

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 2004

By: Fetgatter

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5
6 AS INTRODUCED

7 An Act relating to medical marijuana; amending
8 Section 1, State Question No. 788, Initiative
9 Petition No. 412, as last amended by Section 44,
10 Chapter 161, O.S.L. 2020 (63 O.S. Supp. 2020, Section
11 420), which relates to medical marijuana patient and
12 caregiver licensing requirements; clarifying
13 applicability of certain offense; specifying biannual
14 payment of application fees for patient licenses;
15 broadening eligibility requirements for temporary
16 license; extending license period of temporary
17 license; authorizing the State Department of Health
18 to deny patient license applications; removing
19 recordkeeping requirement related to approved medical
20 marijuana licenses; clarifying types of records and
21 information the Department shall seal to protect
22 privacy; prohibiting the Department from sharing
23 records with other state agencies or political
24 subdivisions; providing for the assessment of late
renewal fees under certain circumstances; making
renewal fees nonrefundable; prohibiting reinstatement
of certain expired licenses; amending Section 2,
State Question No. 788, Initiative Petition No. 412
(63 O.S. Supp. 2020, Section 421), which relates to
dispensary licensing requirements; increasing time
limitation for reviewing medical marijuana dispensary
license applications; authorizing the Department to
deny dispensary license applications; deleting
penalties for gross discrepancy and fraudulent
reporting and fraudulent sales; authorizing the sale
of pre-rolled medical marijuana; amending Section 3,
State Question No. 788, Initiative Petition No. 412
(63 O.S. Supp. 2020, Section 422), which relates to
commercial grower licensing requirements; increasing
time limitation for reviewing medical marijuana
commercial grower license applications; authorizing

1 the Department to deny commercial grower license
2 applications; authorizing commercial growers to
3 package and sell pre-rolled medical marijuana;
4 deleting penalties for gross discrepancy and
5 fraudulent reporting and fraudulent sales; amending
6 Section 4, State Question No. 788, Initiative
7 Petition No. 412 (63 O.S. Supp. 2020, Section 423),
8 which relates to medical marijuana processor
9 licensing requirements; increasing time limitation
10 for reviewing medical marijuana processing license
11 applications; authorizing the Department to deny
12 processing license applications; deleting penalties
13 for gross discrepancy and fraudulent reporting;
14 specifying entity that oversees inspection and
15 compliance of processors; amending Section 6, State
16 Question No. 788, Initiative Petition No. 412, as
17 last amended by Section 46, Chapter 161, O.S.L. 2020
18 (63 O.S. Supp. 2020, Section 425), which relates to
19 protections for medical marijuana licensees;
20 clarifying certain protections; providing standard
21 related to child endangerment; providing certain
22 exception; specifying manner by which distances
23 between certain properties shall be measured;
24 conforming language; amending Section 4, Chapter 509,
O.S.L. 2019 (63 O.S. Supp. 2020, Section 426.1),
which relates to licensure revocation and hearings;
removing certain exception; directing the Department
to make list of marijuana-licensed premises available
to state agencies; requiring certain marijuana-
licensed premises and businesses to submit certain
documentation when requesting a location change;
allowing single certificate of compliance except
under certain conditions; amending Section 2, Chapter
11, O.S.L. 2019, as last amended by Section 48,
Chapter 161, O.S.L. 2020, Section 3, Chapter 11,
O.S.L. 2019, as amended by Section 6, Chapter 477,
O.S.L. 2019, Section 4, Chapter 11, O.S.L. 2019,
Section 6, Chapter 11, O.S.L. 2019, as amended by
Section 7, Chapter 477, O.S.L. 2019, Section 7,
Chapter 11, O.S.L. 2019, as amended by Section 5,
Chapter 509, O.S.L. 2019, Section 9, Chapter 11,
O.S.L. 2019, Section 10, Chapter 11, O.S.L. 2019, as
amended by Section 2, Chapter 390, O.S.L. 2019,
Section 11, Chapter 11, O.S.L. 2019, Section 13,
Chapter 11, O.S.L. 2019, Section 14, Chapter 11,
O.S.L. 2019, as last amended by Section 51, Chapter
161, O.S.L. 2020, Section 16, Chapter 11, O.S.L.

1 2019, Section 17, Chapter 11, O.S.L. 2019, as amended
2 by Section 4, Chapter 312, O.S.L. 2019, Section 18,
3 Chapter 11, O.S.L. 2019, Section 19, Chapter 11,
4 O.S.L. 2019, Section 20, Chapter 11, O.S.L. 2019,
5 Section 22, Chapter 11, O.S.L. 2019 and Section 23,
6 Chapter 11, O.S.L. 2019, as amended by Section 11,
7 Chapter 477, O.S.L. 2019 (63 O.S. Supp. 2020,
8 Sections 427.2, 427.3, 427.4, 427.6, 427.7, 427.9,
9 427.10, 427.11, 427.13, 427.14, 427.16, 427.17,
10 427.18, 427.19, 427.20, 427.22 and 427.23), which
11 relate to the Oklahoma Medical Marijuana and Patient
12 Protection Act; modifying scope of certain
13 definitions; deleting certain definitions; updating
14 references to certain named act; clarifying duties
15 and functions of the Oklahoma Medical Marijuana
16 Authority; providing for the establishment of a fee
17 schedule and collection of fees under certain
18 circumstances; requiring licensees to submit certain
19 information; providing statutory citations;
20 authorizing on-site inspections or investigations of
21 medical marijuana businesses and certain facilities;
22 authorizing the State Department of Health to enter
23 licensed premises and certain facilities; providing
24 for post-licensure inspections; providing for
additional investigations and inspections under
certain circumstances; authorizing the State
Commissioner of Health to prescribe certain
penalties; defining term; authorizing the review of
licensed medical marijuana waste disposal facility
records; removing provision that allows licensees to
secure legal representation prior to interviews
conducted by the Department; providing penalties for
grossly inaccurate or fraudulent reports; authorizing
the Department to issue orders without notice or
hearing under certain circumstances; requiring
compliance with provisions of order; affording
opportunity to apply for a hearing after issuance of
order; clarifying privacy requirements for handling
records of patients and caregivers; deleting
references to certain federal act; authorizing the
Authority to contact recommending physicians of
licensees; expanding certain protections to
podiatrists; providing for patient license
revocation; allowing patients to request the
withdrawal of a caregiver license; directing
withdrawal of caregiver license without a hearing
under certain circumstances; directing certain

1 facilities to keep transaction records and utilize
2 seed-to-sale tracking system; deleting inventory
3 tracking recordkeeping requirement; providing certain
4 exception related to fees; modifying certain business
5 licensing requirement by including research,
6 education and waste disposal facility applicants and
7 licensees; requiring criminal history background
8 checks for license renewals; reducing allowed
9 documentation; providing exemption from residency
10 requirement for certain medical marijuana business
11 license applicants; modifying and deleting certain
12 identification requirements; providing for the denial
13 of business applications; prohibiting the issuance of
14 research, education and waste disposal facility
15 licenses to certain persons; removing requirement to
16 consider additional information when considering
17 criminal histories of business license applicants;
18 clarifying manner by which the Department may seek
19 administrative action against applicants or
20 licensees; modifying exemption to certain compliance
21 requirement; requiring research, education and waste
22 disposal facility licensees to pay licensure fees
23 prior to receiving license; providing late renewal
24 fee for reinstatement of licenses; making fee
nonrefundable; prohibiting reinstatement of certain
expired licenses; prohibiting medical marijuana
businesses, research, education and waste disposal
facilities from operating without a valid, unexpired
license; providing for the issuance of transporter
licenses to certain entities; removing certain
transport requirements; prohibiting delivery to
certain locations; reducing transporter agent license
fee; providing for the reprint of licenses without
charge; stating fee for subsequent license reprints;
modifying and deleting certain qualifications for
issuing transporter agent registry identification
cards; deleting certain inventory manifest
prohibition; increasing amount of time inventory
manifests and logs shall be maintained; removing
ability of the Oklahoma Medical Marijuana Authority
to develop research practices and methods; removing
requirement that prohibits indirect beneficial owners
from owning a laboratory; narrowing scope of testing
laboratory licenses; requiring laboratory licensees
to comply with application requirements; authorizing
testing laboratories to accept samples from research
and education facilities; allowing the testing of

1 product to be conducted at quality assurance
2 laboratories; directing the State Department of
3 Health to develop standards and policies for
4 validation procedures; specifying type of batches and
5 samples that must be identified and tracked by an
6 inventory tracking system; increasing amount of time
7 required for testing laboratories to retain test
8 results; removing test batch weight limitation;
9 removing harvest batch and production batch weight
10 limitations; increasing number of inspections
11 required for testing laboratories after licensure;
12 authorizing additional investigations and inspections
13 under certain circumstances; authorizing commercial
14 growers to transfer certain product to processors
15 under certain conditions; deleting and modifying
16 certain labeling and packaging requirements; making
17 payment of research license and education license
18 fees annual; clarifying application process
19 requirements for medical marijuana education facility
20 licenses; authorizing revocation of licenses for
21 violations of applicable laws, rules and regulations;
22 specifying the type of records and information that
23 are considered confidential and exempt from the
24 Oklahoma Open Records Act; authorizing the Department
to share certain information with the Oklahoma Tax
Commission; modifying name of entity that recommends
rules to the State Commissioner of Health;
authorizing the State Department of Health to appoint
additional members to the Medical Marijuana Advisory
Council; authorizing the Department to tag or mark
medical marijuana and medical marijuana product under
certain conditions; authorizing the Department to
embargo medical marijuana and medical marijuana
product; making the removal or disposal of embargoed
medical marijuana and medical marijuana product
without permission unlawful; allowing the State
Commissioner of Health to institute actions in
district court for the condemnation and destruction
of embargoed medical marijuana and medical marijuana
product that fails to meet certain requirements;
providing for the removal of embargo after certain
determination by the Commissioner; providing
exemption from liability; providing for the
destruction of medical marijuana and medical
marijuana product upon findings made by the court;
requiring expenses associated with destruction, court
costs and fees to be paid by owner or defendant;

1 authorizing courts to order delivery of medical
2 marijuana and medical marijuana product to owner or
3 defendant under certain circumstances; directing
4 expenses for supervision be paid to Commissioner by
5 certain person; amending Sections 2, 3 and 4, Chapter
6 337, O.S.L. 2019 (63 O.S. Supp. 2020, Sections 428.1,
7 429 and 430), which relate to the Oklahoma Medical
8 Marijuana Waste Management Act; modifying scope of
9 certain definitions; authorizing the destruction of
10 marijuana roots and stalks; eliminating limit on
11 number of licenses; deleting documentation
12 requirements for entities that engage in the disposal
13 of medical marijuana waste; removing requirement for
14 entities to maintain disposal records for certain
15 period of time; clarifying manner by which distance
16 requirements shall be measured for waste disposal
17 facilities; removing alternative financial assurance
18 option; providing for the annual issuance of permits;
19 directing deposits into different fund; updating
20 statutory citations; clarifying language; providing
21 for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, State Question No. 788,
Initiative Petition No. 412, as last amended by Section 44, Chapter
161, O.S.L. 2020 (63 O.S. Supp. 2020, Section 420), is amended to
read as follows:

Section 420. A. A person in possession of a state-issued
medical marijuana patient license shall be able to:

1. Consume marijuana legally;
2. Legally possess up to three (3) ounces of marijuana on their
person;
3. Legally possess six mature marijuana plants;

1 4. Legally possess six seedling plants;

2 5. Legally possess one (1) ounce of concentrated marijuana;

3 6. Legally possess seventy-two (72) ounces of edible marijuana;

4 and

5 7. Legally possess up to eight (8) ounces of marijuana in their
6 residence.

7 B. Possession of up to one and one-half (1.5) ounces of
8 marijuana by persons ~~who can state a medical condition, but are not~~
9 ~~in possession of a state-issued~~ without a medical marijuana patient
10 license, shall constitute a misdemeanor offense not subject to
11 imprisonment but punishable by a fine not to exceed Four Hundred
12 Dollars (\$400.00) ~~and shall not be subject to imprisonment for the~~
13 ~~offense~~. Any law enforcement officer who comes in contact with a
14 person in violation of this subsection and who is satisfied as to
15 the identity of the person, as well as any other pertinent
16 information the law enforcement officer deems necessary, shall issue
17 to the person a written citation containing a notice to answer the
18 charge against the person in the appropriate court. Upon receiving
19 the written promise of the alleged violator to answer as specified
20 in the citation, the law enforcement officer shall release the
21 person upon personal recognizance unless there has been a violation
22 of another provision of law.

23 C. A regulatory office shall be established under the State
24 Department of Health which shall receive applications for medical

1 marijuana patient and caregiver license recipients, dispensaries,
2 growers, and ~~packagers~~ processors within sixty (60) days of the
3 passage of this initiative.

4 D. The State Department of Health shall, within thirty (30)
5 days of passage of this initiative, make available on its website,
6 in an easy-to-find location, an application for a medical marijuana
7 patient license. The license shall be good for two (2) years. The
8 biannual application fee shall be One Hundred Dollars (\$100.00), or
9 Twenty Dollars (\$20.00) for individuals on Medicaid, Medicare or
10 SoonerCare. The methods of payment shall be provided on the website
11 of the Department.

12 E. A short-term medical marijuana patient license application
13 shall also be made available on the website of the State Department
14 of Health. A short-term medical marijuana patient license shall be
15 granted to any applicant who can meet the requirements for a two-
16 year medical marijuana patient license, but whose physician
17 recommendation for medical marijuana is only valid for sixty (60)
18 days. Short-term medical marijuana patient licenses shall be issued
19 for sixty (60) days. The fee for a short-term medical marijuana
20 patient license and the procedure for extending or renewing the
21 license shall be determined by the Department.

22 F. A temporary medical marijuana patient license application
23 shall also be made available on the website of the State Department
24 of Health for residents of other states. A temporary medical

1 marijuana patient license shall be granted to ~~any medical marijuana~~
2 ~~license holder from other states, provided that the state has a~~
3 ~~state regulated medical marijuana program, and the applicant can~~
4 ~~prove he or she is a member of such program~~ applicants who meet all
5 requirements applicable to medical marijuana patient license
6 applicants prescribed by law or rule, except the residency
7 requirement provided for in subsection G of this section. Temporary
8 medical marijuana patient licenses shall be issued for ~~thirty (30)~~
9 ninety (90) days. The cost for a temporary medical marijuana
10 patient license shall be One Hundred Dollars (\$100.00). Renewal
11 shall be granted with resubmission of a new application. No
12 additional criteria shall be required.

13 G. Medical marijuana patient license applicants shall submit
14 ~~his or her~~ their applications to the State Department of Health for
15 approval. The applicant shall be an Oklahoma state resident and
16 shall prove residency by a valid driver license, utility bills, or
17 other accepted methods.

18 H. The State Department of Health shall review the medical
19 marijuana patient license application, approve ~~or~~, reject or deny
20 the application, and mail the approval ~~or~~, rejection or denial
21 letter stating ~~any~~ reasons for the rejection or denial to the
22 applicant within fourteen (14) business days of receipt of the
23 application. Approved applicants shall be issued a medical
24 marijuana patient license which shall act as proof of his or her

1 approved status. Applications may only be rejected or denied based
2 on the applicant not meeting stated criteria or improper completion
3 of the application.

4 ~~I. The State Department of Health shall only keep the following~~
5 ~~records for each approved medical marijuana license:~~

6 ~~1. A digital photograph of the license holder;~~

7 ~~2. The expiration date of the license;~~

8 ~~3. The county where the card was issued; and~~

9 ~~4. A unique 24-character identification number assigned to the~~
10 ~~license.~~

11 ~~J.~~ The State Department of Health shall make available, both on
12 its website and through a telephone verification system, an easy
13 method to validate the authenticity of the medical marijuana license
14 by the unique ~~24-character~~ ten- to twenty-four-character
15 identification number.

16 ~~K.~~ J. The State Department of Health shall ensure that all
17 ~~application~~ medical marijuana patient and caregiver records and
18 information are sealed to protect the privacy of medical marijuana
19 license applicants and such records shall not be shared with any
20 other state agency or political subdivision without a warrant issued
21 by a court of competent jurisdiction.

