

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3530

By: Hardin (David)

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6 AS INTRODUCED

7 An Act relating to public health and safety; amending  
8 63 O.S. 2021, Section 427.3, which relates to the  
9 Oklahoma Medical Marijuana Authority; providing for  
local law enforcement programs; and declaring an  
emergency.

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

13 SECTION 1. AMENDATORY 63 O.S. 2021, Section 427.3, is  
14 amended to read as follows:

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

1 B. The Department shall provide support staff to perform  
2 designated duties of the Authority. The Department shall also  
3 provide office space for meetings of the Authority.

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

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

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

- 17 a. public health policy and public safety policy,
- 18 b. agronomic and horticultural best practices, and
- 19 c. medical and pharmacopoeia best practices;

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

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

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

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

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

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

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

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

3 10. Establish a fee schedule and collect fees for material  
4 changes requested by the licensee; ~~and~~

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

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

23 12. Establish programs and provide funding, from the available  
24 fiscal resources of the Authority, to support county sheriffs to

1 enforce the requirements of state law with respect to the commercial  
2 growth of medical marijuana or other related business activity for  
3 which a license is required pursuant to the provisions of law  
4 governing the production, cultivation, transportation, distribution,  
5 sale, or other actions related to medical marijuana.

6 SECTION 2. It being immediately necessary for the preservation  
7 of the public peace, health or safety, an emergency is hereby  
8 declared to exist, by reason whereof this act shall take effect and  
9 be in full force from and after its passage and approval.

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