

1 ENGROSSED HOUSE  
2 BILL NO. 3813

By: Stinson and McDugle of the  
House

3 and

4 Weaver of the Senate

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6  
7 [ medical marijuana - clarifying law enforcement  
8 powers of certain employees of the Oklahoma Medical  
9 Marijuana Authority - effective date ]  
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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

15 Section 427.4 A. The Oklahoma Medical Marijuana Authority, in  
16 conjunction with the State Department of Health, shall employ an  
17 Executive Director and other personnel as necessary to assist the  
18 Authority in carrying out its duties.

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

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

23 2. The individual or his or her spouse, parent, child, spouse  
24 of a child, sibling, or spouse of a sibling has an application for a

1 medical marijuana business license pending before the ~~Department~~  
2 Authority or is a member of the board of directors of a medical  
3 marijuana business, or is an individual financially interested in  
4 any licensee or medical marijuana business.

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

8 D. The Commissioner may delegate to any officer or employee of  
9 the ~~Department~~ Authority any of the powers of the Executive Director  
10 and may designate any officer or employee of the ~~Department~~  
11 Authority to perform any of the duties of the Executive Director.

12 E. The Executive Director shall be authorized to suggest rules  
13 governing the oversight and implementation of the Oklahoma Medical  
14 Marijuana and Patient Protection Act.

15 F. The ~~Department~~ Authority is hereby authorized to create  
16 employment positions necessary for the implementation of its  
17 obligations pursuant to the Oklahoma Medical Marijuana and Patient  
18 Protection Act including, but not limited to, Authority  
19 investigators and a ~~senior~~ director of enforcement. The ~~Department~~  
20 ~~and the Authority~~, the ~~senior~~ director of enforcement, the Executive  
21 Director, and ~~Department~~ investigators of the Authority shall have  
22 all the powers and authority of any a peace officer of this state  
23 for the purpose of enforcing the provisions of the Oklahoma Medical  
24 Marijuana and Patient Protection Act, rules promulgated by the

1 Executive Director, or criminal laws of this state. These powers  
2 shall include, but are not limited to:

3 1. ~~Investigate~~ Investigating violations or suspected violations  
4 of the Oklahoma Medical Marijuana and Patient Protection Act ~~and,~~  
5 any rules promulgated pursuant thereto, and any violations of  
6 criminal laws of this state discovered through the course of such  
7 investigations;

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

12 3. ~~Assist~~ Seizing any marijuana or marijuana product held in  
13 violation of the Oklahoma Medical Marijuana and Patient Protection  
14 Act, any other laws of this state, or any rules promulgated by the  
15 Executive Director;

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

19 ~~4. Require~~ 5. Referring any evidence, reports, or charges  
20 regarding violations of any provision of the Oklahoma Medical  
21 Marijuana and Patient Protection Act that carry criminal penalties,  
22 or any other criminal laws of this state, to the appropriate law  
23 enforcement authority and prosecutorial authority for action;  
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1       6. Aiding the enforcement authorities of this state or any  
2 county or municipality of the state, or the federal government, in  
3 prosecutions of violations of the Oklahoma Medical Marijuana and  
4 Patient Protection Act or any other laws of this state that carry  
5 criminal penalties involving crimes discovered during the  
6 investigation of violations or suspected violations of the Oklahoma  
7 Medical Marijuana and Patient Protection Act, or any rules  
8 promulgated pursuant thereto;

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

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

21       ~~6. Require~~ 9. Requiring medical marijuana business licensees  
22 to submit a sample or unit of medical marijuana or medical marijuana  
23 product to the quality assurance laboratory when the ~~Department~~  
24 Authority has reason to believe the medical marijuana or medical

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

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

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

20 H. During the course of an investigation, the director of  
21 enforcement or any investigator of the Authority, as provided in  
22 subsection F of this section, may arrest a violator or suspected  
23 violator of any laws of this state committed in the presence of the  
24 director of enforcement or any investigator of the Authority, or

1 upon the development of probable cause that such crime has been  
2 committed. The director of enforcement and any investigator of the  
3 Authority as provided by subsection F of this section may, upon  
4 request of a sheriff or another peace officer of this state, or any  
5 political subdivision thereof, assist in the apprehension and arrest  
6 of a violator or suspected violator of any of the laws of this  
7 state.

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

21 SECTION 2. This act shall become effective November 1, 2022.  
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1 Passed the House of Representatives the 23rd day of March, 2022.

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4 Presiding Officer of the House  
of Representatives

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

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9 Presiding Officer of the Senate