

1 **SENATE FLOOR VERSION**

2 April 14, 2022

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 4055

6 By: Marti, Davis, Talley, and
7 McDugle of the House

8 and

9 Paxton of the Senate

10 **[medical marijuana - public utilities to report**
11 **certain monthly commodity usage - growers to inform**
12 **public utility as to their license status - monthly**
13 **report - procedure to monitor and collect certain**
14 **commodity usage information - codification -**
15 **effective date]**

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 180.12 of Title 17, unless there
19 is created a duplication in numbering, reads as follows:

20 Public utilities, as defined in Section 151 of Title 17 of the
21 Oklahoma Statutes, shall report to the Oklahoma Medical Marijuana
22 Authority the amount of any commodity supplied by the public utility
23 to licensed medical marijuana commercial grower operations in this
24 state. Existing licensed medical marijuana commercial growers shall
be required to inform the public utility as to their status as a
licensed medical marijuana commercial grower within thirty (30) days

1 after the effective date of this act. Licensed medical marijuana
2 commercial growers that receive a license after the effective date
3 of this act shall inform the public utility of their status as a
4 licensed medical marijuana commercial grower at the time of
5 connection of services. Public utilities shall submit monthly
6 reports to the Authority providing the names and addresses of and
7 the amounts of commodities supplied to the licensed medical
8 marijuana commercial growers. The monthly reports shall be
9 submitted in an electronic format that is integrated with the
10 Authority's seed-to-sale software.

11 SECTION 2. AMENDATORY 63 O.S. 2021, Section 427.3, is
12 amended to read as follows:

13 Section 427.3 A. There is hereby created the Oklahoma Medical
14 Marijuana Authority within the State Department of Health which
15 shall address issues related to the medical marijuana program in
16 Oklahoma including, but not limited to, the issuance of patient
17 licenses and medical marijuana business licenses, and the
18 dispensing, cultivating, processing, testing, transporting, storage,
19 research, and the use of and sale of medical marijuana pursuant to
20 the Oklahoma Medical Marijuana and Patient Protection Act.

21 B. The Department shall provide support staff to perform
22 designated duties of the Authority. The Department shall also
23 provide office space for meetings of the Authority.

24

1 C. The Department shall implement the provisions of the
2 Oklahoma Medical Marijuana and Patient Protection Act consistently
3 with the voter-approved State Question No. 788, Initiative Petition
4 No. 412, subject to the provisions of the Oklahoma Medical Marijuana
5 and Patient Protection Act.

6 D. The Department shall exercise its respective powers and
7 perform its respective duties and functions as specified in the
8 Oklahoma Medical Marijuana and Patient Protection Act and this title
9 including, but not limited to, the following:

10 1. Determine steps the state shall take, whether administrative
11 or legislative in nature, to ensure that research on marijuana and
12 marijuana products is being conducted for public purposes, including
13 the advancement of:

- 14 a. public health policy and public safety policy,
- 15 b. agronomic and horticultural best practices, and
- 16 c. medical and pharmacopoeia best practices;

17 2. Contract with third-party vendors and other governmental
18 entities in order to carry out the respective duties and functions
19 as specified in the Oklahoma Medical Marijuana and Patient
20 Protection Act;

21 3. Upon complaint or upon its own motion and upon a completed
22 investigation, levy fines as prescribed in applicable laws, rules
23 and regulations and suspend, revoke or not renew licenses pursuant
24 to applicable laws, rules and regulations;

1 4. Issue subpoenas for the appearance or production of persons,
2 records and things in connection with disciplinary or contested
3 cases considered by the Department;

4 5. Apply for injunctive or declaratory relief to enforce the
5 provisions of applicable laws, rules and regulations;

6 6. Inspect and examine all licensed premises of medical
7 marijuana businesses, research facilities, education facilities and
8 waste disposal facilities in which medical marijuana is cultivated,
9 manufactured, sold, stored, transported, tested, distributed or
10 disposed of;

11 7. Upon action by the federal government by which the
12 production, sale and use of marijuana in Oklahoma does not violate
13 federal law, work with the Oklahoma State Banking Department and the
14 State Treasurer to develop good practices and standards for banking
15 and finance for medical marijuana businesses;

16 8. Establish internal control procedures for licenses including
17 accounting procedures, reporting procedures and personnel policies;

18 9. Establish a fee schedule and collect fees for performing
19 background checks as the Commissioner deems appropriate. The fees
20 charged pursuant to this paragraph shall not exceed the actual cost
21 incurred for each background check;

22 10. Establish a fee schedule and collect fees for material
23 changes requested by the licensee; and
24

1 11. Establish regulations, which require a medical marijuana
2 business to submit information to the Oklahoma Medical Marijuana
3 Authority, deemed reasonably necessary to assist the Authority in
4 the prevention of diversion of medical marijuana by a licensed
5 medical marijuana business. Such information required by the
6 Authority may include, but shall not be limited to:

- 7 a. the square footage of the licensed premises,
- 8 b. a diagram of the licensed premises,
- 9 c. the number and type of lights at the licensed medical
10 marijuana commercial grower business,
- 11 d. the number, type and production capacity of equipment
12 located at the medical marijuana processing facility,
- 13 e. the names, addresses and telephone numbers of
14 employees or agents of a medical marijuana business,
- 15 f. employment manuals and standard operating procedures
16 for the medical marijuana business, and
- 17 g. any other information as the Authority reasonably
18 deems necessary; and

19 12. Establish a procedure for monitoring and collecting
20 licensed medical marijuana commercial growers' monthly usage of
21 commodities provided by public utility companies. The Authority
22 shall provide public utility companies with a means to submit
23 monthly reports regarding the names and addresses of and the amounts
24 of commodities supplied to licensed medical marijuana commercial

1 growers. The Authority shall require monthly usage reports to be
2 submitted in an electronic format that is integrated with the
3 Authority's seed-to-sale software. In addition, the Authority shall
4 develop rules and any necessary procedures for the metering of the
5 usage of water, electricity, or other forms of commodities used by
6 licensed medical marijuana commercial growers that are not supplied
7 by public utility companies including, but not limited to, the usage
8 of well water and gas-powered generators. Refusal or failure to
9 submit the required monthly usage reports by a medical marijuana
10 commercial grower licensee shall result in the permanent revocation
11 of the medical marijuana commercial grower license.

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

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