises of a medical marijuana business, research facility,  
8 education facility or waste disposal facility licensee or applicant  
9 to assess or monitor compliance or ensure qualifications for  
10 licensure.

11 2. Post-licensure inspections shall be limited to twice per  
12 calendar year. However, investigations and additional inspections  
13 may occur when the ~~Department~~ Authority believes an investigation or  
14 additional inspection is necessary due to a possible violation of  
15 applicable laws, rules or regulations. The ~~State Commissioner of~~  
16 ~~Health~~ Executive Director of the Authority may adopt rules imposing  
17 penalties including, but not limited to, monetary fines and  
18 suspension or revocation of licensure for failure to allow the  
19 Authority reasonable access to the licensed premises for purposes of  
20 conducting an inspection.

21 3. The ~~Department~~ Authority may review relevant records of a  
22 licensed medical marijuana business, licensed medical marijuana  
23 research facility, licensed medical marijuana education facility or  
24 licensed medical marijuana waste disposal facility, and may require

1 and conduct interviews with such persons or entities and persons  
2 affiliated with such entities, for the purpose of determining  
3 compliance with ~~Department~~ requirements of the Executive Director  
4 and applicable laws, rules and regulations.

5 4. The ~~Department~~ Authority may refer complaints alleging  
6 criminal activity that are made against a licensee to appropriate  
7 ~~Oklahoma~~ state or local law enforcement authorities.

8 C. Disciplinary action may be taken against an applicant or  
9 licensee for not adhering to applicable laws pursuant to the terms,  
10 conditions and guidelines set forth in the Oklahoma Medical  
11 Marijuana and Patient Protection Act.

12 D. Disciplinary actions may include revocation, suspension or  
13 denial of an application, license or final authorization and other  
14 action deemed appropriate by the ~~Department~~ Executive Director.

15 E. Disciplinary actions may be imposed upon a medical marijuana  
16 business licensee for:

17 1. Failure to comply with or satisfy any provision of  
18 applicable laws, rules or regulations;

19 2. Falsification or misrepresentation of any material or  
20 information submitted to the ~~Department~~ Authority or other  
21 licensees;

22 3. Failing to allow or impeding entry by authorized  
23 representatives of the ~~Department~~ Authority;

24

- 1 4. Failure to adhere to any acknowledgement, verification or  
2 other representation made to the ~~Department~~ Authority;
- 3 5. Failure to submit or disclose information required by  
4 applicable laws, rules or regulations or otherwise requested by the  
5 ~~Department~~ Authority;
- 6 6. Failure to correct any violation of this section cited as a  
7 result of a review or audit of financial records or other materials;
- 8 7. Failure to comply with requested access by the ~~Department~~  
9 Authority to the licensed premises or materials;
- 10 8. Failure to pay a required monetary penalty;
- 11 9. Diversion of medical marijuana or any medical marijuana  
12 product, as determined by the ~~Department~~ Authority;
- 13 10. Threatening or harming a medical marijuana patient  
14 licensee, caregiver licensee, a medical practitioner or an employee  
15 of the ~~Department~~ Authority; and
- 16 11. Any other basis indicating a violation of the applicable  
17 laws and regulations as identified by the ~~Department~~ Authority.
- 18 F. Disciplinary actions against a licensee may include the  
19 imposition of monetary penalties, which may be assessed by the  
20 ~~Department~~ Authority. The ~~Department~~ Authority may suspend or  
21 revoke a license for failure to pay any monetary penalty lawfully  
22 assessed by the ~~Department~~ Authority against a licensee.
- 23 G. Penalties for sales or purchases by a medical marijuana  
24 business to persons other than those allowed by law occurring within

1 any two-year time period may include an initial fine of One Thousand  
2 Dollars (\$1,000.00) for a first violation and a fine of Five  
3 Thousand Dollars (\$5,000.00) for any subsequent violation.  
4 Penalties for grossly inaccurate or fraudulent reporting occurring  
5 within any two-year time period may include an initial fine of Five  
6 Thousand Dollars (\$5,000.00) for a first violation and a fine of Ten  
7 Thousand Dollars (\$10,000.00) for any subsequent violation. The  
8 medical marijuana business may be subject to a revocation of any  
9 license granted pursuant to the Oklahoma Medical Marijuana and  
10 Patient Protection Act upon a showing that the violation was willful  
11 or grossly negligent.

12 H. 1. First offense for intentional and impermissible  
13 diversion of medical marijuana, concentrate, or products by a  
14 patient or caregiver to an unauthorized person shall not be punished  
15 under a criminal statute but may be subject to a fine of Two Hundred  
16 Dollars (\$200.00).

17 2. The second offense for impermissible diversion of medical  
18 marijuana, concentrate, or products by a patient or caregiver to an  
19 unauthorized person shall not be punished under a criminal statute  
20 but may be subject to a fine of not to exceed Five Hundred Dollars  
21 (\$500.00) and may result in revocation of the license upon a showing  
22 that the violation was willful or grossly negligent.

23 I. The intentional diversion of medical marijuana, medical  
24 marijuana concentrate or medical marijuana products by a licensed

1 medical marijuana patient or caregiver, medical marijuana business  
2 or employee of a medical marijuana business to an unauthorized minor  
3 person who the licensed medical marijuana patient or caregiver,  
4 medical marijuana business or employee of a medical marijuana  
5 business knew or reasonably should have known to be a minor person  
6 shall be subject to a cite and release citation and, upon a finding  
7 of guilt or a plea of no contest, a fine of Two Thousand Five  
8 Hundred Dollars (\$2,500.00). For a second or subsequent offense,  
9 the licensed medical marijuana patient or caregiver, medical  
10 marijuana business or employee of a medical marijuana business shall  
11 be subject to a cite and release citation and, upon a finding of  
12 guilt or a plea of no contest, a fine of Five Thousand Dollars  
13 (\$5,000.00) and automatic termination of the medical marijuana  
14 license.

15 J. Nothing in this section shall be construed to prevent the  
16 criminal prosecution, after the presentation of evidence and a  
17 finding beyond a reasonable doubt, of a licensed medical marijuana  
18 patient or caregiver, medical marijuana business or employee of a  
19 medical marijuana business who has diverted medical marijuana,  
20 medical marijuana concentrate or medical marijuana products to an  
21 unauthorized person with the intent or knowledge that the  
22 unauthorized person was to engage in the distribution or trafficking  
23 of medical marijuana, medical marijuana concentrate or medical  
24 marijuana products.

1 K. In addition to any other remedies provided for by law, the  
2 ~~Department Authority~~, pursuant to ~~its~~ rules and regulations  
3 promulgated by the Executive Director, may issue a written order to  
4 any licensee the ~~Department Authority~~ has reason to believe has  
5 violated Sections 420 through 426.1 of this title, the Oklahoma  
6 Medical Marijuana and Patient Protection Act, the Oklahoma Medical  
7 Marijuana Waste Management Act, or any rules promulgated by the  
8 ~~State Commissioner of Health~~ Executive Director and to whom the  
9 ~~Department Authority~~ has served, not less than thirty (30) days  
10 previously, a written notice of violation of such statutes or rules.

11 1. The written order shall state with specificity the nature of  
12 the violation. The ~~Department Authority~~ may impose any disciplinary  
13 action authorized under the provisions of this section including,  
14 but not limited to, the assessment of monetary penalties.

15 2. Any order issued pursuant to the provisions of this section  
16 shall become a final order unless, not more than thirty (30) days  
17 after the order is served to the licensee, the licensee requests an  
18 administrative hearing in accordance with the rules and regulations  
19 ~~of the Department~~ promulgated by the Executive Director. Upon such  
20 request, the ~~Department Authority~~ shall promptly initiate  
21 administrative proceedings.

22 L. Whenever the ~~Department~~ Executive Director finds that an  
23 emergency exists requiring immediate action in order to protect the  
24 health or welfare of the public, the ~~Department~~ Executive Director

1 may issue an order, without providing notice or hearing, stating the  
2 existence of ~~said~~ an emergency and requiring that action be taken as  
3 the ~~Department~~ Executive Director deems necessary to meet the  
4 emergency. Such action may include, but is not limited to, ordering  
5 the licensee to immediately cease and desist operations by the  
6 licensee. The order shall be effective immediately upon issuance.  
7 Any person to whom the order is directed shall comply immediately  
8 with the provisions of the order. The ~~Department~~ Authority may  
9 assess a penalty not to exceed Ten Thousand Dollars (\$10,000.00) per  
10 day of noncompliance with the order. In assessing such a penalty,  
11 the ~~Department~~ Authority shall consider the seriousness of the  
12 violation and any efforts to comply with applicable requirements.  
13 Upon application to the ~~Department~~ Authority, the licensee shall be  
14 offered a hearing within ten (10) days of the issuance of the order.

15 M. All hearings held pursuant to this section shall be in  
16 accordance with the ~~Oklahoma~~ Administrative Procedures Act.