22 ~~L.~~ K. A caregiver license shall be made available for qualified
23 caregivers of a medical marijuana patient license holder who is
24 homebound. As provided in Section ~~11 of Enrolled House Bill No.~~

1 ~~2612~~ 427.11 of ~~the 1st Session of the 57th Oklahoma Legislature~~ this
2 title, the caregiver license shall provide the caregiver the same
3 rights as the medical marijuana patient licensee, including the
4 ability to possess marijuana, marijuana products and mature and
5 immature plants pursuant to the Oklahoma Medical Marijuana and
6 Patient Protection Act, but excluding the ability to use marijuana
7 or marijuana products unless the caregiver has a medical marijuana
8 patient license. An applicant for a caregiver license shall submit
9 proof of the license status and homebound status of the medical
10 marijuana patient and proof that the applicant is the designee of
11 the medical marijuana patient. The applicant shall also submit
12 proof that he or she is eighteen (18) years of age or older and
13 proof of his or her Oklahoma residency. This shall be the only
14 criteria for a caregiver license.

15 ~~M.~~ L. All applicants for a medical marijuana patient license
16 shall be eighteen (18) years of age or older. A special exception
17 shall be granted to an applicant under the age of eighteen (18);
18 however, these applications shall be signed by two physicians and
19 the parent or legal guardian of the applicant.

20 ~~N.~~ M. All applications for a medical marijuana patient license
21 shall be signed by an Oklahoma physician. There are no qualifying
22 conditions. A medical marijuana patient license must be recommended
23 according to the accepted standards a reasonable and prudent
24 physician would follow when recommending or approving any

1 medication. No physician may be unduly stigmatized or harassed for
2 signing a medical marijuana license application.

3 N. A medical marijuana patient licensee who attempts to renew
4 his or her license more than thirty (30) days after the expiration
5 of the license shall pay a late renewal fee to reinstate the patient
6 license in an amount to be determined by the State Department of
7 Health. Late renewal fees are nonrefundable. A medical marijuana
8 patient license that has been expired for more than ninety (90) days
9 shall not be reinstated.

10 O. Counties and cities may enact medical marijuana guidelines
11 allowing medical marijuana patient license holders or ~~caregivers~~
12 caregiver license holders to exceed the state limits set forth in
13 subsection A of this section.

14 SECTION 2. AMENDATORY Section 2, State Question No. 788,
15 Initiative Petition No. 412 (63 O.S. Supp. 2020, Section 421), is
16 amended to read as follows:

17 Section 421. A. The ~~Oklahoma~~ State Department of Health shall,
18 within thirty (30) days of passage of this initiative, make
19 available~~7~~ on ~~their~~ its website~~7~~, in an easy~~-~~to-find location~~7~~, an
20 application for a medical marijuana dispensary license. The
21 application fee shall be Two Thousand Five Hundred Dollars
22 (\$2,500.00) ~~and a.~~ A method of payment ~~will~~ shall be provided on
23 the website of the Department. ~~Retail~~ Dispensary applicants must
24 all be Oklahoma ~~state~~ residents. Any entity applying for a ~~retail~~

1 dispensary license must be owned by an Oklahoma ~~state~~ resident and
2 must be registered to do business in Oklahoma. The ~~Oklahoma~~ State
3 Department of Health shall have ~~two (2) weeks~~ ninety (90) business
4 days to review the application, approve ~~or~~, reject or deny the
5 application, and mail the ~~approval/rejection~~ approval, rejection or
6 denial letter ~~(if rejected, stating reasons for the rejection)~~ or
7 denial to the applicant.

8 B. The ~~Oklahoma~~ State Department of Health ~~must~~ shall approve
9 all applications which meet the following criteria:

10 1. ~~Applicant~~ The applicant must be ~~age~~ twenty-five (25) years
11 of age or older;

12 2. ~~Any~~ The applicant, if applying as an individual, must show
13 residency in the State of Oklahoma;

14 3. All applying entities must show that all members, managers,
15 and board members are Oklahoma residents;

16 4. An applying entity may show ownership of non-Oklahoma
17 residents, but that percentage ownership may not exceed twenty-five
18 percent (25%);

19 5. All applying individuals or entities must be registered to
20 conduct business in the State of Oklahoma; and

21 6. All applicants must disclose all ownership ~~interests~~ interests in the
22 dispensary.

23 7. ~~Applicant(s)~~ Applicants with ~~only~~ a nonviolent felony
24 ~~conviction(s)~~ conviction in the last two (2) years, any other felony

1 conviction in ~~5 (years)~~ the last five (5) years, inmates in the
2 custody of the Department of Corrections, or any person currently
3 incarcerated ~~may~~ shall not qualify for a medical marijuana
4 dispensary license.

5 C. ~~Retailers will~~ Licensed medical marijuana dispensaries shall
6 be required to complete a monthly sales report to the ~~Oklahoma~~ State
7 Department of Health. This report ~~will~~ shall be due on the ~~15th~~
8 fifteenth of each month and provide reporting on the previous month.
9 This report ~~will~~ shall detail the weight of marijuana purchased at
10 wholesale and the weight of marijuana sold to ~~card holders,~~ licensed
11 medical marijuana patients and licensed medical marijuana caregivers
12 and account for any waste. The report ~~will~~ shall show total sales
13 in dollars, tax collected in dollars, and tax due in dollars. The
14 ~~Oklahoma~~ State Department of Health ~~will~~ shall have oversight and
15 auditing responsibilities to ensure that all marijuana being ~~grown~~
16 sold is accounted for. ~~A retailer will only be subject to a penalty~~
17 ~~if a gross discrepancy exists and cannot be explained. Penalties~~
18 ~~for fraudulent reporting occurring within any 2 year time period~~
19 ~~will be an initial fine of Five Thousand Dollars (\$5,000.00) (first)~~
20 ~~and revocation of licensing (second).~~

21 D. Only a licensed medical marijuana ~~retailer may~~ dispensary
22 shall conduct retail sales of marijuana, or marijuana derivatives in
23 the form provided by licensed processors, and these products ~~can~~
24 shall only be sold to a licensed medical marijuana ~~license holder~~

1 ~~patients or their caregiver. Penalties for fraudulent sales~~
2 ~~occurring within any 2 year time period will be an initial fine of~~
3 ~~Five Thousand Dollars (\$5,000.00) (first) and revocation of~~
4 ~~licensing (second) licensed medical marijuana caregivers. Beginning~~
5 ~~on the effective date of this act, licensed medical marijuana~~
6 ~~dispensaries shall be authorized to package and sell to licensed~~
7 ~~medical marijuana patients and licensed medical marijuana caregivers~~
8 ~~pre-rolled medical marijuana containing only ground parts of the~~
9 ~~marijuana plant excluding any concentrates or derivatives.~~

10 SECTION 3. AMENDATORY Section 3, State Question No. 788,
11 Initiative Petition No. 412 (63 O.S. Supp. 2020, Section 422), is
12 amended to read as follows:

13 Section 422. A. The ~~Oklahoma~~ State Department of Health ~~will~~
14 ~~shall,~~ within thirty (30) days of passage of this initiative, make
15 available~~,~~ on ~~their~~ its website~~,~~ in an easy-to-find location~~,~~ an
16 application for a commercial grower license. The application fee
17 ~~will~~ shall be Two Thousand Five Hundred Dollars (\$2,500.00) ~~and.~~
18 The methods of payment ~~will~~ shall be provided on the website of the
19 Department. The ~~Oklahoma~~ State Department of Health ~~has two (2)~~
20 ~~weeks~~ shall have ninety (90) business days to review the
21 application, approve ~~or,~~ reject or deny the application~~,~~ and mail
22 the ~~approval/rejection~~ approval, rejection or denial letter ~~(if~~
23 ~~rejected, stating reasons for rejection)~~ stating reasons for the
24 rejection or denial to the applicant.

1 B. The ~~Oklahoma~~ State Department of Health ~~must~~ shall approve
2 all applications which meet the following criteria:

3 1. ~~Applicant~~ The applicant must be ~~age~~ twenty-five (25) years
4 of age or older;

5 2. ~~Any~~ The applicant, if applying as an individual, must show
6 residency in the State of Oklahoma;

7 3. All applying entities must show that all members, managers,
8 and board members are Oklahoma residents;

9 4. An applying entity may show ownership of non-Oklahoma
10 residents, but that percentage ownership may not exceed twenty-five
11 percent (25%);

12 5. All applying individuals or entities must be registered to
13 conduct business in the State of Oklahoma; and

14 6. All applicants must disclose all ownership ~~+~~ interests in the
15 commercial grow operation.

16 7. ~~Applicant(s)~~ Applicants with ~~only~~ a nonviolent felony
17 ~~conviction(s)~~ conviction in the last two (2) years, any other felony
18 conviction in ~~5 (years)~~ the last five (5) years, inmates in the
19 custody of the Department of Corrections, or any person currently
20 incarcerated ~~may~~ shall not qualify for a commercial grower license.

21 C. 1. A licensed commercial grower may sell marijuana to a
22 licensed ~~retailer,~~ commercial grower, licensed dispensary or a
23 licensed ~~packager~~ processor.

1 2. Beginning on the effective date of this act, licensed
2 commercial growers shall be authorized to package and sell to
3 licensed medical marijuana dispensaries pre-rolled medical marijuana
4 containing only ground parts of the marijuana plant excluding any
5 concentrates or derivatives. ~~Further, these~~

6 3. All sales will by a licensed commercial grower shall be
7 considered wholesale sales and shall not be subject to taxation.

8 4. Under no circumstances may a licensed commercial grower sell
9 marijuana directly to a licensed medical marijuana license holder
10 patient or licensed medical marijuana caregiver. A licensed
11 commercial grower may only sell at the wholesale level to a licensed
12 ~~retailer~~ commercial grower, licensed dispensary, or a licensed
13 processor. If the federal government lifts restrictions on buying
14 and selling marijuana between states, then a licensed commercial
15 grower would be allowed to sell and buy marijuana wholesale from, or
16 to, an out-of-state wholesale provider.

17 5. A licensed commercial grower will be required to shall, in
18 the manner and form prescribed by the State Department of Health,
19 complete a monthly yield and sales report to the Oklahoma State
20 Department of Health. This report will shall be due on the 15th
21 fifteenth of each month and provide reporting on the previous month.
22 ~~This~~ The report will shall, among other items prescribed by the
23 State Department of Health, detail the amount of marijuana harvested
24 ~~in pounds,~~ the amount of drying or dried marijuana on hand, the

1 amount of marijuana sold ~~to processors in pounds,~~ the amount of
2 waste ~~in pounds,~~ and the amount of marijuana sold to retailers in
3 ~~lbs.~~ Additionally, this report will show and total wholesale sales
4 in dollars. The ~~Oklahoma~~ State Department of Health ~~will~~ shall have
5 oversight and auditing responsibilities to ensure that all marijuana
6 being grown by the licensed commercial grower is accounted for. ~~A~~
7 ~~licensed grower will only be subject to a penalty if a gross~~
8 ~~discrepancy exists and cannot be explained. Penalties for~~
9 ~~fraudulent reporting or sales occurring within any 2 year time~~
10 ~~period will be an initial fine of Five Thousand Dollars (\$5,000.00)~~
11 ~~(first) and revocation of licensing (second).~~

12 D. There shall be no limits on how much marijuana a licensed
13 commercial grower can grow.

14 SECTION 4. AMENDATORY Section 4, State Question No. 788,
15 Initiative Petition No. 412 (63 O.S. Supp. 2020, Section 423), is
16 amended to read as follows:

17 Section 423. A. The ~~Oklahoma~~ State Department of Health shall,
18 within thirty (30) days of passage of this initiative, make
19 available~~7~~ on ~~their~~ its website~~7~~ in an easy-to-find location~~7~~ an
20 application for a medical marijuana processing license. The
21 application fee shall be Two Thousand Five Hundred Dollars
22 (\$2,500.00) ~~and methods.~~ A method of payment ~~will~~ shall be provided
23 on the website of the Department. The ~~Oklahoma~~ State Department of
24 Health shall have ~~two (2) weeks~~ ninety (90) business days to review

1 the application, approve ~~or~~, reject or deny the application, and
2 mail the ~~approval/rejection~~ approval, rejection or denial letter ~~(if~~
3 ~~rejected,~~ stating reasons for the rejection ~~) or denial~~ to the
4 applicant.

5 B. The ~~Oklahoma~~ State Department of Health ~~must~~ shall approve
6 all applications which meet the following criteria:

7 1. ~~Applicant~~ The applicant must be ~~age~~ twenty-five (25) years
8 of age or older;

9 2. ~~Any~~ The applicant, if applying as an individual, must show
10 residency in the State of Oklahoma;

11 3. All applying entities must show that all members, managers,
12 and board members are Oklahoma residents;

13 4. An applying entity may show ownership of non-Oklahoma
14 residents, but that percentage ownership may not exceed twenty-five
15 percent (25%);

16 5. All applying individuals or entities must be registered to
17 conduct business in the State of Oklahoma; and

18 6. All applicants must disclose all ownership; in the
19 processing operation.

20 7. ~~Applicant(s)~~ Applicants with ~~only~~ a nonviolent felony
21 ~~conviction(s)~~ conviction in the last two (2) years, any other felony
22 conviction in ~~5 (years)~~ the last five (5) years, inmates in the
23 custody of the Department of Corrections, or any person currently
24

1 incarcerated ~~may~~ shall not qualify for a medical marijuana
2 processing license.

3 C. 1. A licensed processor may ~~take marijuana plants and~~
4 distill or process ~~these~~ marijuana plants into concentrates,
5 edibles~~,~~ and other forms for consumption.

6 2. As required by subsection D of this section, the ~~Oklahoma~~
7 State Department of Health ~~will~~ shall, within sixty (60) days of
8 passage of this initiative, make available a set of standards which
9 ~~will~~ shall be used by licensed processors in the preparation of
10 edible marijuana products. This should be in line with current food
11 preparation guidelines ~~and no.~~ No excessive or punitive rules may
12 be established by the ~~Oklahoma~~ State Department of Health.

13 3. Once a year, the ~~Oklahoma~~ State Department of Health may
14 inspect a processing operation and determine its compliance with the
15 preparation standards. If deficiencies are found, a written report
16 of deficiency ~~will~~ shall be issued to the processor. The processor
17 ~~will~~ shall have one (1) month to correct the deficiency or be
18 subject to a fine of Five Hundred Dollars (\$500.00) for each
19 deficiency.

20 4. A licensed processor may sell marijuana products it creates
21 to a licensed ~~retailer,~~ dispensary or any other licensed processor.
22 ~~Further, these~~ All sales will by a licensed processor shall be
23 considered wholesale sales and shall not be subject to taxation.

24

1 5. Under no circumstances may a licensed processor sell
2 marijuana, or any marijuana product, directly to a licensed medical
3 marijuana ~~license holder~~ patient or licensed medical marijuana
4 caregiver. However, a licensed processor may process cannabis into
5 a concentrated form, for a licensed medical ~~license holder,~~
6 marijuana patient or licensed medical marijuana caregiver for a fee.
7 ~~Processors will be required to~~

8 6. Licensed processors shall, in the manner and form prescribed
9 by the State Department of Health, complete a monthly yield and
10 sales report to the ~~Oklahoma~~ State Department of Health. This
11 report ~~will~~ shall be due on the ~~15th~~ fifteenth of each month and
12 provide reporting on the previous month. ~~This~~ The report ~~will~~
13 shall, among other items prescribed by the State Department of
14 Health, detail the amount of marijuana purchased ~~in pounds,~~ the
15 amount of marijuana cooked or processed ~~in pounds, and,~~ the amount
16 of waste ~~in pounds.~~ ~~Additionally, this report will show~~ and total
17 wholesale sales in dollars. The ~~Oklahoma~~ State Department of Health
18 ~~will~~ shall have oversight and auditing responsibilities to ensure
19 that all marijuana being ~~grown~~ processed is accounted for. ~~A~~
20 ~~licensed processor will only be subject to a penalty if a gross~~
21 ~~discrepancy exists and cannot be explained. Penalties for~~
22 ~~fraudulent reporting occurring within any 2 year time period will be~~
23 ~~an initial fine of Five Thousand Dollars (\$5,000.00) (first) and~~
24 ~~revocation of licensing (second).~~

1 D. The Department shall oversee inspection and compliance of
2 processors producing products with marijuana as an additive. The
3 ~~Oklahoma State Department of Health will~~ shall be compelled to,
4 within thirty (30) days of passage of this initiative, appoint a
5 ~~board of~~ twelve (12) Oklahoma residents to the Medical Marijuana
6 Advisory Council, who are marijuana industry experts, to create a
7 list of food safety standards for processing and handling medical
8 marijuana in Oklahoma. These standards ~~will~~ shall be adopted by the
9 ~~agency~~ Department and the ~~agency can~~ Department may enforce these
10 standards for licensed processors. The ~~agency will~~ Department shall
11 develop a standards review procedure and these standards ~~can~~ may be
12 altered by calling another ~~board~~ council of twelve (12) Oklahoma
13 marijuana industry experts. A signed letter of twenty ~~(20)~~
14 operating, licensed processors ~~would~~ shall constitute a need for a
15 new ~~board~~ council and ~~standard~~ standards review.

