

# An Act

ENROLLED HOUSE  
BILL NO. 3208

By: Cornwell, West (Josh),  
Bashore, Kendrix, Roberts  
(Eric), and Luttrell of the  
House

and

Paxton of the Senate

An Act relating to medical marijuana; amending 63 O.S. 2021, Section 427.3, which relates to the Oklahoma Medical Marijuana and Patient Protection Act; expanding scope of powers and duties; directing the Oklahoma Medical Marijuana Authority to declare and establish a moratorium on issuing certain medical marijuana business licenses; providing an exception; requiring review and processing of applications received prior to certain date; directing the Authority to promulgate rules; and providing for codification.

SUBJECT: Medical marijuana

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 427.3, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

6. Inspect and examine all licensed premises of medical marijuana businesses, research facilities, education facilities, and

waste disposal facilities in which medical marijuana is cultivated, manufactured, sold, stored, transported, tested, distributed, or disposed of;

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

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

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

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

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

- a. the square footage of the licensed premises,
- b. a diagram of the licensed premises,
- c. the number and type of lights at the licensed medical marijuana commercial grower business,
- d. the number, type, and production capacity of equipment located at the medical marijuana processing facility,
- e. the names, addresses, and telephone numbers of employees or agents of a medical marijuana business,
- f. employment manuals and standard operating procedures for the medical marijuana business, and

g. any other information as the Authority reasonably deems necessary; and

12. Declare and establish a moratorium on processing and issuing new medical marijuana business licenses pursuant to Section 427.14 of this title for an amount of time the Authority deems necessary.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 427.14a of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Beginning August 1, 2022, and ending August 1, 2024, the Oklahoma Medical Marijuana Authority shall, based on the number of current medical marijuana business licenses for dispensaries, processors, and commercial growers, declare and establish a moratorium on processing and issuing new medical marijuana business licenses for dispensaries, processors, and commercial growers. The Executive Director of the Authority shall be authorized to terminate the moratorium at any time prior to August 1, 2024, if the Executive Director determines that all pending licensing reviews, inspections, or investigations have been completed by the Authority.

B. The provisions of this section shall not apply to the renewal of a medical marijuana business license for a dispensary, processor, or commercial grower under the provisions of Section 427.14 of Title 63 of the Oklahoma Statutes or to the issuance of a medical marijuana business license necessitated by a change in the ownership or location of a medical marijuana dispensary, medical marijuana processor, or medical marijuana commercial grower; provided, however, the Authority shall be authorized to deny the request for issuance of a medical marijuana business license due to a change in ownership if the licensee is subject to any disciplinary action that may necessitate the revocation, suspension, or nonrenewal of the medical marijuana business license.

C. The Authority shall review and process applications for medical marijuana business licenses for dispensaries, processors, and commercial growers if applications were received on or before August 1, 2022.

D. The Authority shall promulgate rules as necessary to implement the provisions of this section.

Passed the House of Representatives the 17th day of May, 2022.

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Presiding Officer of the House  
of Representatives

Passed the Senate the 19th day of May, 2022.

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Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_