17 SECTION 11. AMENDATORY 63 O.S. 2021, Section 427.9, is  
18 amended to read as follows:

19 Section 427.9. A. The Oklahoma Medical Marijuana Authority may  
20 contact the recommending physician of an applicant for a medical  
21 marijuana patient license or current holder of a medical marijuana  
22 patient license to verify the need of the applicant or licensee for  
23 the license and the information submitted with the application.

24



1 B. An applicant for a medical marijuana patient license who can  
2 demonstrate his or her status as a one-hundred-percent-disabled  
3 veteran as determined by the U.S. Department of Veterans Affairs and  
4 codified at 38 C.F.R., Section 3.340(a) (2013) shall pay a reduced  
5 biannual application fee of Twenty Dollars (\$20.00). The methods of  
6 payment, as determined by the Authority, shall be provided on the  
7 website. However, the Authority shall ensure that all applicants  
8 have an option to submit the license application and payment by  
9 means other than solely by submission of the application and fee  
10 online.

11 C. The patient license shall be valid for up to two (2) years  
12 from the date of issuance, unless the recommendation of the  
13 physician is terminated pursuant to the Oklahoma Medical Marijuana  
14 and Patient Protection Act or revoked by the ~~Department~~ Authority.

15 SECTION 12. AMENDATORY 63 O.S. 2021, Section 427.10, is  
16 amended to read as follows:

17 Section 427.10. A. Only licensed Oklahoma allopathic,  
18 osteopathic and podiatric physicians may provide a medical marijuana  
19 recommendation for a medical marijuana patient license under the  
20 Oklahoma Medical Marijuana and Patient Protection Act.

21 B. A physician who has not completed his or her first residency  
22 shall not meet the definition of "physician" under this section and  
23 any recommendation for a medical marijuana patient license shall not  
24 be processed by the Authority.

1 C. No physician shall be subject to arrest, prosecution or  
2 penalty in any manner or denied any right or privilege under  
3 ~~Oklahoma~~ state, municipal or county statute, ordinance or  
4 resolution, including without limitation a civil penalty or  
5 disciplinary action by the State Board of Medical Licensure and  
6 Supervision, the State Board of Osteopathic Examiners, the Board of  
7 Podiatric Medical Examiners or by any other business, occupation or  
8 professional licensing board or bureau, solely for providing a  
9 medical marijuana recommendation for a patient or for monitoring,  
10 treating or prescribing scheduled medication to patients who are  
11 medical marijuana licensees. The provisions of this subsection  
12 shall not prevent the relevant professional licensing boards from  
13 sanctioning a physician for failing to properly evaluate the medical  
14 condition of a patient or for otherwise violating the applicable  
15 physician-patient standard of care.

16 D. A physician who recommends use of medical marijuana shall  
17 not be located at the same physical address as a licensed medical  
18 marijuana dispensary.

19 E. If the physician determines the continued use of medical  
20 marijuana by the patient no longer meets the requirements set forth  
21 in the Oklahoma Medical Marijuana and Patient Protection Act, the  
22 physician shall notify the ~~Department~~ Oklahoma Medical Marijuana  
23 Authority and the license shall be immediately voided without right  
24 to an individual proceeding.

1 SECTION 13. AMENDATORY 63 O.S. 2021, Section 427.11, is  
2 amended to read as follows:

3 Section 427.11. A. The caregiver license shall provide the  
4 caregiver the same rights as the medical marijuana patient licensee,  
5 including the ability to possess marijuana, marijuana products, and  
6 mature and immature plants pursuant to the Oklahoma Medical  
7 Marijuana and Patient Protection Act, but excluding the ability to  
8 use marijuana or marijuana products unless the caregiver has a  
9 medical marijuana patient license. Caregivers shall be authorized  
10 to deliver marijuana and products to their authorized patients.  
11 Caregivers shall be authorized to possess medical marijuana and  
12 medical marijuana products up to the sum of the possession limits  
13 for the patients under his or her care pursuant to the Oklahoma  
14 Medical Marijuana and Patient Protection Act.

15 B. An individual caregiver shall be limited to exercising the  
16 marijuana cultivation rights of no more than five licensed patients  
17 as prescribed by the Oklahoma Medical Marijuana and Patient  
18 Protection Act.

19 C. The license of a caregiver shall not extend beyond the  
20 expiration date of the underlying patient license regardless of the  
21 issue date.

22 D. A medical marijuana patient license holder may request, at  
23 any time, to withdraw the license of his or her caregiver. In the  
24 event that such a request is made or upon the expiration of the

1 medical marijuana license of the patient, the license of the  
2 caregiver shall be immediately withdrawn by the ~~Department~~ Oklahoma  
3 Medical Marijuana Authority without the right to a hearing.

4 SECTION 14. AMENDATORY 63 O.S. 2021, Section 427.13, as  
5 last amended by Section 16, Chapter 553, O.S.L. 2021, is amended to  
6 read as follows:

7 Section 427.13. A. All medical marijuana and medical marijuana  
8 products shall be purchased solely from ~~an Oklahoma-licensed~~ a  
9 state-licensed medical marijuana business, and shall not be  
10 purchased from any out-of-state providers.

11 B. 1. The Authority shall have oversight and auditing  
12 responsibilities to ensure that all marijuana being grown in  
13 ~~Oklahoma~~ this state is accounted for and shall implement an  
14 inventory tracking system. Pursuant to these duties, the Authority  
15 shall require that each medical marijuana business, medical  
16 marijuana research facility, medical marijuana education facility  
17 and medical marijuana waste disposal facility keep records for every  
18 transaction with another medical marijuana business, patient or  
19 caregiver. Inventory shall be tracked and updated after each  
20 individual sale and reported to the Authority.

21 2. The inventory tracking system licensees use shall allow for  
22 integration of other seed-to-sale systems and, at a minimum, shall  
23 include the following:

24

- a. notification of when marijuana seeds and clones are planted,
- b. notification of when marijuana plants are harvested and destroyed,
- c. notification of when marijuana is transported, sold, stolen, diverted or lost,
- d. a complete inventory of all marijuana, seeds, plant tissue, clones, plants, usable marijuana or trim, leaves and other plant matter, batches of extract, and marijuana concentrates,
- e. all samples sent to a testing laboratory, an unused portion of a sample returned to a licensee, all samples utilized by licensee for purposes of negotiating a sale, and
- f. all samples used for quality testing by a licensee.

3. Each medical marijuana business, medical marijuana research facility, medical marijuana education facility and medical marijuana waste disposal facility shall use a seed-to-sale tracking system or integrate its own seed-to-sale tracking system with the seed-to-sale tracking system established by the Authority.

4. These records shall include, but not be limited to, the following:

- a. the name and license number of the medical marijuana business that cultivated, manufactured or sold the medical marijuana or medical marijuana product,
- b. the address and phone number of the medical marijuana business that cultivated, manufactured or sold the medical marijuana or medical marijuana product,
- c. the type of product received during the transaction,
- d. the batch number of the marijuana plant used,
- e. the date of the transaction,
- f. the total spent in dollars,
- g. all point-of-sale records,
- h. marijuana excise tax records, and
- i. any additional information as may be reasonably required by the ~~Department~~ Executive Director of the Oklahoma Medical Marijuana Authority.

5. All inventory tracking records retained by a medical marijuana business, medical marijuana research facility, medical marijuana education facility or medical marijuana waste disposal facility containing medical marijuana patient or caregiver information shall comply with all relevant state and federal laws including, but not limited to, the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

1 SECTION 15. AMENDATORY 63 O.S. 2021, Section 427.14, as  
2 last amended by Section 17, Chapter 553, O.S.L. 2021, is amended to  
3 read as follows:

4 Section 427.14. A. There is hereby created the medical  
5 marijuana business license, which shall include the following  
6 categories:

- 7 1. Medical marijuana commercial grower;
- 8 2. Medical marijuana processor;
- 9 3. Medical marijuana dispensary;
- 10 4. Medical marijuana transporter; and
- 11 5. Medical marijuana testing laboratory.

12 B. The Oklahoma Medical Marijuana Authority, with the aid of  
13 the Office of Management and Enterprise Services, shall develop a  
14 website for medical marijuana business applications.

15 C. The Authority shall make available on its website in an  
16 easy-to-find location, applications for a medical marijuana  
17 business.

18 D. The annual, nonrefundable application fee for a medical  
19 marijuana business license shall be Two Thousand Five Hundred  
20 Dollars (\$2,500.00).