16 E. If it becomes permissible, under federal law, marijuana may
17 be moved across state lines.

18 F. Any device used for the processing or consumption of medical
19 marijuana shall be considered legal to be sold, manufactured,
20 distributed, and possessed. No merchant, wholesaler, manufacturer,
21 or individual may ~~unduly~~ be unduly harassed or prosecuted for
22 selling, manufacturing, or ~~possession of medical~~ possessing
23 marijuana paraphernalia.

24

1 SECTION 5. AMENDATORY Section 6, State Question No. 788,
2 Initiative Petition No. 412, as last amended by Section 46, Chapter
3 161, O.S.L. 2020 (63 O.S. Supp. 2020, Section 425), is amended to
4 read as follows:

5 Section 425. A. No school or landlord may refuse to enroll or
6 lease to and may not otherwise penalize a person solely for his or
7 her status as a medical marijuana license holder, unless failing to
8 do so would cause the school or landlord the potential to lose a
9 monetary or licensing-related benefit under federal law or
10 regulations.

11 B. Unless a failure to do so would cause an employer the
12 potential to lose a monetary or licensing-related benefit under
13 federal law or regulations, an employer may not discriminate against
14 a person in hiring, termination or imposing any term or condition of
15 employment or otherwise penalize a person based upon ~~either:~~

16 ~~1. The~~ the status of the person as a medical marijuana license
17 holder; ~~or.~~

18 2. Employers may take action against a holder of a medical
19 marijuana license if the holder uses or possesses marijuana while in
20 his or her place of employment or during the hours of employment.
21 Employers may not take action against the holder of a medical
22 marijuana license solely based upon the status of an employee as a
23 medical marijuana license holder or the results of a drug test
24 showing positive for marijuana or its components.

1 C. For the purposes of medical care, including organ
2 transplants, the authorized use of marijuana by a medical marijuana
3 license holder shall be considered the equivalent of the use of any
4 other medication under the direction of a physician and does not
5 constitute the use of an illicit substance or otherwise disqualify a
6 registered qualifying patient from medical care.

7 D. No medical marijuana license holder may be denied custody of
8 ~~or~~, visitation or parenting time with a minor child, and there is no
9 presumption of neglect or child endangerment for conduct allowed
10 under this law, unless, by clear and convincing evidence, it is
11 established that the behavior of the ~~person~~ medical marijuana
12 license holder creates ~~an unreasonable danger~~ a risk of irreparable
13 harm to the ~~safety of the~~ minor child.

14 E. No person holding a medical marijuana license may ~~unduly be~~
15 ~~withheld from holding~~ be denied or restricted from holding a state-
16 issued license by virtue of their being a licensed medical marijuana
17 ~~license holder~~ patient including, but not limited to, a concealed
18 carry permit.

19 F. 1. No city or local municipality may unduly change or
20 restrict zoning laws to prevent the opening of a ~~retail marijuana~~
21 ~~establishment~~ medical marijuana dispensary.

22 2. For purposes of this subsection, an undue change or
23 restriction of municipal zoning laws means an act which entirely
24 prevents ~~retail marijuana establishments~~ dispensaries from operating

1 within municipal boundaries as a matter of law. Municipalities may
2 follow their standard planning and zoning procedures to determine if
3 certain zones or districts would be appropriate for locating
4 marijuana-licensed premises, medical marijuana businesses or any
5 other premises where marijuana or its by-products are cultivated,
6 grown, processed, stored or manufactured.

7 3. For purposes of this section, "~~retail marijuana~~
8 ~~establishment~~" means ~~an entity licensed by the State Department of~~
9 ~~Health as a medical marijuana dispensary. Retail marijuana~~
10 ~~establishment~~ a medical marijuana dispensary does not include those
11 other entities licensed by the Department as marijuana-licensed
12 premises, medical marijuana businesses or other facilities or
13 locations where marijuana or any product containing marijuana or its
14 by-products are cultivated, grown, processed, stored or
15 manufactured.

16 G. The location of any ~~retail marijuana establishment~~ medical
17 marijuana dispensary is specifically prohibited within one thousand
18 (1,000) feet of any public or private school ~~entrance~~ unless the
19 dispensary was granted a medical marijuana dispensary license by the
20 State Department of Health for that location prior to the effective
21 date of this act. Upon the effective date of this act, the distance
22 indicated in this subsection shall be measured from the nearest
23 property line of the public or private school to the nearest
24 property line of the dispensary. If a public or private school is

1 established within one thousand (1,000) feet of a medical marijuana
2 dispensary after such dispensary has been licensed, the provisions
3 of this section shall not be a deterrent to the renewal of such
4 license or warrant revocation of the license.

5 H. Research shall be provided for under this law. A researcher
6 may apply to the State Department of Health for a special research
7 license. The research license shall be granted, provided the
8 applicant meets the criteria ~~listed under subsection B of Section~~
9 ~~421 of this title~~ provided for in the Oklahoma Medical Marijuana and
10 Patient Protection Act. Research license holders shall be required
11 to file monthly consumption reports to the State Department of
12 Health with amounts of marijuana used for research. Biomedical and
13 clinical research which is subject to federal regulations and
14 institutional oversight shall not be subject to State Department of
15 Health oversight.

16 SECTION 6. AMENDATORY Section 4, Chapter 509, O.S.L.
17 2019 (63 O.S. Supp. 2020, Section 426.1), is amended to read as
18 follows:

19 Section 426.1 A. ~~Except for revocation hearings concerning~~
20 ~~licensed patients, as~~ As defined in Section 2 427.2 of ~~Enrolled~~
21 ~~House Bill No. 2612 of the 1st Session of the 57th Oklahoma~~
22 ~~Legislature~~ this title, all licensure revocation hearings conducted
23 pursuant to marijuana licenses established in the Oklahoma Statutes
24 shall be recorded. A party may request a copy of the recording of

1 the proceedings. Copies shall be provided to local law enforcement
2 if the revocation was based on alleged criminal activity.

3 B. The State Department of Health shall assist any law
4 enforcement officer in the performance of his or her duties upon
5 such request by the law enforcement officer or the request of other
6 local officials having jurisdiction. Except for license information
7 concerning licensed patients, as defined in Section ~~2~~ 427.2 of
8 ~~Enrolled House Bill No. 2612 of the 1st Session of the 57th Oklahoma~~
9 ~~Legislature~~ this title, the Department shall share information with
10 law enforcement agencies upon request without a subpoena or search
11 warrant.

12 C. The State Department of Health shall make available all
13 information displayed on medical marijuana licenses, as well as
14 whether or not the license is valid, to law enforcement
15 electronically through the Oklahoma Law Enforcement
16 Telecommunications System.

17 D. The Department shall make available to Oklahoma state
18 agencies and political subdivisions a list of marijuana-licensed
19 premises, medical marijuana businesses or any other premises where
20 marijuana or its by-products are licensed to be cultivated, grown,
21 processed, stored or manufactured to aid Oklahoma state, county and
22 municipal governments in identifying locations within their
23 jurisdiction and ~~ensure~~ ensuring compliance with ~~local~~ applicable
24 laws, rules and regulations.

1 E. ~~All~~ If located within the incorporated boundaries of any
2 city or town, all marijuana-licensed premises, medical marijuana
3 businesses or any other premises where marijuana or its by-products
4 are licensed to be cultivated, grown, processed, stored or
5 manufactured shall submit with ~~their~~ the application or request to
6 change location, after notifying the political subdivision of their
7 intent, a certificate of compliance from the political subdivision
8 where the facility of the applicant or ~~use~~ licensee is to be located
9 and its use certifying compliance with zoning classifications,
10 applicable municipal ordinances and all applicable safety,
11 electrical, fire, plumbing, waste, construction and building
12 specification codes. Once a certificate of compliance has been
13 submitted to the Oklahoma Medical Marijuana Authority showing full
14 compliance as outlined in this section, no additional certificate of
15 compliance shall be required for license renewal unless a change of
16 use or occupancy occurs, or there is any change concerning the
17 facility or location that would by law require additional
18 inspection, licensure, or permitting by the state or municipal
19 government.

20 SECTION 7. AMENDATORY Section 2, Chapter 11, O.S.L.
21 2019, as last amended by Section 48, Chapter 161, O.S.L. 2020 (63
22 O.S. Supp. 2020, Section 427.2), is amended to read as follows:

23 Section 427.2 As used in ~~this act~~ the Oklahoma Medical
24 Marijuana and Patient Protection Act:

1 1. "Advertising" means the act of providing consideration for
2 the publication, dissemination, solicitation, or circulation, of
3 visual, oral, or written communication to induce directly or
4 indirectly any person to patronize a particular medical marijuana
5 business, or to purchase particular medical marijuana or a medical
6 marijuana product. Advertising includes marketing, but does not
7 include packaging and labeling;

8 2. "Authority" means the Oklahoma Medical Marijuana Authority;

9 3. "Batch number" means a unique numeric or alphanumeric
10 identifier assigned prior to testing to allow for inventory tracking
11 and traceability;

12 4. "Cannabinoid" means any of the chemical compounds that are
13 active principles of marijuana;

14 5. "Caregiver" means a family member or assistant who regularly
15 looks after a medical marijuana license holder whom a physician
16 attests needs assistance;

17 6. "Child-resistant" means special packaging that is:

18 a. designed or constructed to be significantly difficult
19 for children under five (5) years of age to open and
20 not difficult for normal adults to use properly as
21 defined by 16 C.F.R. 1700.15 (1995) and 16 C.F.R.
22 1700.20 (1995),

23

24

1 b. opaque so that the outermost packaging does not allow
2 the product to be seen without opening the packaging
3 material, and

4 c. resealable to maintain its child-resistant
5 effectiveness for multiple openings for any product
6 intended for more than a single use or containing
7 multiple servings;

8 7. "Clone" means a nonflowering plant cut from a mother plant
9 that is capable of developing into a new plant and has shown no
10 signs of flowering;

11 8. "Commissioner" means the State Commissioner of Health;

12 9. "Complete application" means a document prepared in
13 accordance with the provisions set forth in ~~this act~~ the Oklahoma
14 Medical Marijuana and Patient Protection Act, rules promulgated
15 pursuant thereto, and the forms and instructions provided by the
16 Department, including any supporting documentation required and the
17 applicable license application fee;

18 10. "Department" means the State Department of Health;

19 11. "Director" means the Executive Director of the Oklahoma
20 Medical Marijuana Authority;

21 12. "Dispense" means the selling of medical marijuana or a
22 medical marijuana product to a qualified patient or the designated
23 caregiver of the patient that is packaged in a suitable container
24

1 appropriately labeled for subsequent administration to or use by a
2 qualifying patient;

3 13. "Dispensary" means a medical marijuana dispensary, an
4 entity that has been licensed by the Department pursuant to ~~this act~~
5 the Oklahoma Medical Marijuana and Patient Protection Act to
6 purchase medical marijuana or medical marijuana products from a
7 licensed medical marijuana commercial grower, medical marijuana
8 dispensary, or medical marijuana processor, to prepare and package
9 non-infused, pre-rolled medical marijuana, and to sell medical
10 marijuana or medical marijuana products to licensed patients and
11 caregivers as defined ~~under~~ in this ~~act~~ section, or sell or transfer
12 products to another dispensary;

13 14. "Edible medical marijuana product" means any medical-
14 marijuana-infused product for which the intended use is oral
15 consumption including, but not limited to, any type of food, drink
16 or pill;

17 15. "Entity" means an individual, general partnership, limited
18 partnership, limited liability company, trust, estate, association,
19 corporation, cooperative, or any other legal or commercial entity;

20 16. "Flower" means the reproductive organs of the marijuana or
21 cannabis plant referred to as the bud or parts of the plant that are
22 harvested and used ~~to consume~~ for consumption in a variety of
23 medical marijuana products;

24

1 17. "Flowering" means the reproductive state of the marijuana
2 or cannabis plant in which there are physical signs of flower or
3 budding out of the nodes of the stem;

4 18. "Food-based medical marijuana concentrate" means a medical
5 marijuana concentrate that was produced by extracting cannabinoids
6 from medical marijuana through the use of propylene glycol,
7 glycerin, butter, olive oil, coconut oil or other typical food-safe
8 cooking fats;

9 ~~19. "Good cause" for purposes of an initial, renewal or~~
10 ~~reinstatement license application, or for purposes of discipline of~~
11 ~~a licensee, means:~~

- 12 a. ~~the licensee or applicant has violated, does not meet,~~
13 ~~or has failed to comply with any of the terms,~~
14 ~~conditions or provisions of the act, any rules~~
15 ~~promulgated pursuant thereto, or any supplemental~~
16 ~~relevant state or local law, rule or regulation,~~
- 17 b. ~~the licensee or applicant has failed to comply with~~
18 ~~any special terms or conditions that were placed upon~~
19 ~~the license pursuant to an order of the State~~
20 ~~Department of Health, Oklahoma Medical Marijuana~~
21 ~~Authority or the municipality, or~~
- 22 c. ~~the licensed premises of a medical marijuana business~~
23 ~~or applicant have been operated in a manner that~~
24 ~~adversely affects the public health or welfare or the~~

1 ~~safety of the immediate vicinity in which the~~
2 ~~establishment is located;~~

3 ~~20.~~ "Harvest batch" means a specifically identified quantity of
4 medical marijuana that is ~~uniform in strain,~~ cultivated utilizing
5 the same cultivation practices, harvested at the same time from the
6 same location and cured under uniform conditions;

7 ~~21.~~ 20. "Harvested marijuana" means post-flowering medical
8 marijuana not including trim, concentrate or waste;

9 ~~22.~~ 21. "Heat- or pressure-based medical marijuana concentrate"
10 means a medical marijuana concentrate that was produced by
11 extracting cannabinoids from medical marijuana through the use of
12 heat or pressure;

13 ~~23.~~ 22. "Immature plant" means a nonflowering marijuana plant
14 that has not demonstrated signs of flowering;

15 ~~24.~~ 23. "Inventory tracking system" means the required tracking
16 system that accounts for the entire life span of medical marijuana,
17 from ~~either the seed or immature plant~~ stage until the medical
18 marijuana or medical marijuana product is ~~sold to a patient at a~~
19 ~~medical marijuana dispensary, transferred to a medical marijuana~~
20 ~~research facility,~~ consumed, used, disposed of or otherwise
21 ~~destroyed by a medical marijuana business or used in a research~~
22 ~~project by a medical marijuana research facility;~~

1 ~~25.~~ 24. "Licensed patient" or "patient" means a person who has
2 been issued a medical marijuana patient license by the State
3 Department of Health or Oklahoma Medical Marijuana Authority;

4 ~~26.~~ 25. "Licensed premises" means the premises specified in an
5 application for a medical marijuana business license, medical
6 marijuana research facility license or medical marijuana education
7 facility license pursuant to ~~this act~~ the Oklahoma Medical Marijuana
8 and Patient Protection Act that are owned or in possession of the
9 licensee and within which the licensee is authorized to cultivate,
10 manufacture, distribute, sell, store, transport, test or research
11 medical marijuana or medical marijuana products in accordance with
12 the provisions of ~~this act~~ the Oklahoma Medical Marijuana and
13 Patient Protection Act and rules promulgated pursuant thereto;

