

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. 3971

 By: Burns

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8 COMMITTEE SUBSTITUTE

9 An Act relating to medical marijuana; authorizing the
10 Oklahoma Medical Marijuana Authority to employ secret
11 shoppers for certain purpose; directing secret
12 shoppers to purchase specific amounts for compliance
13 tests; providing guidelines for testing samples;
14 directing secret shoppers to deliver samples to
15 quality assurance laboratories for certain testing;
16 directing the Authority to annually inspect minimum
17 number of licensed medical marijuana dispensaries;
18 providing for the recall of medical marijuana and
19 marijuana products for safety failures; providing for
20 the verification of certain laboratory results;
21 requiring the retention of investigative results for
22 certain number of years; directing the Authority to
23 implement rules for providing certain notice;
24 authorizing the Authority to take certain
 disciplinary actions; allowing the Authority to share
 investigative results with certain entities;
 authorizing the Authority to conduct further
 evaluation of investigative results; providing for
 the revocation of business licenses under certain
 circumstances; directing the Authority to implement
 certain rules; providing for codification; and
 providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 427.25 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The Oklahoma Medical Marijuana Authority shall implement
5 rules to employ secret shoppers. Secret shoppers shall purchase
6 medical marijuana or marijuana products from licensed medical
7 marijuana dispensaries.

8 B. For each purchase, the secret shopper shall buy an amount of
9 medical marijuana or marijuana products sufficient for five complete
10 compliance tests. Four samples shall be tested by licensed medical
11 marijuana testing laboratories, one of which shall be the laboratory
12 of origin, if applicable. One sample shall be kept in reserve by
13 the Authority in the event of a discrepancy between the testing
14 laboratories, which may require retesting of the medical marijuana
15 or marijuana products. When making purchases from a licensed
16 medical marijuana dispensary, the secret shopper shall ask for the
17 certificate of analysis for each product purchased.

18 C. The secret shopper shall deliver the medical marijuana or
19 marijuana products to a quality assurance laboratory for
20 homogenization. Once the samples have been homogenized, the samples
21 shall be delivered to four randomly selected licensed medical
22 marijuana testing laboratories for compliance testing which shall
23 include the testing for pesticides, heavy metals, microbials,
24 residual solvents for extracted products, and potency. One sample

1 shall be kept by the Authority in reserve. If the medical marijuana
2 or marijuana products were previously tested with available results
3 from a licensed medical marijuana testing laboratory, that testing
4 laboratory shall be one of the four licensed medical marijuana
5 testing laboratories chosen by the Authority. For the avoidance of
6 doubt, neither the licensed medical marijuana dispensary nor the
7 licensed medical marijuana testing laboratory shall be told that the
8 business entity is selling medical marijuana or marijuana products
9 to a secret shopper or testing samples submitted by a secret shopper
10 employed by the Authority and posing as a licensed medical marijuana
11 patient.

12 D. The Authority shall inspect by secret shopper a minimum of
13 fifty (50) licensed medical marijuana dispensaries annually
14 beginning January of 2023. In the year 2025, the Authority shall
15 inspect by secret shopper a minimum of ten percent (10%) of randomly
16 selected licensed medical marijuana dispensaries in Oklahoma per
17 year.

18 E. 1. When the licensed medical marijuana testing laboratories
19 unanimously confirm test results with safety failures for
20 contaminants, the Authority shall recall the medical marijuana or
21 marijuana product within seven (7) days of obtaining the test
22 results. The name of the licensed medical marijuana dispensary and
23 any other relevant product information shall be made public via a
24 press release issued by the Authority. If there is greater than one

1 but less than four contaminant fails among the licensed medical
2 marijuana testing laboratories, the Authority shall work with a
3 quality assurance laboratory to verify the results of the licensed
4 medical marijuana testing laboratories and take appropriate action.

5 2. When the average of total potency or total terpene results
6 collected from a licensed medical marijuana testing laboratory for a
7 particular product is outside the allowable limits, the Authority
8 shall work with a quality assurance laboratory to verify the results
9 of the testing laboratory. If results are verified to be outside
10 the allowable limits, the Authority shall require relabeling of the
11 medical marijuana or marijuana products.

12 3. All investigative results shall be retained by the Authority
13 for a minimum of three (3) years.

14 4. The Authority shall implement rules to notify any licensed
15 medical marijuana dispensary and licensed medical marijuana grower
16 or licensed medical marijuana processor of any investigative results
17 determined to be noncompliant.

18 5. After the licensed medical marijuana dispensary and licensed
19 medical marijuana grower or licensed medical marijuana processor is
20 notified of the investigative results, such results may be used by
21 the Authority to take action against the licensee, assess fines, or
22 assess other civil penalties available to the Authority.

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1 6. The Authority shall implement rules on sharing such
2 investigative results with any other law enforcement agencies or
3 regulatory authorities.

4 7. The Authority may elect to conduct further evaluations of
5 the investigative results at any time for verification or for other
6 purposes reasonably related to sanitation, public health, or public
7 safety.

8 F. The failure of any licensed medical marijuana business to
9 cooperate with the provisions of this section may result in the
10 revocation of the license at the discretion of the Authority.

11 G. The Authority shall implement rules necessary to enforce the
12 provisions of this act.

13 SECTION 2. This act shall become effective November 1, 2022.

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15 COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED
16 SUBSTANCES, dated 03/03/2022 - DO PASS, As Amended.

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