21 E. All applicants seeking licensure or licensure renewal as a  
22 medical marijuana business shall comply with the following general  
23 requirements:

24

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

4 2. Each application shall identify the city or county in which  
5 the applicant seeks to obtain licensure as a medical marijuana  
6 business;

7 3. Applicants shall submit a complete application to the  
8 ~~Department~~ Authority before the application may be accepted or  
9 considered;

10 4. All applications shall be complete and accurate in every  
11 detail;

12 5. All applications shall include all attachments or  
13 supplemental information required by the forms supplied by the  
14 Authority;

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

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

- 20 a. twenty-five (25) years of age or older,
- 21 b. if applying as an individual, proof that the applicant  
22 is ~~an Oklahoma resident~~ a resident of this state  
23 pursuant to paragraph 11 of this subsection,



- 1 c. if applying as an entity, proof that seventy-five  
2 percent (75%) of all members, managers, executive  
3 officers, partners, board members or any other form of  
4 business ownership are ~~Oklahoma~~ residents of this  
5 state pursuant to paragraph 11 of this subsection,
- 6 d. if applying as an individual or entity, proof that the  
7 individual or entity is registered to conduct business  
8 in ~~the State of Oklahoma~~ this state,
- 9 e. disclosure of all ownership interests pursuant to the  
10 Oklahoma Medical Marijuana and Patient Protection Act,  
11 and
- 12 f. proof that the medical marijuana business, medical  
13 marijuana research facility, medical marijuana  
14 education facility and medical marijuana waste  
15 disposal facility applicant or licensee has not been  
16 convicted of a nonviolent felony in the last two (2)  
17 years, or any other felony conviction within the last  
18 five (5) years, is not a current inmate in the custody  
19 of the Department of Corrections, or currently  
20 incarcerated in a jail or corrections facility;

21 8. There shall be no limit to the number of medical marijuana  
22 business licenses or categories that an individual or entity can  
23 apply for or receive, although each application and each category  
24 shall require a separate application and application fee. A

1 commercial grower, processor and dispensary, or any combination  
2 thereof, are authorized to share the same address or physical  
3 location, subject to the restrictions set forth in the Oklahoma  
4 Medical Marijuana and Patient Protection Act;

5 9. All applicants for a medical marijuana business license,  
6 research facility license or education facility license authorized  
7 by the Oklahoma Medical Marijuana and Patient Protection Act, or for  
8 a renewal of such license, shall undergo ~~an Oklahoma~~ a state  
9 criminal history background check conducted by the Oklahoma State  
10 Bureau of Investigation (OSBI) within thirty (30) days prior to the  
11 application for the license, including:

- 12 a. individual applicants applying on their own behalf,
- 13 b. individuals applying on behalf of an entity,
- 14 c. all principal officers of an entity, and
- 15 d. all owners of an entity as defined by the Oklahoma  
16 Medical Marijuana and Patient Protection Act;

17 10. All applicable fees charged by the OSBI are the  
18 responsibility of the applicant and shall not be higher than fees  
19 charged to any other person or industry for such background checks;

20 11. In order to be considered ~~an Oklahoma resident~~ a resident  
21 of this state for purposes of a medical marijuana business  
22 application, all applicants shall provide proof of ~~Oklahoma~~ state  
23 residency for at least two (2) years immediately preceding the date  
24 of application or five (5) years of continuous ~~Oklahoma~~ state

1 residency during the preceding twenty-five (25) years immediately  
2 preceding the date of application. Sufficient documentation of  
3 proof of state residency shall include a combination of the  
4 following:

- 5 a. an unexpired ~~Oklahoma-issued~~ state-issued driver  
6 license,
- 7 b. ~~an Oklahoma~~ a state-issued identification card,
- 8 c. a utility bill preceding the date of application,  
9 excluding cellular telephone and Internet bills,
- 10 d. a residential property deed to property in ~~the State~~  
11 ~~of Oklahoma~~ this state, and
- 12 e. a rental agreement preceding the date of application  
13 for residential property located in ~~the State of~~  
14 ~~Oklahoma~~ this state.

15 Applicants that were issued a medical marijuana business license  
16 prior to August 30, 2019, are hereby exempt from the two-year or  
17 five-year ~~Oklahoma~~ state residence requirement mentioned above;

18 12. All license applicants shall be required to submit a  
19 registration with the Oklahoma State Bureau of Narcotics and  
20 Dangerous Drugs Control as provided in Sections 2-302 through 2-304  
21 of this title;

22 13. All applicants shall establish their identity through  
23 submission of a color copy or digital image of one of the following  
24 unexpired documents:

- 1 a. front of ~~an Oklahoma~~ a state-issued driver license,
- 2 b. front of ~~an Oklahoma~~ a state-issued identification
- 3 card,
- 4 c. a United States passport or other photo identification
- 5 issued by the United States government, or
- 6 d. a tribal identification card approved for
- 7 identification purposes by the ~~Oklahoma~~ Department of
- 8 Public Safety; and

9 14. All applicants shall submit an applicant photograph.

10 F. The Authority shall review the medical marijuana business  
11 application; approve, reject or deny the application; and mail the  
12 approval, rejection, denial or status-update letter to the applicant  
13 within ninety (90) business days of receipt of the application.

14 G. 1. The Authority shall review the medical marijuana  
15 business applications and conduct all investigations, inspections  
16 and interviews before approving the application.

17 2. Approved applicants shall be issued a medical marijuana  
18 business license for the specific category applied under, which  
19 shall act as proof of their approved status. Rejection and denial  
20 letters shall provide a reason for the rejection or denial.

21 Applications may only be rejected or denied based on the applicant  
22 not meeting the standards set forth in the provisions of the  
23 Oklahoma Medical Marijuana and Patient Protection Act and Sections  
24 420 through 426.1 of this title, improper completion of the

1 application, or for a reason provided for in the Oklahoma Medical  
2 Marijuana and Patient Protection Act and Sections 420 through 426.1  
3 of this title. If an application is rejected for failure to provide  
4 required information, the applicant shall have thirty (30) days to  
5 submit the required information for reconsideration. No additional  
6 application fee shall be charged for such reconsideration. Unless  
7 the ~~Department~~ Authority determines otherwise, an application that  
8 has been resubmitted but is still incomplete or contains errors that  
9 are not clerical or typographical in nature shall be denied.

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

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

17 H. A license for a medical marijuana business, medical  
18 marijuana research facility, medical marijuana education facility or  
19 medical marijuana waste disposal facility shall not be issued to or  
20 held by:

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

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

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

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

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

10           a. file taxes, interest or penalties due related to a  
11            medical marijuana business, or

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

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

16           7. A person whose authority to be a caregiver, as defined in  
17 Section 427.2 of this title, has been revoked by the ~~Department~~  
18 Authority; or

19           8. A person who was involved in the management or operations of  
20 any medical marijuana business, medical marijuana research facility,  
21 medical marijuana education facility or medical marijuana waste  
22 disposal facility that, after the initiation of a disciplinary  
23 action, has had a medical marijuana license revoked, not renewed, or  
24

1 surrendered during the five (5) years preceding submission of the  
2 application and for the following violations:

- 3 a. unlawful sales or purchases,
- 4 b. any fraudulent acts, falsification of records or  
5 misrepresentation to the Authority, medical marijuana  
6 patient licensees, caregiver licensees or medical  
7 marijuana business licensees,
- 8 c. any grossly inaccurate or fraudulent reporting,
- 9 d. threatening or harming any medical marijuana patient,  
10 caregiver, medical practitioner or employee of the  
11 ~~Department~~ Authority,
- 12 e. knowingly or intentionally refusing to permit the  
13 ~~Department~~ Authority access to premises or records,
- 14 f. using a prohibited, hazardous substance for processing  
15 in a residential area,
- 16 g. criminal acts relating to the operation of a medical  
17 marijuana business, or
- 18 h. any violations that endanger public health and safety  
19 or product safety.

20 I. In investigating the qualifications of an applicant or a  
21 licensee, the ~~Department~~, Authority and municipalities may have  
22 access to criminal history record information furnished by a  
23 criminal justice agency subject to any restrictions imposed by such  
24 an agency.

1 J. The failure of an applicant or licensee to provide the  
2 requested information by the Authority deadline may be grounds for  
3 denial of the application.

4 K. All applicants and licensees shall submit information to the  
5 ~~Department and~~ Authority in a full, faithful, truthful and fair  
6 manner. The ~~Department and~~ Authority may recommend denial of an  
7 application where the applicant or licensee made misstatements,  
8 omissions, misrepresentations or untruths in the application or in  
9 connection with the background investigation of the applicant. This  
10 type of conduct may be grounds for administrative action against the  
11 applicant or licensee. Typos and scrivener errors shall not be  
12 grounds for denial.

13 L. A licensed medical marijuana business premises shall be  
14 subject to and responsible for compliance with applicable provisions  
15 consistent with the zoning where such business is located as  
16 described in the most recent versions of the Oklahoma Uniform  
17 Building Code, the International Building Code and the International  
18 Fire Code, unless granted an exemption by a municipality or  
19 appropriate code enforcement entity.

20 M. All medical marijuana business, medical marijuana research  
21 facility, medical marijuana education facility and medical marijuana  
22 waste disposal facility licensees shall pay the relevant licensure  
23 fees prior to receiving licensure to operate.