14 ~~27.~~ 26. "Manufacture" means the production, propagation,
15 compounding or processing of a medical marijuana product, excluding
16 marijuana plants, either directly or indirectly by extraction from
17 substances of natural or synthetic origin, or independently by means
18 of chemical synthesis, or by a combination of extraction and
19 chemical synthesis;

20 ~~28.~~ 27. "Marijuana" shall have the same meaning as such term is
21 defined in Section 2-101 of ~~Title 63 of the Oklahoma Statutes~~ this
22 title;

23 ~~29.~~ 28. "Material change" means any change that would ~~require a~~
24 ~~substantive revision to the standard operating procedures of a~~

1 affect the qualifications for licensure of an applicant or licensee
2 ~~for the cultivation or production of medical marijuana, medical~~
3 ~~marijuana concentrate or medical marijuana products;~~

4 ~~30.~~ 29. "Mature plant" means a harvestable female marijuana
5 plant that is flowering;

6 ~~31.~~ 30. "Medical marijuana business (MMB)" means a licensed
7 medical marijuana dispensary, medical marijuana processor, medical
8 marijuana commercial grower, medical marijuana laboratory, medical
9 marijuana business operator, or a medical marijuana transporter;

10 ~~32.~~ 31. "Medical marijuana concentrate" or "concentrate" means
11 a specific subset of medical marijuana that was produced by
12 extracting cannabinoids from medical marijuana. Categories of
13 medical marijuana concentrate include water-based medical marijuana
14 concentrate, food-based medical marijuana concentrate, solvent-based
15 medical marijuana concentrate, and heat- or pressure-based medical
16 marijuana concentrate;

17 ~~33.~~ 32. "Medical marijuana commercial grower" or "commercial
18 grower" means an entity licensed to cultivate, prepare and package
19 medical marijuana, package pre-rolled medical marijuana, and
20 transfer or contract for transfer of medical marijuana and pre-
21 rolled medical marijuana to a medical marijuana dispensary, medical
22 marijuana processor, any other medical marijuana commercial grower,
23 medical marijuana research facility, or medical marijuana education
24 facility ~~and pesticide manufacturers.~~ A commercial grower may sell

1 seeds, flower or clones to commercial growers pursuant to ~~this act~~
2 the Oklahoma Medical Marijuana and Patient Protection Act;

3 ~~34.~~ 33. "Medical marijuana education facility" or "education
4 facility" means a person or entity approved pursuant to ~~this act~~ the
5 Oklahoma Medical Marijuana and Patient Protection Act to operate a
6 facility providing training and education to individuals involving
7 the cultivation, growing, harvesting, curing, preparing, packaging
8 or testing of medical marijuana, or the production, manufacture,
9 extraction, processing, packaging or creation of medical-marijuana-
10 infused products or medical marijuana products as described in ~~this~~
11 ~~act~~ the Oklahoma Medical Marijuana and Patient Protection Act;

12 ~~35.~~ 34. "Medical-marijuana-infused product" means a product
13 infused with medical marijuana including, but not limited to, edible
14 products, ointments and tinctures, except pre-rolled medical
15 marijuana that does not contain medical marijuana concentrate shall
16 not constitute a medical-marijuana-infused product;

17 ~~36.~~ 35. "Medical marijuana product" or "product" means a
18 product that contains cannabinoids that have been extracted from
19 plant material or the resin therefrom by physical or chemical means
20 and is intended for administration to a qualified patient including,
21 but not limited to, oils, tinctures, edibles, pills, topical forms,
22 gels, creams, vapors, patches, liquids, and forms administered by a
23 nebulizer, excluding live plant forms which are considered medical
24 marijuana;

1 ~~37.~~ 36. "Medical marijuana processor" means a person or entity
2 licensed pursuant to ~~this act~~ the Oklahoma Medical Marijuana and
3 Patient Protection Act to operate a business including the
4 production, manufacture, extraction, processing, packaging or
5 creation of concentrate, medical-marijuana-infused products or
6 medical marijuana products as described in ~~this act~~ the Oklahoma
7 Medical Marijuana and Patient Protection Act;

8 ~~38.~~ 37. "Medical marijuana research facility" or "research
9 facility" means a person or entity approved pursuant to ~~this act~~ the
10 Oklahoma Medical Marijuana and Patient Protection Act to conduct
11 medical marijuana research. A medical marijuana research facility
12 is not a medical marijuana business;

13 ~~39.~~ 38. "Medical marijuana testing laboratory" or "laboratory"
14 means a public or private laboratory licensed pursuant to ~~this act~~,
15 the Oklahoma Medical Marijuana and Patient Protection Act to conduct
16 testing and research on medical marijuana and medical marijuana
17 products;

18 ~~40.~~ 39. "Medical marijuana transporter" or "transporter" means
19 a person or entity that is licensed pursuant to ~~this act~~ the
20 Oklahoma Medical Marijuana and Patient Protection Act. A medical
21 marijuana transporter does not include a medical marijuana business
22 that transports its own medical marijuana, medical marijuana
23 concentrate or medical marijuana products to a property or facility
24

1 adjacent to or connected to the licensed premises if the property is
2 another licensed premises of the same medical marijuana business;

3 ~~41.~~ 40. "Medical marijuana waste" or "waste" means unused,
4 surplus, returned or out-of-date marijuana, plant debris of the
5 plant of the genus Cannabis, including dead plants and all unused
6 plant parts and roots, except the term shall not include roots,
7 stems, stalks and fan leaves;

8 ~~42.~~ 41. "Medical use" means the acquisition, possession, use,
9 delivery, transfer or transportation of medical marijuana, medical
10 marijuana products, medical marijuana devices or paraphernalia
11 relating to the administration of medical marijuana to treat a
12 licensed patient;

13 ~~43.~~ 42. "Mother plant" means a marijuana plant that is grown or
14 maintained for the purpose of generating clones, and that will not
15 be used to produce plant material for sale to a medical marijuana
16 processor or medical marijuana dispensary;

17 ~~44.~~ 43. "Oklahoma physician" or "physician" means a physician
18 licensed by and in good standing with the State Board of Medical
19 Licensure and Supervision, the State Board of Osteopathic Examiners
20 or the Board of Podiatric Medical Examiners;

21 ~~45.~~ 44. "Oklahoma resident" means an individual who can provide
22 proof of residency as required by ~~this act~~ the Oklahoma Medical
23 Marijuana and Patient Protection Act;

24

1 ~~46.~~ 45. "Owner" means, except where the context otherwise
2 requires, a direct beneficial owner including, but not limited to,
3 all persons or entities as follows:

- 4 a. all shareholders owning an interest of a corporate
5 entity and all officers of a corporate entity,
- 6 b. all partners of a general partnership,
- 7 c. all general partners and all limited partners that own
8 an interest in a limited partnership,
- 9 d. all members that own an interest in a limited
10 liability company,
- 11 e. all beneficiaries that hold a beneficial interest in a
12 trust and all trustees of a trust,
- 13 f. all persons or entities that own an interest in a
14 joint venture,
- 15 g. all persons or entities that own an interest in an
16 association,
- 17 h. the owners of any other type of legal entity, and
- 18 i. any other person ~~holding an interest or convertible~~
19 ~~note in any entity which owns, operates or manages a~~
20 ~~licensed facility~~ or entity which contracts for or
21 receives more than ten percent (10%) of the gross
22 monthly income or profit of the medical marijuana
23 business or which is compensated, in whole or in part,
24 based on an allocation of a percentage of sales,

1 income, or profit of the medical marijuana business if
2 such allocation exceeds ten percent (10%) of the gross
3 monthly sales or income of the medical marijuana
4 business. For purposes of this subparagraph, any
5 person or entity who receives such compensation from a
6 medical marijuana business that was issued a license
7 prior to the effective date of this act shall not be
8 considered an owner of that medical marijuana business
9 but shall disclose such financial interest in the
10 medical marijuana business to the State Department of
11 Health upon request and as prescribed by the
12 Department. This exception applies only to persons or
13 entities who received such compensation or entered
14 into contracts for such compensation prior to the
15 effective date of this act;

16 ~~47.~~ 46. "Package" or "packaging" means any container or wrapper
17 that may be used by a medical marijuana business to enclose or
18 contain medical marijuana;

19 ~~48.~~ 47. "Person" means a natural person, partnership,
20 association, business trust, company, corporation, estate, limited
21 liability company, trust or any other legal entity or organization,
22 or a manager, agent, owner, director, servant, officer or employee
23 thereof, except that "person" does not include any governmental
24 organization;

1 ~~49.~~ 48. "Pesticide" means any substance or mixture of
2 substances intended for preventing, destroying, repelling or
3 mitigating any pest or any substance or mixture of substances
4 intended for use as a plant regulator, defoliant or desiccant,
5 except that the term "pesticide" shall not include any article that
6 is a "new animal drug" as designated by the United States Food and
7 Drug Administration;

8 ~~50.~~ 49. "Production batch" means:

- 9 a. any amount of medical marijuana concentrate of the
10 same category ~~and,~~ produced using the same extraction
11 methods, and standard operating procedures ~~and an~~
12 ~~identical group of harvest batch of medical marijuana,~~
13 or
14 b. any amount of medical marijuana product of the same
15 ~~exact~~ type, produced using the same ingredients,
16 standard operating procedures and the same production
17 batch of medical marijuana concentrate;

18 ~~51.~~ 50. "Public institution" means any entity established or
19 controlled by the federal government, state government, or a local
20 government or municipality including, but not limited to,
21 institutions of higher education or related research institutions;

22 ~~52.~~ 51. "Public money" means any funds or money obtained by the
23 license holder from any governmental entity including, but not
24 limited to, research grants;

1 ~~53.~~ 52. "Recommendation" means a document that is signed or
2 electronically submitted by a physician on behalf of a patient for
3 the use of medical marijuana pursuant to ~~this act~~ the Oklahoma
4 Medical Marijuana and Patient Protection Act;

5 ~~54.~~ 53. "Registered to conduct business" means a person that
6 has provided proof that the business applicant or commercial
7 licensee is in good standing with the Oklahoma Secretary of State
8 and:

9 a. is in good standing with the Oklahoma Tax Commission,

10 or

11 b. in the case of dispensaries only, is in good standing
12 with or has entered into a mutually agreeable payment
13 plan with the Oklahoma Tax Commission;

14 ~~55.~~ 54. "Remediation" means the process by which ~~the medical~~
15 ~~marijuana flower or trim, which has failed microbial testing, is~~
16 ~~processed into solvent-based medical marijuana concentrate and a~~
17 harvest batch or production batch undergoes a procedure, prior to
18 laboratory testing or after the batch has failed laboratory testing,
19 to remedy the harvest batch or production batch and is retested as
20 ~~required by this act~~ in accordance with Oklahoma laws, rules and
21 regulations;

22 ~~56.~~ 55. "Research project" means a discrete scientific endeavor
23 to answer a research question or a set of research questions related
24 to medical marijuana and is required for a medical marijuana

1 research license. A research project shall include a description of
2 a defined protocol, clearly articulated goals, defined methods and
3 outputs, and a defined start and end date. The description shall
4 demonstrate that the research project will comply with all
5 requirements in ~~this act~~ the Oklahoma Medical Marijuana and Patient
6 Protection Act and rules promulgated pursuant thereto. All research
7 and development conducted by a medical marijuana research facility
8 shall be conducted in furtherance of an approved research project;

9 ~~57.~~ 56. "Revocation" means the final decision by the Department
10 that any license issued pursuant to ~~this act~~ the Oklahoma Medical
11 Marijuana and Patient Protection Act is rescinded because the
12 individual or entity does not comply with the applicable
13 requirements set forth in ~~this act~~ the Oklahoma Medical Marijuana
14 and Patient Protection Act or rules promulgated pursuant thereto;

15 ~~58.~~ 57. "School" means a public or private preschool or a
16 public or private elementary or secondary school used for school
17 classes and instruction. A homeschool, daycare or child-care
18 facility shall not be considered a "school" as used in ~~this act~~ the
19 Oklahoma Medical Marijuana and Patient Protection Act;

20 ~~59.~~ 58. "Shipping container" means a hard-sided container with
21 a lid or other enclosure that can be secured in place. A shipping
22 container is used solely for the transport of medical marijuana,
23 medical marijuana concentrate, or medical marijuana products between
24

1 medical marijuana businesses, a medical marijuana research facility,
2 or a medical marijuana education facility;

3 ~~60.~~ 59. "Solvent-based medical marijuana concentrate" means a
4 medical marijuana concentrate that was produced by extracting
5 cannabinoids from medical marijuana through the use of a solvent
6 approved by the Department;

7 ~~61.~~ 60. "State Question" means Oklahoma State Question No. 788,
8 Initiative Petition No. 412, approved by a majority vote of the
9 citizens of Oklahoma on June 26, 2018;

10 ~~62.~~ "~~Strain~~" ~~means the classification of marijuana or cannabis~~
11 ~~plants in either pure sativa, indica, afghanica, ruderalis or hybrid~~
12 ~~varieties;~~

13 ~~63.~~ 61. "THC" means tetrahydrocannabinol, which is the primary
14 psychotropic cannabinoid in marijuana formed by decarboxylation of
15 naturally tetrahydrocannabinolic acid, which generally occurs by
16 exposure to heat;

17 ~~64.~~ "~~Test batch~~" ~~means with regard to usable marijuana, a~~
18 ~~homogenous, identified quantity of usable marijuana by strain, no~~
19 ~~greater than ten (10) pounds, that is harvested during a seven day~~
20 ~~period from a specified cultivation area, and with regard to oils,~~
21 ~~vapors and waxes derived from usable marijuana, means an identified~~
22 ~~quantity that is uniform, that is intended to meet specifications~~
23 ~~for identity, strength and composition, and that is manufactured,~~

24

1 ~~packaged and labeled during a specified time period according to a~~
2 ~~single manufacturing, packaging and labeling protocol;~~

3 ~~65.~~ 62. "Transporter agent" means a person who transports
4 medical marijuana or medical marijuana products for a licensed
5 transporter and holds a transporter agent license pursuant to ~~this~~
6 ~~act~~ the Oklahoma Medical Marijuana and Patient Protection Act;

7 ~~66.~~ 63. "Universal symbol" means the image established by the
8 State Department of Health or Oklahoma Medical Marijuana Authority
9 and made available to licensees through its website indicating that
10 the medical marijuana or the medical marijuana product contains THC;

11 ~~67.~~ 64. "Usable marijuana" means the dried leaves, flowers,
12 oils, vapors, waxes and other portions of the marijuana plant and
13 any mixture or preparation thereof, excluding ~~seed~~ seeds, roots,
14 stems, stalks and fan leaves; and

15 ~~68.~~ 65. "Water-based medical marijuana concentrate" means a
16 concentrate that was produced by extracting cannabinoids from
17 medical marijuana through the use of only water, ice, or dry ice.

18 SECTION 8. AMENDATORY Section 3, Chapter 11, O.S.L.
19 2019, as amended by Section 6, Chapter 477, O.S.L. 2019 (63 O.S.
20 Supp. 2020, Section 427.3), is amended to read as follows:

21 Section 427.3 A. There is hereby created the Oklahoma Medical
22 Marijuana Authority within the State Department of Health which
23 shall address issues related to the medical marijuana program in
24 Oklahoma including, but not limited to, the issuance of patient

1 licenses and medical marijuana business licenses, and the
2 dispensing, cultivating, processing, testing, transporting, storage,
3 research, and the use of and sale of medical marijuana pursuant to
4 ~~this act~~ the Oklahoma Medical Marijuana and Patient Protection Act.

5 B. The Department shall provide support staff to perform
6 designated duties of the Authority. The Department shall also
7 provide office space for meetings of the Authority.

8 C. The Department shall implement the provisions of ~~this act~~
9 the Oklahoma Medical Marijuana and Patient Protection Act
10 consistently with the voter-approved State Question No. 788,
11 Initiative Petition No. 412, subject to the provisions of ~~this act~~
12 the Oklahoma Medical Marijuana and Patient Protection Act.

