

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. _____

COMMITTEE AMENDMENT

(Date)

I move to amend Senate Bill No. 2646 by restoring the title.

Submitted by:

Senator Taylor

I hereby grant permission for the title to be restored.

Senator Leewright, Chair (required)

Senator McCortney

Senator Coleman

Senator Newhouse

Senator Bergstrom

Senator Paxton

Senator Brooks

Senator Pugh

Senator Burns

Senator Rogers

Senator Dahm

Senator Young

Senator Garvin

Senator Treat, President Pro Tempore

Senator David, Majority Floor Leader

Note: Business, Commerce and Tourism committee majority requires seven (7) members' signatures.

I hereby grant permission for the title to be restored.

Senator Thompson
Appropriations Committee Chair

Taylor-NP-FA-HB2646 (title)
4/21/2021 2:25 PM

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Untimely

Amendment Cycle Extended

Secondary Amendment

An Act relating to medical marijuana; amending Section 1, State Question No. 788, Initiative Petition No. 412, as last amended by Section 44, Chapter 161, O.S.L. 2020 (63 O.S. Supp. 2020, Section 420), which relates to patient and caregiver licensing requirements; modifying language; specifying measurements in grams; clarifying scope of certain offense; updating references to licensees; specifying biannual payment of application fees for patient licenses; providing for reprints of licenses; setting fee amount; providing a temporary medical marijuana patient license for nonresident medical marijuana licensee; authorizing the State Department of Health to deny patient license applications; removing certain recordkeeping requirement; specifying types of records the Department shall seal to protect privacy; updating statutory references; clarifying application requirements; amending Section 2, State Question No. 788, Initiative Petition No. 412 (63 O.S. Supp. 2020, Section 421), which relates to dispensary licensing requirements; updating language; increasing time limitation for reviewing dispensary license applications; authorizing the Department to deny dispensary license applications; deleting penalties for inaccurate reports and fraudulent sales; authorizing licensed dispensaries to sell pre-rolled marijuana; specifying types of products that can be used for pre-rolled marijuana; providing testing, packaging and labeling requirements; prohibiting physical handling of products; providing handling exception for certain sealed products and by employees; amending Section 3, State Question No. 788, Initiative Petition No. 412 (63 O.S. Supp. 2020, Section 422), which relates to commercial grower licensing requirements; modifying language; increasing time limitation for reviewing commercial grower license applications; authorizing the Department to deny commercial grower license applications; authorizing licensed commercial growers to sell to other licensed commercial growers; deleting penalties for inaccurate reports and fraudulent sales; authorizing licensed commercial growers to sell pre-rolled marijuana; specifying types of products that can be used for pre-rolled marijuana; providing testing, packaging and labeling requirements; amending Section 4, State Question No. 788, Initiative Petition No. 412 (63 O.S. Supp. 2020, Section 423), which relates to medical marijuana processor licensing requirements; updating language; increasing time

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limitation for reviewing processor license applications; authorizing the Department to deny processor license applications; providing for twice-yearly inspections of processing operations; deleting penalties for inaccurate reports and fraudulent sales; specifying name of council responsible for creating certain standards; amending Section 6, State Question No. 788, Initiative Petition No. 412, as last amended by Section 46, Chapter 161, O.S.L. 2020 (63 O.S. Supp. 2020, Section 425), which relates to protections for medical marijuana patient licensees; updating language; deleting certain definition; specifying manner by which distances between certain properties shall be measured; providing exceptions; specifying name of certain act; amending Section 7, State Question No. 788, Initiative Petition No. 412 (63 O.S. Supp. 2020, Section 426), which relates to the taxation of medical marijuana; updating language and name of state agency; amending Section 4, Chapter 509, O.S.L. 2019 (63 O.S. Supp. 2020, Section 426.1), which relates to license revocations and hearings; deleting certain exception; updating language and statutory references; modifying information the State Department of Health may share with law enforcement; providing for an online verification system; directing the Department to share list of marijuana-licensed premises with state agencies; directing marijuana-licensed businesses to submit certain documentation when requesting a change in location; amending Section 2, Chapter 11, O.S.L. 2019, as last amended by Section 48, Chapter 161, O.S.L. 2020, Section 3, Chapter 11, O.S.L. 2019, as amended by Section 6, Chapter 477, O.S.L. 2019, Section 4, Chapter 11, O.S.L. 2019, Section 6, Chapter 11, O.S.L. 2019, as amended by Section 7, Chapter 477, O.S.L. 2019, Section 7, Chapter 11, O.S.L. 2019, as amended by Section 5, Chapter 509, O.S.L. 2019, Section 9, Chapter 11, O.S.L. 2019, Section 10, Chapter 11, O.S.L. 2019, as amended by Section 2, Chapter 390, O.S.L. 2019, Section 11, Chapter 11, O.S.L. 2019, Section 13, Chapter 11, O.S.L. 2019, Section 14, Chapter 11, O.S.L. 2019, as last amended by Section 51, Chapter 161, O.S.L. 2020, Section 16, Chapter 11, O.S.L. 2019, Section 17, Chapter 11, O.S.L. 2019, as amended by Section 4, Chapter 312, O.S.L. 2019, Section 18, Chapter 11, O.S.L. 2019, Section 19, Chapter 11, O.S.L. 2019, Section 20, Chapter 11, O.S.L. 2019, Section 22, Chapter 11, O.S.L. 2019 and Section 23, Chapter 11, O.S.L. 2019, as amended by Section 11,