24



1 N. A medical marijuana business, medical marijuana research  
2 facility, medical marijuana education facility or medical marijuana  
3 waste disposal facility that attempts to renew its license after the  
4 expiration date of the license shall pay a late renewal fee in an  
5 amount to be determined by the ~~Department~~ Executive Director of the  
6 Authority to reinstate the license. Late renewal fees are  
7 nonrefundable. A license that has been expired for more than ninety  
8 (90) days shall not be renewed.

9 O. No medical marijuana business, medical marijuana research  
10 facility, medical marijuana education facility or medical marijuana  
11 waste disposal facility shall possess, sell or transfer medical  
12 marijuana or medical marijuana products without a valid, unexpired  
13 license issued by the ~~Department~~ Authority.

14 SECTION 16. AMENDATORY 63 O.S. 2021, Section 427.16, as  
15 last amended by Section 18, Chapter 553, O.S.L. 2021 is amended to  
16 read as follows:

17 Section 427.16. A. There is hereby created a medical marijuana  
18 transporter license as a category of the medical marijuana business  
19 license.

20 B. Pursuant to Section 424 of this title, the Oklahoma Medical  
21 Marijuana Authority shall issue a medical marijuana transporter  
22 license to licensed medical marijuana commercial growers, processors  
23 and dispensaries upon issuance of such licenses and upon each  
24 renewal. Medical marijuana transporter licenses shall also be

1 issued to licensed medical marijuana research facilities, medical  
2 marijuana education facilities and medical marijuana testing  
3 laboratories upon issuance of such licenses and upon each renewal.

4 C. A medical marijuana transporter license may also be issued  
5 to qualifying applicants who are registered with the ~~Oklahoma~~  
6 Secretary of State and otherwise meet the requirements for a medical  
7 marijuana business license set forth in the Oklahoma Medical  
8 Marijuana and Patient Protection Act and the requirements set forth  
9 in this section to provide logistics, distribution and storage of  
10 medical marijuana, medical marijuana concentrate and medical  
11 marijuana products.

12 D. A medical marijuana transporter license shall be valid for  
13 one (1) year and shall not be transferred with a change of  
14 ownership. A licensed medical marijuana transporter shall be  
15 responsible for all medical marijuana, medical marijuana concentrate  
16 and medical marijuana products once the transporter takes control of  
17 the product.

18 E. A transporter license shall be required for any person or  
19 entity to transport or transfer medical marijuana, medical marijuana  
20 concentrate or medical marijuana products from a licensed medical  
21 marijuana business to another medical marijuana business, or from a  
22 medical marijuana business to a medical marijuana research facility  
23 or medical marijuana education facility.

24

1 F. A medical marijuana transporter licensee may contract with  
2 multiple licensed medical marijuana businesses.

3 G. A medical marijuana transporter may maintain a licensed  
4 premises to temporarily store medical marijuana, medical marijuana  
5 concentrate and medical marijuana products and to use as a  
6 centralized distribution point. A medical marijuana transporter may  
7 store and distribute medical marijuana, medical marijuana  
8 concentrate and medical marijuana products from the licensed  
9 premises. The licensed premises shall meet all security  
10 requirements applicable to a medical marijuana business.

11 H. A medical marijuana transporter licensee shall use the seed-  
12 to-sale tracking system developed pursuant to the Oklahoma Medical  
13 Marijuana and Patient Protection Act to create shipping manifests  
14 documenting the transport of medical marijuana, medical marijuana  
15 concentrate and medical marijuana products throughout the state.

16 I. A licensed medical marijuana transporter may maintain and  
17 operate one or more warehouses in the state to handle medical  
18 marijuana, medical marijuana concentrate and medical marijuana  
19 products. Each location shall be registered and inspected by the  
20 Authority prior to its use.

21 J. With the exception of a lawful transfer between medical  
22 marijuana businesses who are licensed to operate at the same  
23 physical address, all medical marijuana, medical marijuana  
24 concentrate and medical marijuana products shall be transported:

1 1. In vehicles equipped with Global Positioning System (GPS)  
2 trackers;

3 2. In a locked container and clearly labeled "Medical Marijuana  
4 or Derivative"; and

5 3. In a secured area of the vehicle that is not accessible by  
6 the driver during transit.

7 K. A transporter agent may possess marijuana at any location  
8 while the transporter agent is transferring marijuana to or from a  
9 licensed medical marijuana business, licensed medical marijuana  
10 research facility or licensed medical marijuana education facility.  
11 The ~~Department~~ Authority shall administer and enforce the provisions  
12 of this section concerning transportation.

13 L. The Authority shall issue a transporter agent license to  
14 individual agents, employees, officers or owners of a transporter  
15 license in order for the individual to qualify to transport medical  
16 marijuana, medical marijuana concentrate or medical marijuana  
17 products.

18 M. The annual fee for a transporter agent license shall be  
19 Twenty-five Dollars (\$25.00) and shall be paid by the transporter  
20 license holder or the individual applicant. Transporter license  
21 reprints shall be Twenty Dollars (\$20.00).

22 N. The Authority shall issue each transporter agent a registry  
23 identification card within thirty (30) days of receipt of:

24 1. The name, address and date of birth of the person;

- 1        2. Proof of current ~~Oklahoma~~ state residency;
- 2        3. Proof of identity as required for a medical marijuana
- 3 business license;
- 4        4. Possession of a valid ~~Oklahoma~~ state-issued driver license;
- 5        5. Verification of employment with a licensed transporter;
- 6        6. The application and affiliated fee; and
- 7        7. A copy of the criminal background check conducted by the
- 8 Oklahoma State Bureau of Investigation, paid for by the applicant.

9        O. If the transporter agent application is denied, the  
10 ~~Department~~ Authority shall notify the transporter in writing of the  
11 reason for denying the registry identification card.

12        P. A registry identification card for a transporter shall  
13 expire one (1) year after the date of issuance or upon notification  
14 from the holder of the transporter license that the transporter  
15 agent ceases to work as a transporter.

16        Q. The ~~Department~~ Authority may revoke the registry  
17 identification card of a transporter agent who knowingly violates  
18 any provision of this section, and the transporter is subject to any  
19 other penalties established by law for the violation.

20        R. The ~~Department~~ Authority may revoke or suspend the  
21 transporter license of a transporter that the ~~Department~~ Authority  
22 determines knowingly aided or facilitated a violation of any  
23 provision of this section, and the license holder is subject to any  
24 other penalties established in law for the violation.

1 S. Vehicles used in the transport of medical marijuana or  
2 medical marijuana product shall be:

3 1. Insured at or above the legal requirements in ~~Oklahoma~~ this  
4 state;

5 2. Capable of securing medical marijuana during transport; and

6 3. In possession of a shipping container as defined in Section  
7 427.2 of this title capable of securing all transported products.

8 T. Prior to the transport of any medical marijuana, medical  
9 marijuana concentrate or medical marijuana products, an inventory  
10 manifest shall be prepared at the origination point of the medical  
11 marijuana. The inventory manifest shall include the following  
12 information:

13 1. For the origination point of the medical marijuana:

14 a. the licensee number for the commercial grower,  
15 processor or dispensary,

16 b. address of origination of transport, and

17 c. name and contact information for the originating  
18 licensee;

19 2. For the end recipient license holder of the medical  
20 marijuana:

21 a. the license number for the dispensary, commercial  
22 grower, processor, research facility or education  
23 facility destination,

24 b. address of the destination, and

1 c. name and contact information for the destination  
2 licensee;

3 3. Quantities by weight or unit of each type of medical  
4 marijuana product contained in transport;

5 4. The date of the transport and the approximate time of  
6 departure;

7 5. The arrival date and estimated time of arrival;

8 6. Printed names and signatures of the personnel accompanying  
9 the transport; and

10 7. Notation of the transporting licensee.

11 U. 1. A separate inventory manifest shall be prepared for each  
12 licensee receiving the medical marijuana.

13 2. The transporter agent shall provide the other medical  
14 marijuana business with a copy of the inventory manifest at the time  
15 the product changes hands and after the other licensee prints his or  
16 her name and signs the inventory manifest.

17 3. A receiving licensee shall refuse to accept any medical  
18 marijuana, medical marijuana concentrate or medical marijuana  
19 products that are not accompanied by an inventory manifest.

20 4. Originating and receiving licensees shall maintain copies of  
21 inventory manifests and logs of quantities of medical marijuana  
22 received for seven (7) years from date of receipt.

23 SECTION 17. AMENDATORY 63 O.S. 2021, Section 427.17, is  
24 amended to read as follows:

1 Section 427.17. A. There is hereby created a medical marijuana  
2 testing laboratory license as a category of the medical marijuana  
3 business license. The Oklahoma Medical Marijuana Authority is  
4 hereby enabled to monitor, inspect and audit a licensed testing  
5 laboratory under the Oklahoma Medical Marijuana and Patient  
6 Protection Act.

