

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3813

By: Stinson of the House

and

Weaver of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to medical marijuana; amending 63
12 O.S. 2021, Section 427.4, which relates to the
13 Oklahoma Medical Marijuana and Patient Protection
14 Act; updating language; clarifying law enforcement
15 powers of certain employees of the Oklahoma Medical
16 Marijuana Authority; allowing for the search and
17 seizure of illegally held marijuana or marijuana
18 products; authorizing the referral of evidence,
19 reports, or charges; authorizing employees of the
20 Authority to provide aid in certain prosecutions;
21 requiring Authority investigators to meet certain
22 training requirements and qualifications; authorizing
23 certain employees of the Authority to arrest
24 violators under specific circumstances; allowing
 Executive Director of the Authority to employ or
 contract for attorneys; describing duties for
 attorneys employed by the Authority; and providing an
 effective date.

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

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

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.

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

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

9 2. The individual or his or her spouse, parent, child, spouse
10 of a child, sibling, or spouse of a sibling has an application for a
11 medical marijuana business license pending before the ~~Department~~
12 Authority or is a member of the board of directors of a medical
13 marijuana business, or is an individual financially interested in
14 any licensee or medical marijuana business.

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

18 D. The Commissioner may delegate to any officer or employee of
19 the ~~Department~~ Authority any of the powers of the Executive Director
20 and may designate any officer or employee of the Department to
21 perform any of the duties of the Executive Director.

22 E. The Executive Director shall be authorized to suggest rules
23 governing the oversight and implementation of the Oklahoma Medical
24 Marijuana and Patient Protection Act.

1 F. The ~~Department~~ Authority is hereby authorized to create
2 employment positions necessary for the implementation of its
3 obligations pursuant to the Oklahoma Medical Marijuana and Patient
4 Protection Act including, but not limited to, Authority
5 investigators and a ~~senior~~ director of enforcement. The ~~Department~~
6 ~~and the~~ Authority, the ~~senior~~ director of enforcement, the Executive
7 Director, and ~~Department~~ investigators of the Authority shall have
8 all the powers and authority of any a peace officer of this state
9 for the purpose of enforcing the provisions of the Oklahoma Medical
10 Marijuana and Patient Protection Act, rules promulgated by the
11 Executive Director, or criminal laws of this state. These powers
12 shall include, but are not limited to:

13 1. ~~Investigate~~ Investigating violations or suspected violations
14 of the Oklahoma Medical Marijuana and Patient Protection Act ~~and,~~
15 any rules promulgated pursuant thereto, and any violations of
16 criminal laws of this state discovered through the course of such
17 investigations;

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

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

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

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

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

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

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

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

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

1 samples or units of medical marijuana or medical marijuana products
2 more than twice a year. The licensee shall provide the samples or
3 units of medical marijuana or medical marijuana products at its own
4 expense but shall not be responsible for the costs of testing.

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

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

20 I. The Executive Director may employ or contract with
21 attorneys, as needed, to advise the Executive Director and the
22 Authority on all legal matters and appear for and represent the
23 Executor Director and the Authority in all administrative hearings
24 and all litigation or other proceedings which may arise in the

1 discharge of their duties. At the request of the Executive
2 Director, such attorneys shall assist district attorneys in
3 prosecuting charges of violators of the Oklahoma Medical Marijuana
4 and Patient Protection Act or any other laws of this state carrying
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 SECTION 2. This act shall become effective November 1, 2022.

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11 COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED
12 SUBSTANCES, dated 03/03/2022 - DO PASS, As Amended and Coauthored.