

1 **SENATE FLOOR VERSION**

2 April 14, 2022

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 3971

6 By: Burns, West (Josh) and
7 McDugle of the House

8 and

9 Leewright of the Senate

10 [**medical marijuana - employ secret shoppers for**
11 **certain purpose - compliance tests - annually**
12 **inspect minimum number of licensed medical marijuana**
13 **dispensaries - verification of certain laboratory**
14 **results - disciplinary actions - evaluation of**
15 **investigative results - codification - effective**
16 **date]**

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

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

21 A. The Oklahoma Medical Marijuana Authority shall implement
22 rules to employ secret shoppers. Secret shoppers shall purchase
23 medical marijuana or marijuana products from licensed medical
24 marijuana dispensaries.

25 B. For each purchase, the secret shopper shall buy an amount of
26 medical marijuana or marijuana products sufficient for five complete
27 compliance tests. Four samples shall be tested by licensed medical

1 marijuana testing laboratories, one of which shall be the laboratory
2 of origin, if applicable. One sample shall be kept in reserve by
3 the Authority in the event of a discrepancy between the testing
4 laboratories, which may require retesting of the medical marijuana
5 or marijuana products. When making purchases from a licensed
6 medical marijuana dispensary, the secret shopper shall ask for the
7 certificate of analysis for each product purchased.

8 C. The secret shopper shall deliver the medical marijuana or
9 marijuana products to a quality assurance laboratory for
10 homogenization. Once the samples have been homogenized, the samples
11 shall be delivered to four randomly selected licensed medical
12 marijuana testing laboratories for compliance testing which shall
13 include the testing for pesticides, heavy metals, microbials,
14 residual solvents for extracted products, and potency. One sample
15 shall be kept by the Authority in reserve. If the medical marijuana
16 or marijuana products were previously tested with available results
17 from a licensed medical marijuana testing laboratory, that testing
18 laboratory shall be one of the four licensed medical marijuana
19 testing laboratories chosen by the Authority. For the avoidance of
20 doubt, neither the licensed medical marijuana dispensary nor the
21 licensed medical marijuana testing laboratory shall be told that the
22 business entity is selling medical marijuana or marijuana products
23 to a secret shopper or testing samples submitted by a secret shopper

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1 employed by the Authority and posing as a licensed medical marijuana
2 patient.

3 D. The Authority shall inspect, by secret shopper, a minimum of
4 fifty licensed medical marijuana dispensaries annually beginning
5 January 1, 2023. In the year 2025, the Authority shall inspect, by
6 secret shopper, a minimum of ten percent (10%) of randomly selected
7 licensed medical marijuana dispensaries in Oklahoma per year.

8 E. 1. When the licensed medical marijuana testing laboratories
9 unanimously confirm test results with safety failures for
10 contaminants, the Authority shall recall the medical marijuana or
11 marijuana product within seven (7) days of obtaining the test
12 results. The name of the licensed medical marijuana dispensary and
13 any other relevant product information shall be made public via a
14 press release issued by the Authority. If there is greater than one
15 but less than four contaminant fails among the licensed medical
16 marijuana testing laboratories, the Authority shall work with a
17 quality assurance laboratory to verify the results of the licensed
18 medical marijuana testing laboratories and take appropriate action.

19 2. When the average of total potency or total terpene results
20 collected from a licensed medical marijuana testing laboratory for a
21 particular product is outside the allowable limits, the Authority
22 shall work with a quality assurance laboratory to verify the results
23 of the testing laboratory. If results are verified to be outside
24

1 the allowable limits, the Authority shall require relabeling of the
2 medical marijuana or marijuana products.

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

5 4. The Authority shall implement rules to notify any licensed
6 medical marijuana dispensary and licensed medical marijuana grower
7 or licensed medical marijuana processor of any investigative results
8 determined to be noncompliant.

9 5. After the licensed medical marijuana dispensary and licensed
10 medical marijuana grower or licensed medical marijuana processor is
11 notified of the investigative results, such results may be used by
12 the Authority to take action against the licensee, assess fines, or
13 assess other civil penalties available to the Authority.

14 6. The Authority shall implement rules on sharing such
15 investigative results with any other law enforcement agencies or
16 regulatory authorities.

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

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

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1 G. The Authority shall implement rules necessary to enforce the
2 provisions of this act.

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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