7 B. The Authority is hereby authorized to contract with a  
8 private laboratory for the purpose of conducting compliance testing  
9 of medical marijuana testing laboratories licensed in this state.  
10 Any such laboratory under contract for compliance testing shall be  
11 prohibited from conducting any other commercial medical marijuana  
12 testing in this state. The laboratory the Authority contracts with  
13 for compliance testing shall not employ, or be owned by, the  
14 following:

15 1. Any individual that has a direct or indirect interest in a  
16 licensed medical marijuana business; or

17 2. Any individual or his or her spouse, parent, child, spouse  
18 of a child, sibling or spouse of a sibling that has an application  
19 for a medical marijuana business license pending before the  
20 ~~Department~~ Authority or is a member of the board of directors of a  
21 medical marijuana business, or is an individual financially  
22 interested in any licensee or medical marijuana business located  
23 within this state.

24



1 C. The Authority shall develop acceptable testing practices  
2 including, but not limited to, testing, standards, quality control  
3 analysis, equipment certification and calibration, and chemical  
4 identification and substances used.

5 D. A person who is a direct beneficial owner of a medical  
6 marijuana dispensary, medical marijuana commercial grower or medical  
7 marijuana processor shall not be an owner of a laboratory.

8 E. A laboratory and a laboratory applicant shall comply with  
9 all applicable local ordinances including, but not limited to,  
10 zoning, occupancy, licensing and building codes.

11 F. A separate license shall be required for each specific  
12 laboratory.

13 G. A medical marijuana testing laboratory license may be issued  
14 to a person who performs testing on medical marijuana and medical  
15 marijuana products for medical marijuana businesses, medical  
16 marijuana research facilities, medical marijuana education  
17 facilities, and testing on marijuana and marijuana products grown or  
18 produced by a patient or caregiver on behalf of a patient, upon  
19 verification of registration. A medical marijuana testing  
20 laboratory may also conduct research related to the development and  
21 improvement of its testing practices and procedures. No state-  
22 approved medical marijuana testing facility shall operate unless a  
23 medical laboratory director is on site during operational hours.

24

1 H. Laboratory applicants and licensees shall comply with the  
2 application requirements of this section and shall submit such other  
3 information as required for a medical marijuana business applicant,  
4 in addition to any information the Authority may request for initial  
5 approval and periodic evaluations during the approval period.

6 I. A medical marijuana testing laboratory may accept samples of  
7 medical marijuana, medical marijuana concentrate or medical  
8 marijuana product from a medical marijuana business, medical  
9 marijuana research facility or medical marijuana education facility  
10 for testing purposes only, which purposes may include the provision  
11 of testing services for samples submitted by a medical marijuana  
12 business for product development. The ~~Department~~ Authority may  
13 require a medical marijuana business to submit a sample of medical  
14 marijuana, medical marijuana concentrate or medical marijuana  
15 product to a medical marijuana testing or quality assurance  
16 laboratory upon demand.

17 J. A medical marijuana testing laboratory may accept samples of  
18 medical marijuana, medical marijuana concentrate or medical  
19 marijuana product from an individual person for testing only under  
20 the following conditions:

21 1. The individual person is a patient or caregiver pursuant to  
22 the Oklahoma Medical Marijuana and Patient Protection Act or is a  
23 participant in an approved clinical or observational study conducted  
24 by a research facility; and

1           2. The medical marijuana testing laboratory shall require the  
2 patient or caregiver to produce a valid patient license and current  
3 and valid photo identification.

4           K. A medical marijuana testing laboratory may transfer samples  
5 to another medical marijuana testing laboratory for testing. All  
6 laboratory reports provided to or by a medical marijuana business or  
7 to a patient or caregiver shall identify the medical marijuana  
8 testing laboratory that actually conducted the test.

9           L. A medical marijuana testing laboratory may utilize a  
10 licensed medical marijuana transporter to transport samples of  
11 medical marijuana, medical marijuana concentrate and medical  
12 marijuana product for testing, in accordance with the Oklahoma  
13 Medical Marijuana and Patient Protection Act and the rules adopted  
14 pursuant thereto, between the originating medical marijuana business  
15 requesting testing services and the destination laboratory  
16 performing testing services.

17           M. The medical marijuana testing laboratory shall establish  
18 policies to prevent the existence of or appearance of undue  
19 commercial, financial or other influences that may diminish the  
20 competency, impartiality and integrity of the testing processes or  
21 results of the laboratory, or that may diminish public confidence in  
22 the competency, impartiality and integrity of the testing processes  
23 or results of the laboratory. At a minimum, employees, owners or  
24 agents of a medical marijuana testing laboratory who participate in

1 any aspect of the analysis and results of a sample are prohibited  
2 from improperly influencing the testing process, improperly  
3 manipulating data or improperly benefiting from any ongoing  
4 financial, employment, personal or business relationship with the  
5 medical marijuana business that provided the sample. A medical  
6 marijuana testing laboratory shall not test samples for any medical  
7 marijuana business in which an owner, employee or agent of the  
8 medical marijuana testing laboratory has any form of ownership or  
9 financial interest in the medical marijuana business.

10 N. The ~~Department~~ Authority, pursuant to rules promulgated by  
11 the ~~State Commissioner of Health~~ Executive Director of the  
12 Authority, shall develop standards, policies and procedures as  
13 necessary for:

14 1. The cleanliness and orderliness of a laboratory premises and  
15 the location of the laboratory in a secure location, and inspection,  
16 cleaning and maintenance of any equipment or utensils used for the  
17 analysis of test samples;

18 2. Testing procedures, testing standards for cannabinoid and  
19 terpenoid potency and safe levels of contaminants, and remediation  
20 procedures;

21 3. Controlled access areas for storage of medical marijuana and  
22 medical marijuana product test samples, waste and reference  
23 standards;

24

1 4. Records to be retained and computer systems to be utilized  
2 by the laboratory;

3 5. The possession, storage and use by the laboratory of  
4 reagents, solutions and reference standards;

5 6. A certificate of analysis (COA) for each lot of reference  
6 standard;

7 7. The transport and disposal of unused marijuana, marijuana  
8 products and waste;

9 8. The mandatory use by a laboratory of an inventory tracking  
10 system to ensure all harvest and production batches or samples  
11 containing medical marijuana, medical marijuana concentrate or  
12 medical marijuana products are identified and tracked from the point  
13 they are transferred from a medical marijuana business, a patient or  
14 a caregiver through the point of transfer, destruction or disposal.  
15 The inventory tracking system reporting shall include the results of  
16 any tests that are conducted on medical marijuana, medical marijuana  
17 concentrate or medical marijuana product;

18 9. Standards of performance;

19 10. The employment of laboratory personnel;

20 11. A written standard operating procedure manual to be  
21 maintained and updated by the laboratory;

22 12. The successful participation in a ~~Department-approved~~  
23 proficiency testing program approved by the Executive Director for  
24

1 each testing category listed in this section, in order to obtain and  
2 maintain certification;

3 13. The establishment of and adherence to a quality assurance  
4 and quality control program to ensure sufficient monitoring of  
5 laboratory processes and quality of results reported;

6 14. The immediate recall of medical marijuana or medical  
7 marijuana products that test above allowable thresholds or are  
8 otherwise determined to be unsafe;

9 15. The establishment by the laboratory of a system to document  
10 the complete chain of custody for samples from receipt through  
11 disposal;

12 16. The establishment by the laboratory of a system to retain  
13 and maintain all required records, including business records, and  
14 processes to ensure results are reported in a timely and accurate  
15 manner; and

16 17. Any other aspect of laboratory testing of medical marijuana  
17 or medical marijuana product deemed necessary by the ~~Department~~  
18 Executive Director.

19 O. A medical marijuana testing laboratory shall promptly  
20 provide the ~~Department~~ Authority or designee of the ~~Department~~  
21 Authority access to a report of a test and any underlying data that  
22 is conducted on a sample at the request of a medical marijuana  
23 business or qualified patient. A medical marijuana testing  
24 laboratory shall also provide access to the ~~Department~~ Authority or

1 designee of the ~~Department~~ Authority to laboratory premises and to  
2 any material or information requested by the ~~Department~~ Authority to  
3 determine compliance with the requirements of this section.

4 P. A medical marijuana testing laboratory shall retain all  
5 results of laboratory tests conducted on marijuana or products for a  
6 period of at least seven (7) years and shall make them available to  
7 the ~~Department~~ Authority upon request.

8 Q. A medical marijuana testing laboratory shall test samples  
9 from each harvest batch or product batch, as appropriate, of medical  
10 marijuana, medical marijuana concentrate and medical marijuana  
11 product for each of the following categories of testing, consistent  
12 with standards developed by the ~~Commissioner~~ Executive Director:

- 13 1. Microbials;
- 14 2. Mycotoxins;
- 15 3. Residual solvents;
- 16 4. Pesticides;
- 17 5. Tetrahydrocannabinol (THC) and other cannabinoid potency;
- 18 6. Terpenoid type and concentration; and
- 19 7. Heavy metals.