13 D. The Department shall exercise its respective powers and
14 perform its respective duties and functions as specified in ~~this act~~
15 the Oklahoma Medical Marijuana and Patient Protection Act and Title
16 ~~63 of the Oklahoma Statutes~~ this title including, but not limited
17 to, the following:

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

- 22 a. public health policy and public safety policy,
- 23 b. agronomic and horticultural best practices, and
- 24 c. medical and pharmacopoeia best practices;

1 2. Contract with third-party vendors and other governmental
2 entities in order to carry out the respective duties and functions
3 as specified in ~~this act~~ the Oklahoma Medical Marijuana and Patient
4 Protection Act;

5 3. Upon complaint or upon its own motion and upon a completed
6 investigation, levy fines as prescribed in ~~this act~~ applicable laws,
7 rules and regulations and suspend ~~or,~~ revoke or not renew licenses
8 pursuant to ~~this act~~ applicable laws, rules and regulations;

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

12 5. Apply for injunctive or declaratory relief to enforce the
13 provisions of ~~this section and any~~ applicable laws, rules
14 ~~promulgated pursuant to this section~~ and regulations;

15 6. Inspect and examine, ~~with notice provided in accordance with~~
16 ~~this act,~~ all licensed premises of medical marijuana businesses,
17 research facilities ~~and,~~ education facilities and waste disposal
18 facilities in which medical marijuana is cultivated, manufactured,
19 sold, stored, transported, tested ~~or,~~ distributed or disposed;

20 7. Upon action by the federal government by which the
21 production, sale and use of marijuana in Oklahoma does not violate
22 federal law, work with the Oklahoma State Banking Department and the
23 State Treasurer to develop good practices and standards for banking
24 and finance for medical marijuana businesses;

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

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

7 10. ~~Require verification for sources of finance for medical~~
8 ~~marijuana businesses~~ Establish a fee schedule and collect fees for
9 material changes requested by the licensee.

10 SECTION 9. AMENDATORY Section 4, Chapter 11, O.S.L. 2019
11 (63 O.S. Supp. 2020, Section 427.4), is amended to read as follows:

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

16 B. The Authority shall not employ an individual if any of the
17 following circumstances exist:

18 1. The individual has a direct or indirect interest in a
19 licensed medical marijuana business; or

20 2. The individual or his or her spouse, parent, child, spouse
21 of a child, sibling, or spouse of a sibling has an application for a
22 medical marijuana business license pending before the Department or
23 is a member of the board of directors of a medical marijuana
24

1 business, or is an individual financially interested in any licensee
2 or medical marijuana business.

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

6 D. The Commissioner may delegate to any officer or employee of
7 the Department any of the powers of the Executive Director and may
8 designate any officer or employee of the Department to perform any
9 of the duties of the Executive Director.

10 E. The Executive Director shall be authorized to suggest rules
11 governing the oversight and implementation of ~~this act~~ the Oklahoma
12 Medical Marijuana and Patient Protection Act.

13 F. The Department is hereby authorized to create employment
14 positions necessary for the implementation of its obligations
15 pursuant to ~~this act~~, the Oklahoma Medical Marijuana and Patient
16 Protection Act including, but not limited to, Authority
17 investigators and a senior director of enforcement. The Department
18 and the Authority, the senior director of enforcement, the Executive
19 Director, and Department investigators shall have all the powers of
20 any peace officer to:

21 1. Investigate violations or suspected violations of ~~this act~~
22 the Oklahoma Medical Marijuana and Patient Protection Act and any
23 rules promulgated pursuant thereto;

24

1 2. Serve all warrants, summonses, subpoenas, administrative
2 citations, notices or other processes relating to the enforcement of
3 laws regulating medical marijuana, concentrate, and medical
4 marijuana product;

5 3. Assist or aid any law enforcement officer in the performance
6 of his or her duties upon such law enforcement officer's request or
7 the request of other local officials having jurisdiction;

8 4. ~~Require~~ As provided in Section 427.6 of this title, require
9 any business applicant or licensee, ~~upon twenty-four (24) hours~~
10 ~~notice or upon a showing of necessity~~, to permit an inspection of
11 licensed premises during business hours or at any time of apparent
12 operation, marijuana equipment, and marijuana accessories, or books
13 and records; and to permit the testing ~~of~~ or examination of medical
14 marijuana, concentrate, or product; and

15 5. Require applicants and licensees to submit complete and
16 current applications, submit information and fees required by ~~this~~
17 ~~act and fees~~, the Oklahoma Medical Marijuana and Patient Protection
18 Act and the Oklahoma Medical Marijuana Waste Management Act, and
19 approve material changes made by the applicant or licensee.

20 SECTION 10. AMENDATORY Section 6, Chapter 11, O.S.L.
21 2019, as amended by Section 7, Chapter 477, O.S.L. 2019 (63 O.S.
22 Supp. 2020, Section 427.6), is amended to read as follows:

23 Section 427.6 A. The State Department of Health shall address
24 issues related to the medical marijuana program in Oklahoma

1 including, but not limited to, monitoring and disciplinary actions
2 as they relate to the medical marijuana program.

3 B. 1. The Department or its designee may perform on-site
4 ~~assessments~~ inspections or investigations of a licensee or applicant
5 for any medical marijuana business ~~license issued pursuant to this~~
6 ~~act,~~ research facility, education facility or waste disposal
7 facility to determine compliance with ~~this act~~ applicable laws,
8 rules and regulations or submissions made pursuant to this section.
9 The Department may enter the licensed premises of a medical
10 marijuana business ~~licensee or applicant,~~ research facility,
11 education facility or waste disposal facility to assess or monitor
12 compliance or ensure qualifications for licensure.

13 2. ~~Inspections~~ Post-licensure inspections shall be limited to
14 twice per calendar year and twenty-four (24) hours of notice shall
15 be provided to a medical marijuana business ~~applicant or licensee~~
16 prior to an on-site assessment. However, investigations and
17 additional inspections may occur without notice when the Department
18 ~~shows that~~ believes an investigation or additional inspection is
19 necessary due to a possible violation of ~~this act.~~ ~~Such inspection~~
20 ~~may be without notice if the Department believes that such notice~~
21 ~~will result in the destruction of evidence~~ the applicable laws,
22 rules or regulations. The State Commissioner of Health may adopt
23 rules imposing penalties including, but not limited to, monetary
24 penalties and revocation of license for failure to allow the

1 Department reasonable access to the licensed premises for purposes
2 of conducting an inspection. As used in this paragraph, "reasonable
3 access" shall include, but not be limited to, access during normal
4 business hours of operation after twenty-four (24) hours of notice
5 has been provided or, for investigations or additional inspections,
6 access during normal business hours of operation.

7 3. The Department may review relevant records of a licensed
8 medical marijuana business, licensed medical marijuana research
9 facility ~~or~~, licensed medical marijuana education facility or
10 licensed medical marijuana waste disposal facility, and may require
11 and conduct interviews with such persons or entities and persons
12 affiliated with such entities, for the purpose of determining
13 compliance with Department requirements and applicable laws.
14 ~~However, prior to conducting any interviews with the medical~~
15 ~~marijuana business, research facility or education facility, the~~
16 ~~licensee shall be afforded sufficient time to secure legal~~
17 ~~representation during such questioning if requested by the business~~
18 ~~or facility or any of its agents or employees or contractors,~~ rules
19 and regulations.

20 4. The Department shall refer complaints alleging criminal
21 activity that are made against a licensee to appropriate Oklahoma
22 state or local law enforcement authorities.

23 C. Disciplinary action may be taken against an applicant or
24 licensee ~~under this act~~ for not adhering to ~~the law~~ applicable laws,

1 rules and regulations pursuant to the terms, conditions and
2 guidelines set forth in ~~this act~~ the Oklahoma Medical Marijuana and
3 Patient Protection Act.

4 D. Disciplinary actions may include revocation, suspension or
5 denial of an application, license or final authorization and other
6 action deemed appropriate by the Department.

7 E. Disciplinary actions may be imposed upon a medical marijuana
8 business licensee for:

9 1. Failure to comply with or satisfy any provision of ~~this~~
10 ~~section~~ applicable laws, rules or regulations;

11 2. Falsification or misrepresentation of any material or
12 information submitted to the Department;

13 3. Failing to allow or impeding ~~a monitoring visit~~ entry by
14 authorized representatives of the Department;

15 4. Failure to adhere to any acknowledgement, verification or
16 other representation made to the Department;

17 5. Failure to submit or disclose information required by ~~this~~
18 ~~section~~ applicable laws, rules or regulations or as otherwise
19 requested by the Department;

20 6. Failure to correct any violation of this section cited as a
21 result of a review or audit of financial records or other materials;

22 7. Failure to comply with requested access by the Department to
23 the licensed premises or materials;

24 8. Failure to pay a required monetary penalty;

1 9. Diversion of medical marijuana or any medical marijuana
2 product, as determined by the Department;

3 10. Threatening or harming a patient, a medical practitioner or
4 an employee of the Department; and

5 11. Any other basis indicating a violation of the applicable
6 laws, rules and regulations as identified by the Department.

7 F. Disciplinary actions against a licensee may include the
8 imposition of monetary penalties, which may be assessed by the
9 Department.

10 G. Penalties for sales or purchases by a medical marijuana
11 business to persons other than those allowed by law occurring within
12 any two-year time period may include an initial fine of up to One
13 Thousand Dollars (\$1,000.00) for a first violation and a fine of up
14 to Five Thousand Dollars (\$5,000.00) for any subsequent violation.
15 Penalties for grossly inaccurate or fraudulent reporting occurring
16 within any two-year time period may include an initial fine of One
17 Thousand Dollars (\$1,000.00) for a first violation and a fine of
18 Five Thousand Dollars (\$5,000.00) for any subsequent violation. The
19 medical marijuana business may be subject to a revocation of any
20 license granted pursuant to ~~this act~~ the Oklahoma Medical Marijuana
21 and Patient Protection Act upon a showing that the violation was
22 willful or grossly negligent.

23 H. 1. First offense for intentional and impermissible
24 diversion of medical marijuana, concentrate⁷ or products by a

1 patient or caregiver licensee to an unauthorized person shall not be
2 punished under a criminal statute but may be subject to a fine of
3 Two Hundred Dollars (\$200.00).

4 2. The second offense for impermissible diversion of medical
5 marijuana, concentrate, or products by a patient or caregiver
6 licensee to an unauthorized person shall not be punished under a
7 criminal statute but may be subject to a fine of ~~not~~ up to ~~exceed~~
8 Five Hundred Dollars (\$500.00) and may result in revocation of the
9 license upon a showing that the violation was willful or grossly
10 negligent.

11 I. The following persons or entities may request a hearing to
12 contest an action or proposed action of the Department:

13 1. A medical marijuana business, research facility or education
14 facility licensee whose license has been summarily suspended or who
15 has received a notice of contemplated action to suspend or revoke a
16 license or take other disciplinary action; and

17 2. A patient or caregiver licensee whose license has been
18 summarily suspended or who has received notice of contemplated
19 action to suspend or revoke a license or take other disciplinary
20 action.

21 J. Whenever the Department finds, upon clear and convincing
22 evidence, that an emergency exists requiring immediate action in
23 order to protect the public health or welfare, the Department may
24 issue an order, without notice or hearing, stating the existence of

1 the emergency and requiring that action be taken as the Department
2 deems necessary to meet the emergency. The order shall be effective
3 immediately upon issuance. Any person to whom the order is directed
4 shall comply immediately with the provisions of the order but shall
5 be offered a hearing within ten (10) days of the issuance of the
6 order. On the basis of the hearing, the Department shall continue
7 the order in effect, revoke or modify the order.

8 K. All hearings held pursuant to this section shall be in
9 accordance with the Oklahoma Administrative Procedures Act, ~~Section~~
10 ~~250 et seq. of Title 75 of the Oklahoma Statutes.~~

11 SECTION 11. AMENDATORY Section 7, Chapter 11, O.S.L.
12 2019, as amended by Section 5, Chapter 509, O.S.L. 2019 (63 O.S.
13 Supp. 2020, Section 427.7), is amended to read as follows:

14 Section 427.7 A. The Oklahoma Medical Marijuana Authority
15 shall create a medical marijuana use registry of licensed patients
16 and caregivers as provided under this section. The handling of any
17 records maintained in the registry shall comply with all ~~relevant~~
18 applicable state and federal privacy laws ~~including, but not limited~~
19 ~~to, the Health Insurance Portability and Accountability Act of 1996~~
20 ~~(HIPAA).~~

21 B. The medical marijuana use registry shall be accessible to:
22 1. Oklahoma-licensed medical marijuana dispensaries to verify
23 the license of a patient or caregiver by the ten- to twenty-four-
24 character identifier; and

1 2. Any court in this state.

2 C. All other records regarding a medical marijuana patient or
3 caregiver licensee shall be maintained by the Authority and shall be
4 deemed confidential. The handling of any records maintained by the
5 Authority shall comply with all ~~relevant~~ applicable state and
6 federal privacy laws ~~including, but not limited to, the Health~~
7 ~~Insurance Portability and Accountability Act of 1996 (HIPAA)~~. Such
8 records shall be marked as confidential, shall not be made available
9 to the public, and shall only be made available to the licensee,
10 designee of the licensee, any physician of the licensee or the
11 caregiver of the licensee.

12 D. A log shall be kept with the file of the licensee to record
13 any event in which the records of the licensee were made available
14 and to whom the records were provided.

15 E. The Department shall ensure that all ~~application~~ medical
16 marijuana patient and caregiver records and information are sealed
17 to protect the privacy of medical marijuana patient and caregiver
18 license applicants and licensees.

19 SECTION 12. AMENDATORY Section 9, Chapter 11, O.S.L.
20 2019 (63 O.S. Supp. 2020, Section 427.9), is amended to read as
21 follows:

22 Section 427.9 A. The Authority may contact the recommending
23 physician of a licensee or an applicant for a medical marijuana
24

1 patient license to verify the need of the applicant or licensee for
2 the license and the information submitted with the application.

3 B. An applicant for a medical marijuana patient license who can
4 demonstrate his or her status as a one-hundred-percent-disabled
5 veteran as determined by the U.S. Department of Veterans Affairs and
6 codified at 38 C.F.R., Section 3.340(a) (2013) shall pay a reduced
7 biannual application fee of Twenty Dollars (\$20.00). The methods of
8 payment, as determined by the Authority, shall be provided on the
9 website. However, the Authority shall ensure that all applicants
10 have an option to submit the license application and payment by
11 means other than solely by submission of the application and fee
12 online.

13 C. The medical marijuana patient license shall be valid for up
14 to two (2) years from the date of issuance, unless the
15 recommendation of the physician is terminated pursuant to ~~this act~~
16 Section 427.10 of this title or revoked by the Department.

17 SECTION 13. AMENDATORY Section 10, Chapter 11, O.S.L.
18 2019, as amended by Section 2, Chapter 390, O.S.L. 2019 (63 O.S.
19 Supp. 2020, Section 427.10), is amended to read as follows:

20 Section 427.10 A. Only licensed Oklahoma allopathic,
21 osteopathic and podiatric physicians may provide a medical marijuana
22 recommendation for a medical marijuana patient license under ~~this~~
23 ~~act~~ the Oklahoma Medical Marijuana and Patient Protection Act.
24

1 B. A physician who has not completed his or her first residency
2 shall not meet the definition of "physician" under this section and
3 any recommendation for a medical marijuana patient license shall not
4 be processed by the Authority.

5 C. No physician shall be subject to arrest, prosecution or
6 penalty in any manner or denied any right or privilege under
7 Oklahoma state, municipal or county statute, ordinance or
8 resolution, including without limitation a civil penalty or
9 disciplinary action by the State Board of Medical Licensure and
10 Supervision ~~or~~, the State Board of Osteopathic Examiners or the
11 Board of Podiatric Medical Examiners or by any other business,
12 occupation or professional licensing board or bureau, solely for
13 providing a medical marijuana recommendation for a patient or for
14 monitoring, treating or prescribing scheduled medication to patients
15 who are medical marijuana licensees. The provisions of this
16 subsection shall not prevent the relevant professional licensing
17 boards from sanctioning a physician for failing to properly evaluate
18 the medical condition of a patient or for otherwise violating the
19 applicable physician-patient standard of care.