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Chapter 477, O.S.L. 2019 (63 O.S. Supp. 2020, Sections 427.2, 427.3, 427.4, 427.6, 427.7, 427.9, 427.10, 427.11, 427.13, 427.14, 427.16, 427.17, 427.18, 427.19, 427.20, 427.22 and 427.23), which relate to the Oklahoma Medical Marijuana and Patient Protection Act; updating references to certain named act; modifying scope of certain definitions; deleting certain definitions; clarifying duties of the Oklahoma Medical Marijuana Authority; authorizing the Authority to establish fee schedule and collect fees; removing notice requirement for inspections; providing for regulations on information to be submitted; specifying information to be submitted; requiring medical marijuana business licensees to submit samples to a quality assurance laboratory under certain circumstances; limiting samples to certain number per year; providing for cost of submitted samples; allowing for on-site inspections and investigations of medical marijuana businesses and certain facilities; authorizing the State Department of Health to enter certain facilities; providing for post licensure inspections; providing for additional inspections under certain circumstances; deleting notice provision; removing option for licensees to obtain legal representation prior to certain interview; providing for the suspension or revocation of licenses for nonpayment of penalties; establishing penalties for inaccurate or fraudulent reports; authorizing the issuance of written orders for alleged violations; specifying contents of written orders; authorizing the Department to impose disciplinary actions and monetary penalties; allowing licensees to request an administrative hearing; directing the Department to initiate administrative proceedings upon such request; authorizing the Department to issue certain emergency order without notice or hearing; requiring immediate compliance with provisions of the order; providing for the assessment of penalties; authorizing licensees to request a hearing; clarifying privacy requirements for handling records of patients and caregivers; deleting references to certain federal act; directing the Authority to protect patient and caregiver records and information; authorizing the Authority to contact recommending physicians of patient licensees; expanding certain criminal and civil protections to podiatrists; directing the Department to immediately void licenses under certain circumstances; allowing patients to request the withdrawal of a caregiver license; providing for such withdrawal without the

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right to a hearing; requiring certain facilities to keep transaction records and utilize seed-to-sale tracking system; directing medical marijuana businesses and facilities that retain inventory tracking records to comply with state and federal privacy laws; deleting inventory tracking records retention requirement; clarifying term of application fee for medical marijuana businesses; directing license renewal applicants to comply with certain requirements; clarifying criteria provisions for licensees; requiring criminal history background checks for license renewal applicants; modifying certain identification document requirement; modifying list of identification documents necessary for licensure; providing for the denial of business license applications; providing for the denial of resubmitted applications under certain circumstances; prohibiting the issuance of research, education and waste disposal facility licenses to certain persons; removing directive to consider additional information about applicants with criminal history records; requesting licensees to provide certain information to the Authority; requiring medical marijuana research, education and waste disposal facility licensees to pay licensure fees prior to receiving license; establishing renewal fee for expired licenses; making late renewal fees nonrefundable; prohibiting the renewal of certain expired licenses; prohibiting medical marijuana businesses, research, education and waste disposal facilities from operating without a valid, unexpired license; allowing certain licensed medical marijuana facilities to obtain medical marijuana transporter licenses; reducing fee amount of annual transporter agent license; establishing transporter agent license reprint fee; clarifying residency requirement; deleting certain inventory manifest requirement; extending time limitation for maintaining copies of inventory manifests and logs; modifying scope of duties related to the development of testing practices and research methods; providing restrictions on laboratory ownership and the employment of certain persons; removing mandate that prohibits indirect beneficial owners from owning a laboratory; allowing medical marijuana testing laboratories to conduct certain research; authorizing medical marijuana testing laboratories to accept samples from licensed research and education facilities; prohibiting the testing of samples from certain businesses; directing the Department to