20 R. A licensed medical marijuana testing laboratory shall test  
21 each individual harvest batch. A grower shall separate each harvest  
22 lot of usable marijuana into harvest batches containing no more than  
23 fifteen (15) pounds, with the exception of any plant material to be  
24 sold to a licensed processor for the purposes of turning the plant

1 material into concentrate which may be separated into harvest  
2 batches of no more than fifty (50) pounds. A processor shall  
3 separate each medical marijuana production lot into production  
4 batches containing no more than four (4) liters of concentrate or  
5 nine (9) pounds for nonliquid products, and for final products, the  
6 Oklahoma Medical Marijuana Authority shall be authorized to  
7 promulgate rules on final products as necessary. Provided, however,  
8 the Authority shall not require testing of final products less often  
9 than every one thousand (1,000) grams of THC. As used in this  
10 subsection, "final products" shall include, but not be limited to,  
11 cookies, brownies, candies, gummies, beverages and chocolates.

12 S. Medical marijuana testing laboratory licensure shall be  
13 contingent upon successful on-site inspection, successful  
14 participation in proficiency testing and ongoing compliance with the  
15 applicable requirements in this section.

16 T. A medical marijuana testing laboratory shall be inspected  
17 prior to initial licensure and up to two (2) times per year  
18 thereafter by an inspector approved by the Authority. The Authority  
19 may enter the licensed premises of a testing laboratory to conduct  
20 investigations and additional inspections when the Authority  
21 believes an investigation or additional inspection is necessary due  
22 to a possible violation of applicable laws, rules or regulations.

23 U. Medical marijuana testing laboratories shall obtain  
24 accreditation by an accrediting body approved by the ~~Commissioner~~



1 Executive Director within one (1) year of the date the initial  
2 license is issued. Renewal of any medical marijuana testing  
3 laboratory license shall be contingent upon accreditation in  
4 accordance with this subsection. All medical marijuana testing  
5 laboratories shall obtain accreditation prior to applying for and  
6 receiving a medical marijuana testing laboratory license.

7 V. Unless authorized by the provisions of this section, a  
8 commercial grower shall not transfer or sell medical marijuana and a  
9 processor shall not transfer, sell or process into a concentrate or  
10 product any medical marijuana, medical marijuana concentrate or  
11 medical marijuana product unless samples from each harvest batch or  
12 production batch from which that medical marijuana, medical  
13 marijuana concentrate or medical marijuana product was derived has  
14 been tested by a medical marijuana testing laboratory and passed all  
15 contaminant tests required by the Oklahoma Medical Marijuana and  
16 Patient Protection Act and applicable laws, rules and regulations.  
17 A licensed commercial grower may transfer medical marijuana that has  
18 failed testing to a licensed processor only for the purposes of  
19 decontamination or remediation and only in accordance with the  
20 provisions of the Oklahoma Medical Marijuana and Patient Protection  
21 Act and the rules and regulations ~~of the Department~~ promulgated by  
22 the Executive Director. Remediated and decontaminated medical  
23 marijuana may be returned only to the originating licensed  
24 commercial grower.

1 W. Kief shall not be transferred or sold except as authorized  
2 in the rules and regulations ~~of the Department~~ promulgated by the  
3 Executive Director.

4 SECTION 18. AMENDATORY 63 O.S. 2021, Section 427.18, is  
5 amended to read as follows:

6 Section 427.18. A. ~~An Oklahoma~~ A medical marijuana business  
7 shall not sell, transfer or otherwise distribute medical marijuana  
8 or medical marijuana product that has not been packaged and labeled  
9 in accordance with this section and rules promulgated by the ~~State~~  
10 ~~Commissioner of Health~~ Executive Director of the Oklahoma Medical  
11 Marijuana Authority.

12 B. A medical marijuana dispensary shall return medical  
13 marijuana and medical marijuana product that does not meet packaging  
14 or labeling requirements in this section or rules promulgated  
15 pursuant thereto to the entity who transferred it to the dispensary.  
16 The medical marijuana dispensary shall document to whom the item was  
17 returned, what was returned and the date of the return or dispose of  
18 any usable marijuana that does not meet these requirements in  
19 accordance with the Oklahoma Medical Marijuana and Patient  
20 Protection Act.

21 C. 1. Medical marijuana packaging shall be packaged to  
22 minimize its appeal to children and shall not depict images other  
23 than the business name logo of the medical marijuana producer and  
24 image of the product.

1           2. A medical marijuana business shall not place any content on  
2 a container in a manner that reasonably appears to target  
3 individuals under the age of twenty-one (21) including, but not  
4 limited to, cartoon characters or similar images.

5           3. Labels on a container shall not include any false or  
6 misleading statements.

7           4. No container shall be intentionally or knowingly labeled so  
8 as to cause a reasonable patient confusion as to whether the medical  
9 marijuana, medical marijuana concentrate or medical marijuana  
10 product is a trademarked product or labeled in a manner that  
11 violates any federal trademark law or regulation.

12           5. The label on the container shall not make any claims  
13 regarding health or physical benefits to the patient.

14           6. All medical marijuana, medical marijuana concentrate and  
15 medical marijuana products shall be in a child-resistant container  
16 at the point of transfer to the patient or caregiver.

17           D. ~~The State Department of Health~~ Executive Director shall  
18 develop minimum standards for packaging and labeling of medical  
19 marijuana and medical marijuana products. Such standards shall  
20 include, but not be limited to, the required contents of labels to  
21 be affixed to all medical marijuana and medical marijuana products  
22 prior to transfer to a licensed patient or caregiver, which shall  
23 include, at a minimum:

24           1. THC and other cannabinoid potency, and terpenoid potency;

1           2. A statement indicating that the product has been tested for  
2 contaminants;

3           3. One or more product warnings to be determined by the  
4 ~~Department~~ Executive Director; and

5           4. Any other information the ~~Department~~ Executive Director  
6 deems necessary.

7           SECTION 19.           AMENDATORY           63 O.S. 2021, Section 427.19, is  
8 amended to read as follows:

9           Section 427.19. A. A medical marijuana research license may be  
10 issued to a person to grow, cultivate, possess and transfer, by sale  
11 or donation, marijuana pursuant to the Oklahoma Medical Marijuana  
12 and Patient Protection Act for the limited research purposes  
13 identified in this section.

14           B. The annual fee for a medical marijuana research license  
15 shall be Five Hundred Dollars (\$500.00) and shall be payable by an  
16 applicant for a medical marijuana research license upon submission  
17 of his or her application to the Oklahoma Medical Marijuana  
18 Authority.

19           C. A medical marijuana research license may be issued for the  
20 following research purposes:

- 21           1. To test chemical potency and composition levels;  
22           2. To conduct clinical investigations of marijuana-derived  
23 medicinal products;

24

1           3. To conduct research on the efficacy and safety of  
2 administering marijuana as part of medical treatment;

3           4. To conduct genomic, horticultural or agricultural research;  
4 and

5           5. To conduct research on marijuana-affiliated products or  
6 systems.

7           D. 1. As part of the application process for a medical  
8 marijuana research license, an applicant shall submit to the  
9 Authority a description of the research that the applicant intends  
10 to conduct and whether the research will be conducted with a public  
11 institution or using public money. If the research will not be  
12 conducted with a public institution or with public money, the  
13 Authority shall grant the application if it determines that the  
14 applicant meets the criteria in this section.

15           2. If the research will be conducted with a public institution  
16 or public money, the ~~Department~~ Authority shall review the research  
17 project of the applicant to determine if it meets the requirements  
18 of this section and to assess the following:

19           a. the quality, study design, value or impact of the  
20 project,

21           b. whether the applicant has the appropriate personnel,  
22 expertise, facilities, infrastructure, funding and  
23 human, animal or other approvals in place to  
24 successfully conduct the project, and

1 c. whether the amount of marijuana to be grown by the  
2 applicant is consistent with the scope and goals of  
3 the project.

4 3. If the Authority determines that the research project does  
5 not meet the requirements of this section or assesses the criteria  
6 to be inadequate, the application shall be denied.

7 E. A medical marijuana research licensee may only transfer, by  
8 sale or donation, marijuana grown within its operation to other  
9 medical marijuana research licensees. The ~~Department~~ Authority may  
10 revoke a medical marijuana research license for violations of this  
11 section and any other violation of the Oklahoma Medical Marijuana  
12 and Patient Protection Act.

13 F. A medical marijuana research licensee may contract to  
14 perform research in conjunction with a public higher education  
15 research institution or another medical marijuana research licensee.

16 G. The growing, cultivating, possessing or transferring, by  
17 sale or donation, of marijuana in accordance with this section and  
18 the rules promulgated pursuant thereto, by a medical marijuana  
19 research licensee shall not be a criminal or civil offense under  
20 state law. A medical marijuana research license shall be issued in  
21 the name of the applicant and shall specify the location in ~~Oklahoma~~  
22 this state at which the medical marijuana research licensee intends  
23 to operate. A medical marijuana research licensee shall not allow  
24 any other person to exercise the privilege of the license.

