

<DateSubmitted>

HOUSE OF REPRESENTATIVES  
CONFERENCE COMMITTEE REPORT

Mr. President:  
Mr. Speaker:

The Conference Committee, to which was referred

**HB3971**

By: Burns of the House and Leewright of the Senate

Title: Medical marijuana; authorizing the Oklahoma Medical Marijuana Authority to employ secret shoppers; inspections; investigative results; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. By adopting the following conference committee amendment to restore the title to read as follows:

An Act relating to medical marijuana; authorizing the Oklahoma Medical Marijuana Authority to employ secret shoppers for certain purpose; directing secret shoppers to purchase specific amounts for compliance tests; providing guidelines for testing samples; directing secret shoppers to deliver samples to quality assurance laboratories for certain testing; directing the Authority to annually inspect minimum number of licensed medical marijuana dispensaries; providing for the recall of medical marijuana and marijuana products for safety failures; providing for the verification of certain laboratory results; requiring the retention of investigative results for certain number of years; directing the Authority to implement rules for providing certain notice; 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.

Respectfully submitted,

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

**SENATE CONFEREES**

Leewright \_\_\_\_\_

Paxton \_\_\_\_\_

Taylor \_\_\_\_\_

Rosino \_\_\_\_\_

Dossett (J.J.) \_\_\_\_\_

1 ENGROSSED SENATE AMENDMENT  
TO

2 ENGROSSED HOUSE  
3 BILL NO. 3971

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

4 and

5 Leewright of the Senate

6  
7 An Act relating to medical marijuana; authorizing the  
8 Oklahoma Medical Marijuana Authority to employ secret  
9 shoppers for certain purpose; directing secret  
10 shoppers to purchase specific amounts for compliance  
11 tests; providing guidelines for testing samples;  
12 directing secret shoppers to deliver samples to  
13 quality assurance laboratories for certain testing;  
14 directing the Authority to annually inspect minimum  
15 number of licensed medical marijuana dispensaries;  
16 providing for the recall of medical marijuana and  
17 marijuana products for safety failures; providing for  
18 the verification of certain laboratory results;  
19 requiring the retention of investigative results for  
20 certain number of years; directing the Authority to  
21 implement rules for providing certain notice;  
22 authorizing the Authority to take certain  
23 disciplinary actions; allowing the Authority to share  
24 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.

21 AMENDMENT NO. 1. Page 1, strike the title to read

22 "[ medical marijuana - employ secret shoppers for  
23 certain purpose - compliance tests - annually inspect  
24 minimum number of licensed medical marijuana  
dispensaries - verification of certain laboratory  
results - disciplinary actions - evaluation of



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24 investigative results with certain entities;  
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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:

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

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

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

15       C. The secret shopper shall deliver the medical marijuana or  
16 marijuana products to a quality assurance laboratory for  
17 homogenization. Once the samples have been homogenized, the samples  
18 shall be delivered to four randomly selected licensed medical  
19 marijuana testing laboratories for compliance testing which shall  
20 include the testing for pesticides, heavy metals, microbials,  
21 residual solvents for extracted products, and potency. One sample  
22 shall be kept by the Authority in reserve. If the medical marijuana  
23 or marijuana products were previously tested with available results  
24 from a licensed medical marijuana testing laboratory, that testing

1 laboratory shall be one of the four licensed medical marijuana  
2 testing laboratories chosen by the Authority. For the avoidance of  
3 doubt, neither the licensed medical marijuana dispensary nor the  
4 licensed medical marijuana testing laboratory shall be told that the  
5 business entity is selling medical marijuana or marijuana products  
6 to a secret shopper or testing samples submitted by a secret shopper  
7 employed by the Authority and posing as a licensed medical marijuana  
8 patient.

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

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

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

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

10          4. The Authority shall implement rules to notify any licensed  
11 medical marijuana dispensary and licensed medical marijuana grower  
12 or licensed medical marijuana processor of any investigative results  
13 determined to be noncompliant.

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

19          6. The Authority shall implement rules on sharing such  
20 investigative results with any other law enforcement agencies or  
21 regulatory authorities.

22          7. The Authority may elect to conduct further evaluations of  
23 the investigative results at any time for verification or for other  
24



1 purposes reasonably related to sanitation, public health, or public  
2 safety.

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

6 G. The Authority shall implement rules necessary to enforce the  
7 provisions of this act.

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

9 Passed the House of Representatives the 23rd day of March, 2022.

10  
11 \_\_\_\_\_  
12 Presiding Officer of the House  
of Representatives

13 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2022.

14  
15 \_\_\_\_\_  
16 Presiding Officer of the Senate