

1 **SENATE FLOOR VERSION**

2 April 14, 2022

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 3813

6 By: Stinson and McDugle of the  
7 House

8 and

9 Weaver of the Senate

10 [ medical marijuana - clarifying law enforcement  
11 powers of certain employees of the Oklahoma Medical  
12 Marijuana Authority - effective date ]

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

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

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

22 B. The Authority shall not employ an individual if any of the  
23 following circumstances exist:  
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1           1. The individual has a direct or indirect interest in a  
2 licensed medical marijuana business; or

3           2. The individual or his or her spouse, parent, child, spouse  
4 of a child, sibling, or spouse of a sibling has an application for a  
5 medical marijuana business license pending before the ~~Department~~  
6 Authority or is a member of the board of directors of a medical  
7 marijuana business, or is an individual financially interested in  
8 any licensee or medical marijuana business.

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

12           D. The Commissioner may delegate to any officer or employee of  
13 the ~~Department~~ Authority any of the powers of the Executive Director  
14 and may designate any officer or employee of the ~~Department~~  
15 Authority to perform any of the duties of the Executive Director.

16           E. The Executive Director shall be authorized to suggest rules  
17 governing the oversight and implementation of the Oklahoma Medical  
18 Marijuana and Patient Protection Act.

19           F. The ~~Department~~ Authority is hereby authorized to create  
20 employment positions necessary for the implementation of its  
21 obligations pursuant to the Oklahoma Medical Marijuana and Patient  
22 Protection Act including, but not limited to, Authority  
23 investigators and a ~~senior~~ director of enforcement. The ~~Department~~  
24 ~~and the Authority~~, the ~~senior~~ director of enforcement, the Executive

1 Director, and ~~Department~~ investigators of the Authority shall have  
2 all the powers and authority of ~~any a~~ peace officer of this state  
3 for the purpose of enforcing the provisions of the Oklahoma Medical  
4 Marijuana and Patient Protection Act, rules promulgated by the  
5 Executive Director, or criminal laws of this state. These powers  
6 shall include, but are not limited to:

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

12 2. ~~Serve~~ Serving all warrants, summonses, subpoenas,  
13 administrative citations, notices ~~or~~ and all other processes  
14 relating to the enforcement of laws regulating ~~medical~~ marijuana,  
15 marijuana concentrate, and ~~medical~~ marijuana product;

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

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

23 ~~4. Require~~ 5. Referring any evidence, reports, or charges  
24 regarding violations of any provision of the Oklahoma Medical

1 Marijuana and Patient Protection Act that carry criminal penalties,  
2 or any other criminal laws of this state, to the appropriate law  
3 enforcement authority and prosecutorial authority for action;

4 6. Aiding the enforcement authorities of this state or any  
5 county or municipality of the state, or the federal government, in  
6 prosecutions of violations of the Oklahoma Medical Marijuana and  
7 Patient Protection Act or any other laws of this state that carry  
8 criminal penalties involving crimes discovered during the  
9 investigation of violations or suspected violations of the Oklahoma  
10 Medical Marijuana and Patient Protection Act, or any rules  
11 promulgated pursuant thereto;

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

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

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

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

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

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

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

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1 Medical Marijuana and Patient Protection Act or any rules  
2 promulgated pursuant thereto.

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

4 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM  
5 April 14, 2022 - DO PASS AS AMENDED

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