1 H. If the research conducted includes a public institution or  
2 public money, the Authority shall review any reports made by medical  
3 marijuana research licensees under state licensing authority rule  
4 and provide the Authority with its determination on whether the  
5 research project continues to meet research qualifications pursuant  
6 to this section.

7 SECTION 20. AMENDATORY 63 O.S. 2021, Section 427.20, is  
8 amended to read as follows:

9 Section 427.20. A. There is hereby created a medical marijuana  
10 education facility license.

11 B. A medical marijuana education facility license may be issued  
12 to a person to possess or cultivate marijuana for the limited  
13 education and research purposes identified in this section.

14 C. A medical marijuana education facility license may only be  
15 granted to a not-for-profit organization structured under Section  
16 501(c)(3) of the Internal Revenue Code, operating as ~~an Oklahoma a~~  
17 not-for-profit organization in this state registered ~~organization~~  
18 with the Office of the Secretary of State.

19 D. A medical marijuana education facility license may only be  
20 granted upon the submission of an annual fee of Five Hundred Dollars  
21 (\$500.00) to the Oklahoma Medical Marijuana Authority.

22 E. A medical marijuana education facility license may be issued  
23 for the following education and research purposes:  
24

1 1. To test cultivation techniques, strategies, infrastructure,  
2 mediums, lighting and other related technology;

3 2. To demonstrate cultivation techniques, strategies,  
4 infrastructure, mediums, lighting and other related technology;

5 3. To demonstrate the application and use of product  
6 manufacturing technologies;

7 4. To conduct genomic, horticultural or agricultural research;  
8 and

9 5. To conduct research on marijuana-affiliated products or  
10 systems.

11 F. As part of the application process for a medical marijuana  
12 education facility license, an applicant shall submit to the  
13 Authority a description of the project and curriculum that the  
14 applicant intends to conduct and whether the project and curriculum  
15 will be conducted with a public institution or using public money.  
16 If the project and curriculum will not be conducted with a public  
17 institution or with public money, the Authority shall grant the  
18 application. If the research will be conducted with a public  
19 institution or public money, the Authority shall review the research  
20 project of the applicant to determine if it meets the requirements  
21 of this section and to assess the following:

22 1. The quality, study design, value or impact of the project;  
23  
24



1           2. Whether the applicant has the appropriate personnel,  
2 expertise, facilities, infrastructure, funding and human, animal or  
3 other approvals in place to successfully conduct the project; and

4           3. Whether the amount of marijuana to be grown by the applicant  
5 is consistent with the scope and goals of the project.

6 If the Authority determines that the education project does not meet  
7 the requirements of this section or assesses the criteria to be  
8 inadequate, the application shall be denied.

9           G. A medical marijuana education facility licensee may only  
10 transfer, by sale or donation, marijuana grown within its operation  
11 to medical marijuana research licensees. The ~~Department~~ Authority  
12 may revoke a medical marijuana education facility license for  
13 violations of this section and any other violation of applicable  
14 laws, rules and regulations.

15           H. A medical marijuana education facility licensee may contract  
16 to perform research in conjunction with a public higher education  
17 research institution or another research licensee.

18           I. The growing, cultivating, possessing or transferring, by  
19 sale or donation, of marijuana in accordance with this section and  
20 the rules promulgated pursuant thereto, by a medical marijuana  
21 education facility licensee shall not be a criminal or civil offense  
22 under state law. A medical marijuana education facility license  
23 shall be issued in the name of the applicant and shall specify the  
24 location in ~~Oklahoma~~ this state at which the medical marijuana

1 education facility licensee intends to operate. A medical marijuana  
2 education facility licensee shall not allow any other person to  
3 exercise the privilege of the license.

4 SECTION 21. AMENDATORY 63 O.S. 2021, Section 427.22, is  
5 amended to read as follows:

6 Section 427.22. A. All medical marijuana patient and caregiver  
7 records and information including, but not limited to, any  
8 application or renewal and supporting information submitted by a  
9 qualifying patient or designated caregiver under the provisions of  
10 the Oklahoma Medical Marijuana and Patient Protection Act and  
11 information regarding the physician of the qualifying patient shall  
12 be considered confidential medical records that are exempt from the  
13 Oklahoma Open Records Act.

14 B. The dispensary records with patient information shall be  
15 treated as confidential records that are exempt from the Oklahoma  
16 Open Records Act.

17 C. All financial information provided by an applicant or a  
18 licensee in an application to the Authority shall be treated as  
19 confidential records that are exempt from the Oklahoma Open Records  
20 Act.

21 D. All information provided by an applicant or a licensee that  
22 constitutes private business information shall be treated as  
23 confidential records that are exempt from the Oklahoma Open Records  
24 Act.

1 E. As used in this section, "private business information"  
2 means information that, if disclosed, would give advantage to  
3 competitors or bidders including, but not limited to, information  
4 related to the planning, site location, operations, strategy or  
5 product development and marketing of an applicant, unless approval  
6 for release of those records is granted by the business.

7 F. All monthly report, inventory tracking and seed-to-sale  
8 information, data and records submitted to the ~~Department~~ Authority  
9 shall be treated as confidential records and are exempt from the  
10 Oklahoma Open Records Act.

11 G. Except for license information concerning licensed patients,  
12 the ~~Department~~ Authority may share confidential information with  
13 other ~~Oklahoma~~ state agencies to assist those agencies in ensuring  
14 compliance with applicable laws, rules and regulations.

15 SECTION 22. AMENDATORY 63 O.S. 2021, Section 427.23, is  
16 amended to read as follows:

17 Section 427.23. ~~A. The State Commissioner of Health~~ Executive  
18 Director of the Oklahoma Medical Marijuana Authority, the Oklahoma  
19 Tax Commission, the State Treasurer, the Secretary of State and the  
20 Director of the Office of Management and Enterprise Services shall  
21 promulgate rules to implement the provisions of the Oklahoma Medical  
22 Marijuana and Patient Protection Act.

23 ~~B. The Medical Marijuana Advisory Council, in addition to the~~  
24 ~~powers and duties granted in Section 423 of this title, may~~

1 ~~recommend to the State Commissioner of Health rules relating to all~~  
2 ~~aspects regarding the safe cultivation and manufacturing of medical~~  
3 ~~marijuana products. In addition to the twelve (12) members required~~  
4 ~~in Section 423 of this title, the State Department of Health may~~  
5 ~~appoint up to eight additional members. The makeup of the Council~~  
6 ~~shall include medical marijuana industry representation.~~

7 SECTION 23. AMENDATORY 63 O.S. 2021, Section 427.24, is  
8 amended to read as follows:

9 Section 427.24. A. Whenever an authorized agent of the ~~State~~  
10 ~~Department of Health~~ Oklahoma Medical Marijuana Authority finds, in  
11 whole or in part, that the medical marijuana or medical marijuana  
12 product fails to meet the requirements of Sections 420 through 426.1  
13 of ~~Title 63 of the Oklahoma Statutes~~ this title or the Oklahoma  
14 Medical Marijuana and Patient Protection Act as it relates to health  
15 and safety, the medical marijuana or medical marijuana product is  
16 handled in violation of applicable laws or rules and regulations ~~of~~  
17 ~~the Department~~ promulgated by the Executive Director of the  
18 Authority, or the medical marijuana or medical marijuana product may  
19 be poisonous, deleterious to health or is otherwise unsafe, an  
20 electronic or physical tag or other appropriate marking or hold  
21 shall be affixed to the medical marijuana or medical marijuana  
22 product which shall give notice that the medical marijuana or  
23 medical marijuana product is or is suspected of being manufactured,  
24 produced, transferred, sold or offered for sale in violation of

1 applicable laws or rules and regulations ~~of the Department~~  
2 promulgated by the Executive Director and is embargoed. The notice  
3 shall further provide a warning to all persons not to remove or  
4 dispose of the medical marijuana or medical marijuana product until  
5 permission for removal or disposal is given by the ~~Department~~  
6 Executive Director. It shall be unlawful for any person to remove  
7 or dispose of the medical marijuana or medical marijuana product  
8 embargoed without permission by the ~~Department~~ Executive Director.

9 B. If the ~~State Commissioner of Health~~ Executive Director finds  
10 that medical marijuana or medical marijuana product embargoed  
11 pursuant to subsection A of this section does not meet the  
12 requirements of applicable laws or rules and regulations ~~of the~~  
13 ~~Department~~ promulgated by the Executive Director, or is poisonous,  
14 deleterious to health or otherwise unsafe, the ~~Commissioner~~  
15 Executive Director may institute an action in the district court in  
16 whose jurisdiction the medical marijuana or medical marijuana  
17 product is embargoed for the condemnation and destruction of the  
18 medical marijuana or medical marijuana product. If the ~~Commissioner~~  
19 Executive Director finds that the medical marijuana or medical  
20 marijuana product embargoed does meet the requirements of applicable  
21 laws and the rules and regulations ~~of the Department~~ promulgated by  
22 the Executive Director and is not poisonous, deleterious to health  
23 or otherwise unsafe, the ~~Commissioner~~ Executive Director shall  
24 remove the embargo. In any court proceeding regarding an embargo,

1 neither the ~~State Department of Health, the Oklahoma Medical~~  
2 ~~Marijuana Authority~~ or the ~~Commissioner~~ Executive Director shall be  
3 held liable if the court finds reasonable belief for the embargo.