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develop standards and policies for the immediate recall of medical marijuana products; increasing time limitation for medical marijuana testing laboratories to retain test results; requiring test of individual harvest batch; providing test exception for certain plant materials of certain weight; changing batch weight; construing term for final products; limiting testing to certain final products of certain grams of THC; increasing number of inspections required for medical marijuana testing laboratories; allowing for additional investigations and inspections of testing laboratories under certain circumstances; modifying accreditation requirements for testing laboratories; making renewal subject to accreditation; requiring accreditation for licensure beginning on certain date; allowing licensed commercial growers to transfer certain product to licensed processors for decontamination or remediation; prohibiting the sale or transfer of kief; eliminating certain labeling requirement; clarifying terms of application fee for medical marijuana research license and medical marijuana education facility license; clarifying certain application process requirement for medical marijuana education facility license applicants; declaring all medical marijuana patient and caregiver records confidential and exempt from the Oklahoma Open Records Act; making certain records submitted to the Department confidential and exempt from the Oklahoma Open Records Act; authorizing the Department to share confidential information with other state agencies; modifying name of entity that recommends certain rules to the State Commissioner of Health; authorizing the Department to appoint additional members to the Medical Marijuana Advisory Council; specifying makeup of Council; authorizing the Department to tag or mark medical marijuana and medical marijuana product under certain conditions; authorizing the Department to embargo medical marijuana and medical marijuana product; making the removal or disposal of embargoed medical marijuana and medical marijuana product without permission unlawful; allowing the State Commissioner of Health to institute actions in district court for the condemnation and destruction of embargoed medical marijuana and medical marijuana product that fails to meet certain requirements; providing for the removal of embargo after certain determination by the Commissioner; providing exemption from liability; providing for the destruction of medical marijuana and medical marijuana product upon

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findings made by the court; requiring expenses associated with destruction, court costs and fees to be paid by owner or defendant; authorizing courts to order delivery of medical marijuana and medical marijuana product to owner or defendant under certain circumstances; directing expenses for supervision be paid to Commissioner by certain person; amending Sections 2, 3 and 4, Chapter 337, O.S.L. 2019 (63 O.S. Supp. 2020, Sections 428.1, 429 and 430), which relate to the Oklahoma Medical Marijuana Waste Management Act; updating name of act; modifying scope of certain definitions; authorizing the destruction of marijuana roots and stalks; deleting documentation requirements for entities that engage in the disposal of medical marijuana waste; deleting requirement to maintain disposal records; clarifying scope of certain prohibited act; specifying manner by which distance requirements shall be measured for waste disposal facilities; removing alternative options for liability insurance requirement; providing for annual permits; directing the deposit of license and permit fees into different revolving fund; amending 63 O.S. 2011, Section 2-302, as last amended by Section 57, Chapter 161, O.S.L. 2020 (63 O.S. Supp. 2020, Section 2-302), which relates to regulation of manufacturing; requiring certain manufacturer registration; making manufacturer subject to same jurisdiction authority as registrant; amending 63 O.S. 2011, Section 2-304, as amended by Section 1, Chapter 1, O.S.L. 2015 (63 O.S. Supp. 2020, Section 2-304), which relates to revocation of manufacturer registration; providing criminal and administrative penalties for providing false information; amending 63 O.S. 2011, Section 2-305, which relates to order to show cause before revocation of registration; including administrative action on non-registrant engaged in manufacturing a controlled dangerous substance; providing for codification; and providing an effective date.

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