20 D. A physician who recommends use of medical marijuana shall
21 not be located at the same physical address as a dispensary.

22 E. If the physician determines the continued use of medical
23 marijuana by the patient no longer meets the requirements set forth
24 in ~~this act~~ the Oklahoma Medical Marijuana and Patient Protection

1 Act, the physician shall notify the Department and the ~~Authority~~
2 ~~shall immediately revoke the license~~ Department shall notify the
3 patient of the revocation and provide the patient thirty (30) days
4 to submit a new recommendation. If the patient fails to supply the
5 Department with a new physician recommendation within thirty (30)
6 days, the patient license shall be immediately voided without a
7 right to an individual hearing.

8 SECTION 14. AMENDATORY Section 11, Chapter 11, O.S.L.
9 2019 (63 O.S. Supp. 2020, Section 427.11), is amended to read as
10 follows:

11 Section 427.11 A. The caregiver license shall provide the
12 caregiver the same rights as the medical marijuana patient licensee,
13 including the ability to possess marijuana, marijuana products, and
14 mature and immature plants pursuant to ~~this act~~ the Oklahoma Medical
15 Marijuana and Patient Protection Act, but excluding the ability to
16 use marijuana or marijuana products unless the caregiver has a
17 medical marijuana patient license. Caregivers shall be authorized
18 to deliver marijuana and products to their authorized patients.
19 Caregivers shall be authorized to possess medical marijuana and
20 medical marijuana products up to the sum of the possession limits
21 for the patients under ~~his or her~~ their care pursuant to ~~this act~~
22 the Oklahoma Medical Marijuana and Patient Protection Act.

23 B. An individual caregiver shall be limited to exercising the
24 marijuana cultivation rights of no more than five licensed patients

1 as prescribed by ~~this act~~ the Oklahoma Medical Marijuana and Patient
2 Protection Act.

3 C. The license of a caregiver shall not extend beyond the
4 expiration date of the underlying patient license regardless of the
5 issue date.

6 D. A medical marijuana patient licensee may request, at any
7 time, to withdraw his or her caregiver license. In the event that
8 such a request is made or upon the expiration of the license of the
9 patient, the caregiver license shall be immediately withdrawn by the
10 Department without a right to a hearing.

11 SECTION 15. AMENDATORY Section 13, Chapter 11, O.S.L.
12 2019 (63 O.S. Supp. 2020, Section 427.13), is amended to read as
13 follows:

14 Section 427.13 A. All medical marijuana and medical marijuana
15 products shall be purchased solely from an Oklahoma-licensed medical
16 marijuana business, and shall not be purchased from any out-of-state
17 providers.

18 B. 1. The Authority shall have oversight and auditing
19 responsibilities to ensure that all marijuana being grown in
20 Oklahoma is accounted for and shall implement an inventory tracking
21 system. Pursuant to these duties, the Authority shall require that
22 each medical marijuana business, research facility, education
23 facility and waste disposal facility keep records for every
24 transaction with another medical marijuana business, patient or

1 caregiver. Inventory shall be tracked and updated after each
2 individual sale and reported to the Authority.

3 2. The inventory tracking system licensees use shall allow for
4 integration of other seed-to-sale systems and, at a minimum, shall
5 include the following:

- 6 a. notification of when marijuana seeds are planted,
- 7 b. notification of when marijuana plants are harvested
8 and destroyed,
- 9 c. notification of when marijuana is transported, sold,
10 stolen, diverted or lost,
- 11 d. a complete inventory of all marijuana, seeds, plant
12 tissue, clones, plants, usable marijuana or trim,
13 leaves and other plant matter, batches of extract, and
14 marijuana concentrates,
- 15 e. all samples sent to a testing laboratory, an unused
16 portion of a sample returned to a licensee, all
17 samples utilized by licensee for purposes of
18 negotiating a sale, and
- 19 f. all samples used for quality testing by a licensee.

20 3. Each medical marijuana business, research facility,
21 education facility and waste disposal facility shall develop written
22 standard operating procedures outlining the full operation of the
23 business as prescribed by the Department and shall use a seed-to-
24 sale tracking system or integrate its own seed-to-sale tracking

1 system with the seed-to-sale tracking system established by the
2 Authority.

3 4. These records shall include, but not be limited to, the
4 following:

5 a. the name and license number of the medical marijuana
6 business that cultivated, manufactured or sold the
7 medical marijuana or medical marijuana product,

8 b. the address and phone number of the medical marijuana
9 business that cultivated, manufactured or sold the
10 medical marijuana or medical marijuana product,

11 c. the type of product received during the transaction,

12 d. the batch number of the marijuana plant used,

13 e. the date of the transaction,

14 f. the total spent in dollars,

15 g. all point-of-sale records,

16 h. marijuana excise tax records, and

17 i. any additional information as may be reasonably
18 required by the Department.

19 ~~5. All inventory tracking records containing patient~~
20 ~~information shall comply with all relevant state and federal laws~~
21 ~~including, but not limited to, the Health Insurance Portability and~~
22 ~~Accountability Act of 1996 (HIPAA), and shall not be retained by any~~
23 ~~medical marijuana business for more than sixty (60) days.~~

24

1 SECTION 16. AMENDATORY Section 14, Chapter 11, O.S.L.
2 2019, as last amended by Section 51, Chapter 161, O.S.L. 2020 (63
3 O.S. Supp. 2020, Section 427.14), is amended to read as follows:

4 Section 427.14 A. There is hereby created the medical
5 marijuana business license, which shall include the following
6 categories:

- 7 1. Medical marijuana commercial grower;
- 8 2. Medical marijuana processor;
- 9 3. Medical marijuana dispensary;
- 10 4. Medical marijuana transporter; and
- 11 5. Medical marijuana testing laboratory.

12 B. The Oklahoma Medical Marijuana Authority, with the aid of
13 the Office of Management and Enterprise Services, shall develop a
14 website for medical marijuana business applications.

15 C. The Authority shall make available on its website in an
16 easy-to-find location, applications for a medical marijuana
17 business.

18 D. The annual nonrefundable application fee for a medical
19 marijuana business license shall be Two Thousand Five Hundred
20 Dollars (\$2,500.00).

21 E. All applicants seeking licensure or licensure renewal as a
22 medical marijuana business shall comply with the following general
23 requirements:

24

1 1. All applications for licenses and registrations authorized
2 pursuant to this section shall be made upon forms prescribed by the
3 Authority;

4 2. Each application shall identify the city or county in which
5 the applicant seeks to obtain licensure as a medical marijuana
6 business;

7 3. Applicants shall submit a complete application to the
8 Department before the application may be accepted or considered;

9 4. All applications shall be complete and accurate in every
10 detail;

11 5. All applications shall include all attachments or
12 supplemental information required by the forms supplied by the
13 Authority;

14 6. All applications shall be accompanied by a full remittance
15 for the whole amount of the application fees. Application fees,
16 unless otherwise prescribed by the Department, are nonrefundable;

17 7. ~~All applicants~~ Licensing review shall be approved for
18 ~~licensing review that~~ all applicants who, at a minimum, ~~meets~~ meet
19 the following criteria:

20 a. ~~all applicants shall be age~~ twenty-five (25) years of
21 age or older,

22 b. ~~any applicant~~ if applying as an individual ~~shall show,~~
23 proof that the applicant is an Oklahoma resident
24 pursuant to paragraph 11 of this subsection,

- 1 c. ~~any applicant~~ if applying as an entity ~~shall show,~~
2 proof that seventy-five percent (75%) of all members,
3 managers, executive officers, partners, board members
4 or any other form of business ownership are Oklahoma
5 residents pursuant to paragraph 11 of this subsection,
- 6 d. ~~all if~~ applying ~~individuals or entities shall be~~ as an
7 entity, proof that the entity is registered to conduct
8 business in ~~the State of Oklahoma~~ this state,
- 9 e. ~~all applicants shall disclose~~ disclosure of all
10 ownership interests pursuant to ~~this act~~ the Oklahoma
11 Medical Marijuana and Patient Protection Act, and
- 12 f. ~~applicants shall~~ verification that the medical
13 marijuana business, research facility, education
14 facility and waste disposal facility applicant or
15 licensee has not ~~have~~ been convicted of a nonviolent
16 felony in the last two (2) years, ~~and~~ or any other
17 felony conviction within the last five (5) years,
18 ~~shall is~~ not ~~be~~ a current ~~inmates~~ inmate, or currently
19 incarcerated in a jail or corrections facility;

20 8. There shall be no limit to the number of medical marijuana
21 business licenses or categories that an individual or entity can
22 apply for or receive, although each application and each category
23 shall require a separate application and application fee. A
24 commercial grower, processor and dispensary, or any combination

1 thereof, are authorized to share the same address or physical
2 location, subject to the restrictions set forth in ~~this act~~ the
3 Oklahoma Medical Marijuana and Patient Protection Act;

4 9. All applicants for a medical marijuana business license,
5 research facility license or education facility license ~~authorized~~
6 ~~by this act~~ or the renewal of such license shall undergo an Oklahoma
7 criminal history background check conducted by the Oklahoma State
8 Bureau of Investigation (OSBI) within thirty (30) days prior to the
9 application for the license, including:

- 10 a. individual applicants applying on their own behalf,
- 11 b. individuals applying on behalf of an entity,
- 12 c. all principal officers of an entity, and
- 13 d. all owners of an entity as defined by ~~this act~~ the
14 Oklahoma Medical Marijuana and Patient Protection Act;

15 10. All applicable fees charged by the OSBI are the
16 responsibility of the applicant and shall not be higher than fees
17 charged to any other person or industry for such background checks;

18 11. In order to be considered an Oklahoma resident for purposes
19 of a medical marijuana business application, all applicants shall
20 provide proof of Oklahoma residency for at least two (2) years
21 immediately preceding the date of application or five (5) years of
22 continuous Oklahoma residency during the preceding twenty-five (25)
23 years immediately preceding the date of application. Sufficient
24

1 documentation of proof of residency shall include a combination of
2 the following:

- 3 a. an unexpired Oklahoma-issued driver license,
- 4 ~~b. an Oklahoma voter identification card,~~
- 5 ~~c. a utility bill preceding the date of application,~~
6 excluding cellular telephone and Internet bills,
- 7 ~~d.~~
- 8 c. a residential property deed to property in the State
9 of Oklahoma, and
- 10 ~~e.~~
- 11 d. a rental agreement preceding the date of application
12 for residential property located in the State of
13 Oklahoma.

14 Applicants that were issued a medical marijuana business license
15 prior to ~~the enactment of the Oklahoma Medical Marijuana and Patient~~
16 ~~Protection Act~~ August 30, 2019, applicants who submitted a complete
17 medical marijuana business license application to the Authority
18 prior to August 30, 2019, and were granted a medical marijuana
19 business license after August 30, 2019, and medical marijuana
20 testing laboratories that were licensed by the Oklahoma State Bureau
21 of Narcotics and Dangerous Drugs Control prior to August 30, 2019,
22 are hereby exempt from the two-year or five-year Oklahoma ~~residence~~
23 residency requirement ~~mentioned above~~ provided by this paragraph.
24 Upon the effective date of this act, a transporter agent shall be

1 exempt from the two-year or five-year Oklahoma residency requirement
2 provided by this paragraph;

3 12. All license applicants shall be required to submit a
4 registration with the Oklahoma State Bureau of Narcotics and
5 Dangerous Drugs Control as provided in Sections 2-302 through 2-304
6 of ~~Title 63 of the Oklahoma Statutes~~ this title;

7 13. All applicants shall establish their identity through
8 submission of a color copy or digital image of one of the following
9 unexpired documents:

- 10 a. ~~front and back of an Oklahoma~~ a state-issued driver
11 license,
- 12 b. ~~front and back of an Oklahoma~~ a state-issued
13 identification card,
- 14 c. a United States passport or other photo identification
15 issued by the United States government, or
- 16 d. ~~certified copy of the applicant's birth certificate~~
17 ~~for minor applicants who do not possess a document~~
18 ~~listed in this section, or~~
- 19 e. a tribal identification card approved for
20 identification purposes by the Oklahoma Department of
21 Public Safety; and

22 14. All applicants shall submit an applicant photograph.

23 F. The Authority shall review the medical marijuana business
24 application, approve ~~or~~, reject or deny the application and mail the

1 approval, rejection, denial or status-update letter to the applicant
2 within ninety (90) business days of receipt of the application.

3 G. 1. The Authority shall review the medical marijuana
4 business applications and conduct all investigations, inspections
5 and interviews before approving the application.

6 2. Approved applicants shall be issued a medical marijuana
7 business license for the specific category applied under which shall
8 act as proof of their approved status. Rejection and denial letters
9 shall provide a reason for the rejection or denial. Applications
10 may only be rejected or denied based on the applicant not meeting
11 the standards set forth in the provisions of ~~this section~~ the
12 Oklahoma Medical Marijuana and Patient Protection Act and Sections
13 420 through 426.1 of this title, improper completion of the
14 application, or for a reason provided for in ~~this act~~ the Oklahoma
15 Medical Marijuana and Patient Protection Act and Sections 420
16 through 426.1 of this title. If an application is rejected or
17 denied for failure to provide required information, the applicant
18 shall have thirty (30) days to submit the required information for
19 reconsideration. No additional application fee shall be charged for
20 such reconsideration.

21 3. Status-update letters shall provide a reason for delay in
22 either approval ~~or~~, rejection or denial should a situation arise in
23 which an application was submitted properly, but a delay in
24 processing the application occurred.

1 4. Approval, rejection, denial or status-update letters shall
2 be sent to the applicant in the same method the application was
3 submitted to the Department.

4 H. A medical marijuana business, research facility, education
5 facility or waste disposal facility license shall not be issued to
6 or held by:

7 1. A person until all required fees have been paid;

8 2. A person who has been convicted of a nonviolent felony
9 within two (2) years of the date of application, or within five (5)
10 years for any other felony;

11 3. A corporation, if the criminal history of any of its
12 officers, directors or stockholders indicates that the officer,
13 director or stockholder has been convicted of a nonviolent felony
14 within two (2) years of the date of application, or within five (5)
15 years for any other felony;

16 4. A person under twenty-five (25) years of age;

17 5. A person licensed pursuant to this section who, during a
18 period of licensure, or who, at the time of application, has failed
19 to:

20 a. file taxes, interest or penalties due related to a
21 medical marijuana business, or

22 b. pay taxes, interest or penalties due related to a
23 medical marijuana business;

24

1 6. A sheriff, deputy sheriff, police officer or prosecuting
2 officer, or an officer or employee of the Authority ~~or municipality;~~
3 ~~or~~

4 7. A person whose authority to be a caregiver, as defined in
5 ~~this act~~ Section 427.2 of this title, has been revoked by the
6 Department; or

7 8. A person who was involved in the management or operations of
8 any medical marijuana business, research facility, education
9 facility or waste disposal facility that has had a medical marijuana
10 business license revoked by the Department at any time during the
11 five (5) years preceding submission of the application.

12 I. In investigating the qualifications of an applicant or a
13 licensee, the Department, Authority and municipalities may have
14 access to criminal history record information furnished by a
15 criminal justice agency subject to any restrictions imposed by such
16 an agency. ~~In the event the Department considers the criminal~~
17 ~~history record of the applicant, the Department shall also consider~~
18 ~~any information provided by the applicant regarding such criminal~~
19 ~~history record, including but not limited to evidence of~~
20 ~~rehabilitation, character references and educational achievements,~~
21 ~~especially those items pertaining to the period of time between the~~
22 ~~last criminal conviction of the applicant and the consideration of~~
23 ~~the application for a state license.~~

1 J. The failure of an applicant or licensee to provide the
2 requested information by the Authority deadline may be grounds for
3 denial of the application.

4 K. All applicants and licensees shall submit information to the
5 Department and Authority in a full, faithful, truthful and fair
6 manner. The Department and Authority may recommend denial of an
7 application where the applicant or licensee made material
8 misstatements, omissions, misrepresentations or untruths in the
9 application or in connection with the background investigation of
10 the applicant. This type of conduct may be ~~considered as the basis~~
11 grounds for ~~additional~~ administrative action against the applicant
12 or licensee. Typos and scrivener errors shall not be grounds for
13 denial.