4 C. Except as otherwise provided in subsection D of this  
5 section, if the court finds that the embargoed medical marijuana or  
6 medical marijuana product, in whole or in part, is in violation of  
7 any applicable laws or rules and regulations ~~of the Department~~  
8 promulgated by the Executive Director or is poisonous, deleterious  
9 to health or otherwise unsafe, the medical marijuana or medical  
10 marijuana product shall be destroyed at the expense of the defendant  
11 under the supervision of the ~~Commissioner~~ Executive Director. All  
12 court costs, fees, costs of storage and disposal and other proper  
13 expenses shall be paid by the defendant of the medical marijuana or  
14 medical marijuana product.

15 D. The court may order that the medical marijuana or medical  
16 marijuana product be delivered to the defendant for appropriate  
17 labeling or processing under the supervision of the ~~Commissioner~~  
18 Executive Director only if:

- 19 1. The violation can be corrected by proper processing of  
20 medical marijuana or medical marijuana product;
- 21 2. All costs, fees and expenses have been paid; and
- 22 3. A sufficient bond is executed and conditioned for  
23 appropriate labeling or processing as the court may require.

24

1 The expense of supervision shall be paid to the ~~Commissioner~~  
2 Executive Director by the person obtaining release of the medical  
3 marijuana or medical marijuana product under bond.

4 SECTION 24. AMENDATORY 63 O.S. 2021, Section 430, as  
5 last amended by Section 28, Chapter 553, O.S.L. 2021, is amended to  
6 read as follows:

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

1 need for additional medical marijuana waste disposal licenses and  
2 shall, if demonstrated, increase the number of licenses as deemed  
3 necessary by the Authority.

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

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

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

10 b. full name of the organization,

11 c. trade name, if applicable,

12 d. type of business organization,

13 e. complete mailing address,

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

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

17 h. name, residential address and date of birth of each  
18 owner and each member, manager and board member, if  
19 applicable;

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

24



- a. the first, middle and last name of the applicant and suffix, if applicable,
- b. the residence address and mailing address of the 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

1 nearest perimeter wall of the premises of such  
2 disposal facility. If any public or private school is  
3 established within one thousand (1,000) feet of any  
4 disposal facility after such disposal facility has  
5 been licensed, the provisions of this subparagraph  
6 shall not be a deterrent to the renewal of such  
7 license or warrant revocation of the license, and  
8 e. documents establishing the applicant, the members,  
9 managers and board members, if applicable, and  
10 seventy-five percent (75%) of the ownership interests  
11 are ~~Oklahoma~~ residents of this state as established in  
12 Section 420 et seq. of this title, as it relates to  
13 proof of state residency.

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

23 D. Submission of an application for a medical marijuana waste  
24 disposal license shall constitute permission for entry to and

1 inspection of the facility of the licensee during hours of operation  
2 and other reasonable times. Refusal to permit such entry of  
3 inspection shall constitute grounds for the nonrenewal, suspension  
4 or revocation of a license. The Authority may perform an annual  
5 unannounced on-site inspection of the operations and any facility of  
6 the licensee. If the Authority receives a complaint concerning  
7 noncompliance by a licensee with the provisions of the Oklahoma  
8 Medical Marijuana Waste Management Act, the Authority may conduct  
9 additional unannounced, on-site inspections beyond an annual  
10 inspection. The Authority may refer all complaints alleging  
11 criminal activity that are made against a licensed facility to  
12 appropriate state or local law enforcement authorities.

13 E. The Authority shall issue an annual permit for each medical  
14 marijuana waste disposal facility operated by a licensee. A permit  
15 shall be issued only upon proper application by a licensee and  
16 determination by the Authority that the proposed site and facility  
17 are physically and technically suitable. Upon a finding that a  
18 proposed medical marijuana waste disposal facility is not physically  
19 or technically suitable, the Authority shall deny the permit. The  
20 Authority shall have the authority to revoke a permit upon a finding  
21 that the site and facility are not physically and technically  
22 suitable for processing. The Authority may, upon determining that  
23 public health or safety requires emergency action, issue a temporary  
24

1 permit for treatment or storage of medical marijuana waste for a  
2 period not to exceed ninety (90) days.

3 F. The cost of a medical marijuana waste disposal license shall  
4 be Five Thousand Dollars (\$5,000.00) for the initial license. The  
5 cost of a medical marijuana waste disposal facility permit shall be  
6 Five Hundred Dollars (\$500.00). A medical marijuana waste disposal  
7 facility permit that has been revoked shall be reinstated upon  
8 remittance of a reinstatement fee of Five Hundred Dollars (\$500.00)  
9 to restore the facility permit. All license and permit fees shall  
10 be deposited into the Oklahoma Medical Marijuana Authority Revolving  
11 Fund as provided in Section 427.5 of this title.

12 G. The holder of a medical marijuana waste disposal license  
13 shall not be required to obtain a medical marijuana transporter  
14 license provided for in the Oklahoma Medical Marijuana and Patient  
15 Protection Act for purposes of transporting medical marijuana waste.

16 H. All commercial licensees, as defined in Section 428.1 of  
17 this title, shall utilize a licensed medical marijuana waste  
18 disposal service to process all medical marijuana waste generated by  
19 the licensee.

20 I. ~~The State Commissioner of Health~~ Executive Director of the  
21 Authority shall promulgate rules for the implementation of the  
22 Oklahoma Medical Marijuana Waste Management Act. Promulgated rules  
23 shall address disposal process standards, site security and any

24

1 other subject matter deemed necessary by the ~~Authority~~ Executive  
2 Director.

3 SECTION 25. AMENDATORY 74 O.S. 2021, Section 85.3A, as  
4 last amended by Section 13, Chapter 101, O.S.L. 2021, is amended to  
5 read as follows:

6 Section 85.3A. A. Compliance with the provisions of the  
7 Oklahoma Central Purchasing Act shall not be required of:

8 1. County government;

9 2. The Oklahoma State Regents for Higher Education, the  
10 institutions, centers, or other constituent agencies of The Oklahoma  
11 State System of Higher Education;

12 3. The telecommunications network known as OneNet;

13 4. The Department of Public Safety gun range;

14 5. The State Treasurer for the following purchases:

15 a. services, including, but not limited to, legal  
16 services to assist in the administration of the  
17 Uniform Unclaimed Property Act, as provided in Section  
18 668 of Title 60 of the Oklahoma Statutes, and

19 b. software, hardware and associated services to assist  
20 in the administration of funds and securities held by  
21 the state, as provided in Section 71.2 of Title 62 of  
22 the Oklahoma Statutes;

23 6. Statutorily allowed interagency agreements between state  
24 agencies;

1 7. The Oklahoma Department of Veterans Affairs, in accordance  
2 with Section 63.22 of Title 72 of the Oklahoma Statutes;

3 8. A transaction, wholly funded by monies other than state-  
4 derived funds, in which a state agency functions only as a pass-  
5 through conduit to fund an acquisition that is required by the  
6 funding source for the benefit of another entity or individuals and  
7 the state agency does not retain ownership of any part of the  
8 acquisition as a result of the transaction; ~~or~~

9 9. The Secretary of State when selecting a vendor for  
10 publication of the Oklahoma Statutes in accordance with Section 13  
11 of Title 75 of the Oklahoma Statutes; or

12 10. The Oklahoma Medical Marijuana Authority.

13 B. The State Purchasing Director may form an advisory committee  
14 consisting of representatives from entities exempted from the  
15 provisions of the Oklahoma Central Purchasing Act. The purpose of  
16 the committee shall be to allow committee members to provide input  
17 into the development of shared state purchasing contracts,  
18 collaboratively participate in the integration of their purchasing  
19 platforms or electronic purchasing catalogs, analyze solutions that  
20 may be used by state government to meet the purchasing needs of the  
21 entities, explore joint purchases of general use items that result  
22 in mutual procurement of quality goods and services at the lowest  
23 reasonable cost and explore flexibility, administrative relief, and

1 transformation changes through utilization of procurement  
2 technology.

3 C. At the invitation of the State Purchasing Director entities  
4 exempted from the provisions of the Oklahoma Central Purchasing Act  
5 shall participate in the advisory committee referenced in subsection  
6 B of this section.

7 D. The State Purchasing Director may invite representatives of  
8 political subdivisions, and local common education entities to  
9 participate as members of the advisory committee.

10 SECTION 26. This act shall become effective November 1, 2022.

11

12 58-2-3694 DC 3/3/2022 1:24:31 PM

13

14

15

16

17

18

19

20

21

22

23

24