14 L. A licensed medical marijuana business premises shall be
15 subject to and responsible for compliance with applicable provisions
16 for medical marijuana business facilities as described in the most
17 recent versions of the Oklahoma Uniform Building Code, the
18 International Building Code and the International Fire Code, unless
19 granted an exemption by the ~~Authority or municipality~~ entity
20 responsible for enforcement of the applicable code.

21 M. All medical marijuana business, research facility, education
22 facility and waste disposal facility licensees shall pay the
23 relevant licensure fees prior to receiving licensure to operate a
24

1 ~~medical marijuana business, as defined in this act for each class of~~
2 ~~license.~~

3 N. A medical marijuana business, research facility, education
4 facility or waste disposal facility that attempts to renew its
5 license more than thirty (30) days after expiration of the license
6 shall pay a late renewal fee in an amount to be determined by the
7 Department to reinstate the license. Late renewal fees are
8 nonrefundable. A license that has been expired for more than ninety
9 (90) days shall not be reinstated.

10 O. No medical marijuana business, research facility, education
11 facility or waste disposal facility shall operate without a valid,
12 unexpired license issued by the Department.

13 SECTION 17. AMENDATORY Section 16, Chapter 11, O.S.L.
14 2019 (63 O.S. Supp. 2020, Section 427.16), is amended to read as
15 follows:

16 Section 427.16 A. There is hereby created a medical marijuana
17 transporter license as a category of the medical marijuana business
18 license.

19 B. Pursuant to Section 424 of ~~Title 63 of the Oklahoma Statutes~~
20 this title, the Oklahoma Medical Marijuana Authority shall issue a
21 medical marijuana transporter license to licensed medical marijuana
22 commercial growers, processors and dispensaries upon issuance of
23 such licenses and upon each renewal. Transporter licenses shall
24 also be issued to licensed research facilities, education facilities

1 and testing laboratories upon issuance of such licenses and upon
2 each renewal.

3 C. A medical marijuana transporter license may also be issued
4 to qualifying applicants who are registered with the Oklahoma
5 Secretary of State and otherwise meet the requirements for a medical
6 marijuana business license set forth in ~~this act~~ the Oklahoma
7 Medical Marijuana and Patient Protection Act and the requirements
8 set forth in this section to provide logistics, distribution and
9 storage of medical marijuana, medical marijuana concentrate and
10 medical marijuana products.

11 D. A medical marijuana transporter license shall be valid for
12 one (1) year and shall not be transferred with a change of
13 ownership. A licensed medical marijuana transporter shall be
14 responsible for all medical marijuana, concentrate and products once
15 the transporter takes control of the product.

16 E. A transporter license shall be required for any person or
17 entity to transport or transfer medical marijuana, concentrate or
18 product from ~~a licensed medical marijuana business to another~~
19 ~~medical marijuana business, or from a medical marijuana business to~~
20 ~~a medical marijuana research facility or medical marijuana education~~
21 facility:

22 1. A licensed medical marijuana business to another medical
23 marijuana business; or

24

1 2. A medical marijuana business to a medical marijuana research
2 facility or medical marijuana education facility.

3 F. A medical marijuana transporter licensee may contract with
4 multiple licensed medical marijuana businesses.

5 G. A medical marijuana transporter may maintain a licensed
6 premises to temporarily store medical marijuana, medical marijuana
7 concentrate and medical marijuana products and to use as a
8 centralized distribution point. A medical marijuana transporter may
9 store and distribute medical marijuana, medical marijuana
10 concentrate and medical marijuana products from the licensed
11 premises. The licensed premises shall meet all security
12 requirements applicable to a medical marijuana business.

13 H. A medical marijuana transporter licensee shall use the seed-
14 to-sale tracking system developed pursuant to ~~this act~~ the Oklahoma
15 Medical Marijuana and Patient Protection Act to create shipping
16 manifests documenting the transport of medical marijuana, medical
17 marijuana concentrate and medical marijuana products throughout the
18 state.

19 I. A licensed medical marijuana transporter may maintain and
20 operate one or more warehouses in the state to handle medical
21 marijuana, concentrate and products.

22 J. All medical marijuana, medical marijuana concentrate and
23 ~~product~~ medical marijuana products shall be transported+
24

1 ~~1. In vehicles equipped with Global Positioning System (GPS)~~
2 ~~trackers;~~

3 ~~2. In a locked container and clearly labeled "Medical Marijuana~~
4 ~~or Derivative"; and~~

5 ~~3. In a secured area of the vehicle that is not accessible by~~
6 ~~the driver during transit in a manner prescribed by the Department.~~

7 K. 1. A transporter agent may possess marijuana at any
8 location while the transporter agent is transferring marijuana to or
9 from a licensed medical marijuana business, licensed medical
10 marijuana research facility or licensed medical marijuana education
11 facility.

12 2. The delivery of medical marijuana, medical marijuana
13 concentrate or medical marijuana products to a public or private
14 school, the campus of any institution of higher education or any
15 other public property is hereby prohibited.

16 The Department shall administer and enforce the provisions of
17 this section concerning transportation.

18 L. The Authority shall issue a transporter agent license to
19 individual agents, employees, officers or owners of a transporter
20 license in order for the individual to qualify to transport medical
21 marijuana, medical marijuana concentrate, or ~~product~~ medical
22 marijuana products.

23 M. The annual fee for a transporter agent license shall be ~~One~~
24 ~~Hundred Dollars (\$100.00)~~ Twenty-five Dollars (\$25.00) and shall be

1 paid by the transporter license holder or the individual applicant.
2 One license reprint within the licensure period shall be granted
3 free of charge. All subsequent license reprints shall incur a fee
4 of Twenty Dollars (\$20.00).

5 N. The Authority shall issue each transporter agent a registry
6 identification card within thirty (30) days of receipt of:

- 7 1. The name, address and date of birth of the person;
- 8 2. Proof of current Oklahoma residency as required for a
9 medical marijuana business license;
- 10 3. Proof of identity as required for a medical marijuana
11 business license;
- 12 4. Possession of a valid ~~Oklahoma~~ state-issued driver license;
- 13 5. Verification of employment with a licensed transporter; and
- 14 6. The application and affiliated fee; ~~and~~
- 15 ~~7. A criminal background check conducted by the Oklahoma State~~
16 ~~Bureau of Investigation, paid for by the applicant.~~

17 O. If the transporter agent application is denied, the
18 Department shall notify the transporter in writing of the reason for
19 denying the registry identification card.

20 P. A registry identification card for a transporter shall
21 expire one (1) year after the date of issuance or upon notification
22 from the holder of the transporter license that the transporter
23 agent ceases to work as a transporter.

24

1 Q. The Department may revoke the registry identification card
2 of a transporter agent who knowingly violates any provision of this
3 section, and the transporter is subject to any other penalties
4 established by law for the violation.

5 R. The Department may revoke or suspend the transporter license
6 of a transporter that the Department determines knowingly aided or
7 facilitated a violation of any provision of this section, and the
8 license holder is subject to any other penalties established in law
9 for the violation.

10 S. Vehicles used in the transport of medical marijuana, medical
11 marijuana concentrate or medical marijuana ~~product~~ products shall
12 be:

- 13 1. Insured at or above the legal requirements in Oklahoma;
- 14 2. Capable of securing medical marijuana, medical marijuana
15 concentrate or medical marijuana products during transport; and
- 16 3. In possession of a shipping container, as defined in ~~this~~
17 ~~act~~ Section 427.2 of this title, capable of securing all transported
18 ~~product~~ products.

19 T. Prior to the transport of any medical marijuana, medical
20 marijuana concentrate or medical marijuana products, an inventory
21 manifest shall be prepared at the origination point of the medical
22 marijuana. The inventory manifest shall include the following
23 information:

- 24 1. For the origination point of the medical marijuana:

- a. the licensee number for the commercial grower,
processor or dispensary,
- b. address of origination of transport, and
- c. name and contact information for the originating
licensee;

2. For the end recipient license holder of the medical
marijuana:

- a. the license number for the dispensary, commercial
grower, processor, research facility or education
facility destination,
- b. address of the destination, and
- c. name and contact information for the destination
licensee;

3. Quantities by weight or unit of each type of medical
marijuana product contained in transport;

4. The date of the transport and the approximate time of
departure;

5. The arrival date and estimated time of arrival;

6. Printed names and signatures of the personnel accompanying
the transport; and

7. Notation of the transporting licensee.

U. 1. A separate inventory manifest shall be prepared for each
licensee receiving the medical marijuana.

1 2. The transporter agent shall provide the other medical
2 marijuana business with a copy of the inventory manifest at the time
3 the product changes hands and after the other licensee prints his or
4 her name and signs the inventory manifest.

5 ~~3. An inventory manifest shall not be altered after departing
6 the originating premises other than in cases where the printed name
7 and signature of receipt by the receiving licensee is necessary.~~

8 ~~4.~~ A receiving licensee shall refuse to accept any medical
9 marijuana, medical marijuana concentrate or medical marijuana
10 product that is not accompanied by an inventory manifest.

11 ~~5.~~ 4. Originating and receiving licensees shall maintain copies
12 of inventory manifests and logs of quantities of medical marijuana
13 received for ~~three (3)~~ seven (7) years from date of receipt.

14 SECTION 18. AMENDATORY Section 17, Chapter 11, O.S.L.
15 2019, as amended by Section 4, Chapter 312, O.S.L. 2019 (63 O.S.
16 Supp. 2020, Section 427.17), is amended to read as follows:

17 Section 427.17 A. There is hereby created a medical marijuana
18 testing laboratory license as a category of the medical marijuana
19 business license. The Oklahoma Medical Marijuana Authority is
20 hereby enabled to monitor, inspect and audit a licensed testing
21 laboratory under ~~this act~~ the Oklahoma Medical Marijuana and Patient
22 Protection Act.

23 B. The Authority is hereby authorized to contract with a
24 private laboratory for the purpose of conducting compliance testing

1 of medical marijuana testing laboratories licensed in this state.
2 Any such laboratory under contract for compliance testing shall be
3 prohibited from conducting any other commercial medical marijuana
4 testing in this state.

5 C. The Authority shall ~~have the authority~~ be authorized to
6 develop acceptable testing ~~and research~~ practices, including, but
7 not limited to, testing, standards, quality control analysis,
8 equipment certification and calibration, and chemical and substance
9 ~~identification and substances used in bona fide research methods so~~
10 ~~long as it complies with this act.~~

11 D. A person who is a direct beneficial owner ~~or an indirect~~
12 ~~beneficial owner~~ of a medical marijuana dispensary, medical
13 marijuana commercial grower, or medical marijuana processor shall
14 not be an owner of a laboratory.

15 E. A laboratory and a laboratory applicant shall comply with
16 all applicable local ordinances, including but not limited to
17 zoning, occupancy, licensing and building codes.

18 F. A separate license shall be required for each specific
19 laboratory.

20 G. A medical marijuana testing laboratory license may be issued
21 to a person who performs testing ~~and research~~ on medical marijuana
22 and medical marijuana products for medical marijuana businesses,
23 medical marijuana research facilities, medical marijuana education
24 facilities, and testing ~~and research~~ on marijuana and marijuana

1 products grown or produced by a patient or caregiver on behalf of a
2 patient, upon verification of registration. No state-approved
3 medical marijuana testing facility shall operate unless a medical
4 laboratory director is on site during operational hours.

5 H. ~~A laboratory applicant~~ Laboratory applicants and licensees
6 shall comply with the application requirements of this section and
7 shall submit such other information as required for a medical
8 marijuana business applicant, in addition to any information the
9 Authority may request for initial approval and periodic evaluations
10 during the approval period.

11 I. A medical marijuana testing laboratory may accept samples of
12 medical marijuana, medical marijuana concentrate or medical
13 marijuana product from a medical marijuana business, research
14 facility or education facility for testing ~~and research~~ purposes
15 only, which purposes may include the provision of testing services
16 for samples submitted by a medical marijuana business for product
17 development. The Department may require a medical marijuana
18 business to submit a sample of medical marijuana, medical marijuana
19 concentrate or medical marijuana product to a medical marijuana
20 testing or quality assurance laboratory upon demand.

21 J. A medical marijuana testing laboratory may accept samples of
22 medical marijuana, medical marijuana concentrate or medical
23 marijuana product from an individual person for testing only under
24 the following conditions:

1 1. The individual person is a patient or caregiver pursuant to
2 ~~this act~~ the Oklahoma Medical Marijuana and Patient Protection Act
3 or is a participant in an approved clinical or observational study
4 conducted by a research facility; and

5 2. The medical marijuana testing laboratory shall require the
6 patient or caregiver to produce a valid patient license and current
7 and valid photo identification.

8 K. A medical marijuana testing laboratory may transfer samples
9 to another medical marijuana testing laboratory for testing. All
10 laboratory reports provided to or by a medical marijuana business or
11 to a patient or caregiver shall identify the medical marijuana
12 testing laboratory that actually conducted the test.

13 L. A medical marijuana testing laboratory may utilize a
14 licensed medical marijuana transporter to transport samples of
15 medical marijuana, medical marijuana concentrate and medical
16 marijuana product for testing, in accordance with ~~this act~~ the
17 Oklahoma Medical Marijuana and Patient Protection Act and the rules
18 adopted pursuant thereto, between the originating medical marijuana
19 business requesting testing services and the destination laboratory
20 performing testing services.

21 M. The medical marijuana testing laboratory shall establish
22 policies to prevent the existence of or appearance of undue
23 commercial, financial or other influences that may diminish the
24 competency, impartiality and integrity of the testing processes or

1 results of the laboratory, or that may diminish public confidence in
2 the competency, impartiality and integrity of the testing processes
3 or results of the laboratory. At a minimum, employees, owners or
4 agents of a medical marijuana testing laboratory who participate in
5 any aspect of the analysis and results of a sample are prohibited
6 from improperly influencing the testing process, improperly
7 manipulating data, or improperly benefiting from any ongoing
8 financial, employment, personal or business relationship with the
9 medical marijuana business that provided the sample.

10 N. The Department, pursuant to rules promulgated by the State
11 Commissioner of Health, shall develop standards, policies and
12 procedures as necessary for:

13 1. The cleanliness and orderliness of a laboratory premises and
14 the location of the laboratory in a secure location, and inspection,
15 cleaning and maintenance of any equipment or utensils used for the
16 analysis of test samples;

17 2. Testing procedures, testing standards for cannabinoid and
18 terpenoid potency and safe levels of contaminants, ~~and~~ remediation
19 procedures and validation procedures;

20 3. Controlled access areas for storage of medical marijuana and
21 medical marijuana product test samples, waste and reference
22 standards;

23 4. Records to be retained and computer systems to be utilized
24 by the laboratory;

- 1 5. The possession, storage and use by the laboratory of
2 reagents, solutions and reference standards;
- 3 6. A certificate of analysis (COA) for each lot of reference
4 standard;
- 5 7. The transport and disposal of unused marijuana, marijuana
6 products and waste;
- 7 8. The mandatory use by a laboratory of an inventory tracking
8 system to ensure all ~~test~~ harvest and production batches or samples
9 containing medical marijuana, medical marijuana concentrate or
10 medical marijuana products are identified and tracked from the point
11 they are transferred from a medical marijuana business, a patient or
12 a caregiver through the point of transfer, destruction or disposal.
13 The inventory tracking system reporting shall include the results of
14 any tests that are conducted on medical marijuana, medical marijuana
15 concentrate or medical marijuana product;
- 16 9. Standards of performance;
- 17 10. The employment of laboratory personnel;
- 18 11. A written standard operating procedure manual to be
19 maintained and updated by the laboratory;
- 20 12. The successful participation in a Department-approved
21 proficiency testing program for each testing category listed in this
22 section, in order to obtain and maintain certification;

23
24

1 13. The establishment of and adherence to a quality assurance
2 and quality control program to ensure sufficient monitoring of
3 laboratory processes and quality of results reported;

4 14. The establishment by the laboratory of a system to document
5 the complete chain of custody for samples from receipt through
6 disposal;

7 15. The establishment by the laboratory of a system to retain
8 and maintain all required records, including business records, and
9 processes to ensure results are reported in a timely and accurate
10 manner; and

11 16. Any other aspect of laboratory testing of medical marijuana
12 or medical marijuana product deemed necessary by the Department.

13 O. A medical marijuana testing laboratory shall promptly
14 provide the Department or designee of the Department access to a
15 report of a test and any underlying data that is conducted on a
16 sample at the request of a medical marijuana business or qualified
17 patient. A medical marijuana testing laboratory shall also provide
18 access to the Department or designee of the Department to laboratory
19 premises and to any material or information requested by the
20 Department to determine compliance with the requirements of this
21 section.

22 P. A medical marijuana testing laboratory shall retain all
23 results of laboratory tests conducted on marijuana or products for a
24

1 period of at least ~~two (2)~~ seven (7) years and shall make them
2 available to the Department upon request.

3 Q. A medical marijuana testing laboratory shall test samples
4 from each harvest batch or product batch, as appropriate, of medical
5 marijuana, medical marijuana concentrate and medical marijuana
6 product for each of the following categories of testing, consistent
7 with standards developed by the Commissioner:

- 8 1. Microbials;
- 9 2. Mycotoxins;
- 10 3. Residual solvents;
- 11 4. Pesticides;
- 12 5. Tetrahydrocannabinol (THC) and other cannabinoid potency;
- 13 6. Terpenoid potency; and
- 14 7. Heavy metals.

15 R. ~~A test batch shall not exceed ten (10) pounds of usable~~
16 ~~marijuana or medical marijuana product, as appropriate. A grower~~
17 ~~shall separate each harvest lot of usable marijuana into harvest~~
18 ~~batches containing no more than ten (10) pounds. A processor shall~~
19 ~~separate each medical marijuana production lot into production~~
20 ~~batches containing no more than ten (10) pounds.~~

21 ~~S.~~ Medical marijuana testing laboratory licensure shall be
22 contingent upon successful on-site inspection, successful
23 participation in proficiency testing and ongoing compliance with the
24 applicable requirements in this section.

1 ~~T.~~ S. A medical marijuana testing laboratory shall be inspected
2 prior to initial licensure and ~~annually~~ up to two times per year
3 thereafter by an inspector approved by the ~~Authority~~ Department.
4 The Department may enter the licensed premises of a testing
5 laboratory to conduct investigations and additional inspections when
6 the Department believes an investigation or additional inspection is
7 necessary due to a possible violation of applicable laws, rules or
8 regulations.

9 ~~U.~~ T. Beginning on a date determined by the Commissioner, not
10 later than January 1, ~~2020~~ 2021, medical marijuana testing
11 laboratory licensure shall be contingent upon accreditation by the
12 NELAC Institute (TNI), ~~ANSI/ASQ~~ ANAB National Accreditation Board or
13 another accrediting body approved by the Commissioner, and any
14 applicable standards as determined by the Department.

15 ~~V.~~ A U. 1. Unless otherwise authorized by this section, a
16 commercial grower shall not transfer or sell medical marijuana and a
17 processor shall not transfer, sell or process into a concentrate or
18 product any medical marijuana, medical marijuana concentrate or
19 medical marijuana product unless samples from each harvest batch or
20 production batch from which that medical marijuana, medical
21 marijuana concentrate or medical marijuana product was derived has
22 been tested by a medical marijuana testing facility ~~for contaminants~~
23 and passed all ~~contaminant~~ tests required by ~~this act~~ the Oklahoma
24

1 Medical Marijuana and Patient Protection Act and applicable laws,
2 rules and regulations.

3 2. A commercial grower may transfer medical marijuana that has
4 failed testing to a processor only for the purposes of remediation
5 and only in accordance with the Oklahoma Medical Marijuana and
6 Patient Protection Act and the rules and regulations of the
7 Department.

8 3. Growers and processors who achieve process validation under
9 the rules and regulations set forth by the Department may transfer,
10 sell or process medical marijuana and medical marijuana products in
11 accordance with those rules and regulations.

12 SECTION 19. AMENDATORY Section 18, Chapter 11, O.S.L.
13 2019 (63 O.S. Supp. 2020, Section 427.18), is amended to read as
14 follows:

15 Section 427.18 A. An Oklahoma medical marijuana business shall
16 not sell, transfer or otherwise distribute medical marijuana or
17 medical marijuana product that has not been packaged and labeled in
18 accordance with this section and rules promulgated by the State
19 Commissioner of Health.

20 B. A medical marijuana dispensary shall return medical
21 marijuana and medical marijuana product that does not meet packaging
22 or labeling requirements in this section or rules promulgated
23 pursuant thereto to the entity who transferred it to the dispensary.
24 The medical marijuana dispensary shall document to whom the item was

1 returned, what was returned and the date of the return or dispose of
2 any usable marijuana that does not meet these requirements in
3 accordance with ~~this act~~ the Oklahoma Medical Marijuana and Patient
4 Protection Act.

5 C. 1. Medical marijuana packaging shall be packaged to
6 minimize its appeal to children and shall not depict images other
7 than the business name logo of the medical marijuana producer and
8 image of the product.

9 2. A medical marijuana business shall not place any content on
10 a container in a manner that reasonably appears to target
11 individuals under the age of twenty-one (21), including but not
12 limited to cartoon characters or similar images.

13 3. Labels on a container shall not include any false or
14 misleading statements.

15 4. No container shall be intentionally or knowingly labeled so
16 as to cause a reasonable patient confusion as to whether the medical
17 marijuana, medical marijuana concentrate or medical marijuana
18 product is a trademarked product or labeled in a manner that
19 violates any federal trademark law or regulation.

20 5. The label on the container shall not make any claims
21 regarding health or physical benefits to the patient.

22 6. All medical marijuana, medical marijuana concentrate and
23 medical marijuana products sold at a medical marijuana dispensary
24

1 shall be packaged in a child-resistant container ~~at the point of~~
2 ~~transfer to the patient or caregiver.~~

3 D. The State Department of Health shall develop minimum
4 standards for packaging and labeling of medical marijuana and
5 medical marijuana products. Such standards shall include, but not
6 be limited to, the required contents of labels to be affixed to all
7 medical marijuana and medical marijuana products prior to transfer
8 to a licensed patient or caregiver, which shall include, at a
9 minimum:

10 1. ~~A universal symbol indicating that the product contains~~
11 ~~tetrahydrocannabinol (THC);~~

12 ~~2.~~ THC and other cannabinoid potency, and terpenoid potency;

13 ~~3.~~ 2. A statement indicating that the product has been tested
14 for contaminants;

15 ~~4.~~ 3. One or more product warnings to be determined by the
16 Department; and

17 ~~5.~~ 4. Any other information the Department deems necessary.

18 SECTION 20. AMENDATORY Section 19, Chapter 11, O.S.L.
19 2019 (63 O.S. Supp. 2020, Section 427.19), is amended to read as
20 follows:

21 Section 427.19 A. A medical marijuana research license may be
22 issued to a person to grow, cultivate, possess and transfer, by sale
23 or donation, marijuana pursuant to ~~this act~~ the Oklahoma Medical
24

1 Marijuana and Patient Protection Act for the limited research
2 purposes identified in this section.

3 B. The annual fee for a medical marijuana research license
4 shall be Five Hundred Dollars (\$500.00) and shall be payable by an
5 applicant for a medical marijuana research license upon submission
6 of his or her application to the Authority.

7 C. A medical marijuana research license may be issued for the
8 following research purposes:

9 1. To test chemical potency and composition levels;

10 2. To conduct clinical investigations of marijuana-derived
11 medicinal products;

12 3. To conduct research on the efficacy and safety of
13 administering marijuana as part of medical treatment;

14 4. To conduct genomic, horticultural or agricultural research;
15 and

16 5. To conduct research on marijuana-affiliated products or
17 systems.

18 D. 1. As part of the application process for a medical
19 marijuana research license, an applicant shall submit to the
20 Authority a description of the research that the applicant intends
21 to conduct and whether the research will be conducted with a public
22 institution or using public money. If the research will not be
23 conducted with a public institution or with public money, the
24

1 Authority shall grant the application if it determines that the
2 applicant meets the criteria in this section.

3 2. If the research will be conducted with a public institution
4 or public money, the Department shall review the research project of
5 the applicant to determine if it meets the requirements of this
6 section and to assess the following:

7 a. the quality, study design, value or impact of the
8 project,

9 b. whether the applicant has the appropriate personnel,
10 expertise, facilities, infrastructure, funding and
11 human, animal or other approvals in place to
12 successfully conduct the project, and

13 c. whether the amount of marijuana to be grown by the
14 applicant is consistent with the scope and goals of
15 the project.

16 3. If the Authority determines that the research project does
17 not meet the requirements of this section or assesses the criteria
18 to be inadequate, the application shall be denied.

19 E. A medical marijuana research licensee may only transfer, by
20 sale or donation, marijuana grown within its operation to other
21 medical marijuana research licensees. The Department may revoke a
22 medical marijuana research license for violations of this section
23 and any other violation of ~~this act~~ the Oklahoma Medical Marijuana
24 and Patient Protection Act.

1 F. A medical marijuana research licensee may contract to
2 perform research in conjunction with a public higher education
3 research institution or another medical marijuana research licensee.

4 G. The growing, cultivating, possessing or transferring, by
5 sale or donation, of marijuana in accordance with this section and
6 the rules promulgated pursuant thereto, by a medical marijuana
7 research licensee shall not be a criminal or civil offense under
8 state law. A medical marijuana research license shall be issued in
9 the name of the applicant and shall specify the location in Oklahoma
10 at which the medical marijuana research licensee intends to operate.
11 A medical marijuana research licensee shall not allow any other
12 person to exercise the privilege of the license.

13 H. If the research conducted includes a public institution or
14 public money, the Authority shall review any reports made by medical
15 marijuana research licensees under state licensing authority rule
16 and provide the Authority with its determination on whether the
17 research project continues to meet research qualifications pursuant
18 to this section.

19 SECTION 21. AMENDATORY Section 20, Chapter 11, O.S.L.
20 2019 (63 O.S. Supp. 2020, Section 427.20), is amended to read as
21 follows:

22 Section 427.20 A. There is hereby created a medical marijuana
23 education facility license.

24

1 B. A medical marijuana education facility license may be issued
2 to a person to possess or cultivate marijuana for the limited
3 education and research purposes identified in this section.

4 C. A medical marijuana education facility license may only be
5 granted to a not-for-profit organization structured under Section
6 501(c)(3) of the Internal Revenue Code, operating as an Oklahoma
7 not-for-profit registered organization with the Office of the
8 Secretary of State.

9 D. A medical marijuana education facility license may only be
10 granted upon the submission of ~~a~~ an annual fee of Five Hundred
11 Dollars (\$500.00) to the Authority.

12 E. A medical marijuana education facility license may be issued
13 for the following education and research purposes:

14 1. To test cultivation techniques, strategies, infrastructure,
15 mediums, lighting and other related technology;

16 2. To demonstrate cultivation techniques, strategies,
17 infrastructure, mediums, lighting and other related technology;

18 3. To demonstrate the application and use of product
19 manufacturing technologies;

20 4. To conduct genomic, horticultural or agricultural research;
21 and

22 5. To conduct research on marijuana-affiliated products or
23 systems.

24

1 F. As part of the application process for a medical marijuana
2 education facility license, an applicant shall submit to the
3 Authority a description of the project and curriculum that the
4 applicant intends to conduct and whether the project and curriculum
5 will be conducted with a public institution or using public money.
6 If the ~~research~~ project and curriculum will not be conducted with a
7 public institution or with public money, the Authority shall grant
8 the application. If the research will be conducted with a public
9 institution or public money, the Authority shall review the research
10 project of the applicant to determine if it meets the requirements
11 of this section and to assess the following:

- 12 1. The quality, study design, value or impact of the project;
- 13 2. Whether the applicant has the appropriate personnel,
14 expertise, facilities, infrastructure, funding, and human, animal or
15 other approvals in place to successfully conduct the project; and
- 16 3. Whether the amount of marijuana to be grown by the applicant
17 is consistent with the scope and goals of the project.

18 If the Authority determines that the education project does not meet
19 the requirements of this section or assesses the criteria to be
20 inadequate, the application shall be denied.

21 G. A medical marijuana education facility licensee may only
22 transfer, by sale or donation, marijuana grown within its operation
23 to medical marijuana research licensees. The Department may revoke
24 a medical marijuana education facility license for violations of

1 this section and any other violation of ~~this act~~ applicable laws,
2 rules and regulations.

3 H. A medical marijuana education facility licensee may contract
4 to perform research in conjunction with a public higher education
5 research institution or another research licensee.

6 I. The growing, cultivating, possessing or transferring, by
7 sale or donation, of marijuana in accordance with this section and
8 the rules and regulations promulgated pursuant thereto, by a medical
9 marijuana education facility licensee shall not be a criminal or
10 civil offense under state law. A medical marijuana education
11 facility license shall be issued in the name of the applicant and
12 shall specify the location in Oklahoma at which the medical
13 marijuana education facility licensee intends to operate. A medical
14 marijuana education facility licensee shall not allow any other
15 person to exercise the privilege of the license.

16 SECTION 22. AMENDATORY Section 22, Chapter 11, O.S.L.
17 2019 (63 O.S. Supp. 2020, Section 427.22), is amended to read as
18 follows:

19 Section 427.22 A. ~~An~~ All patient and caregiver records and
20 information, including, without limitation, an application or
21 renewal and supporting information submitted by a qualifying patient
22 or designated caregiver under the provisions of ~~this act including,~~
23 ~~without limitation,~~ the Oklahoma Medical Marijuana and Patient
24 Protection Act and information regarding the physician of the

1 qualifying patient, shall be considered confidential medical records
2 that are exempt from the Oklahoma Open Records Act.

3 B. The dispensary records with patient information shall be
4 treated as confidential records that are exempt from the Oklahoma
5 Open Records Act.

6 C. All financial information provided by an applicant in its
7 application to the Authority or licensee shall be treated as
8 confidential records that are exempt from the Oklahoma Open Records
9 Act.

10 D. All information provided by an applicant or licensee that
11 constitutes private business information shall be treated as
12 confidential records that are exempt from the Oklahoma Open Records
13 Act.

14 E. As used in this section, "private business information"
15 means information that, if disclosed, would give advantage to
16 competitors or bidders including, but not limited to, information
17 related to the planning, ~~site location,~~ operations, strategy, or
18 product development and marketing of an applicant, unless approval
19 for release of those records is granted by the business.

20 F. All monthly reports, inventory tracking and seed-to-sale
21 information, data and records submitted to the Oklahoma Medical
22 Marijuana Authority shall be treated as confidential and are exempt
23 from the Oklahoma Open Records Act.

24

1 G. Except for license information concerning licensed patients,
2 the Authority may share confidential information with the Oklahoma
3 Tax Commission to assist the Oklahoma Tax Commission in ensuring
4 compliance with applicable laws, rules and regulations.

5 SECTION 23. AMENDATORY Section 23, Chapter 11, O.S.L.
6 2019, as amended by Section 11, Chapter 477, O.S.L. 2019 (63 O.S.
7 Supp. 2020, Section 427.23), is amended to read as follows:

8 Section 427.23 A. The State Commissioner of Health, the
9 Oklahoma Tax Commission, the State Treasurer, the Secretary of State
10 and the Director of the Office of Management and Enterprise Services
11 shall promulgate rules to implement the provisions of ~~this act~~ the
12 Oklahoma Medical Marijuana and Patient Protection Act.

13 B. ~~The Food Safety Standards Board~~ Medical Marijuana Advisory
14 Council, in addition to the powers and duties granted in Section 423
15 of ~~Title 63 of the Oklahoma Statutes~~ this title, may recommend to
16 the State Commissioner of Health rules relating to all aspects of
17 the safe cultivation and ~~manufacture~~ manufacturing of medical
18 marijuana products. In addition to the twelve members required in
19 Section 423 of this title, the State Department of Health may
20 appoint up to eight additional members. The makeup of the Medical
21 Marijuana Advisory Council shall include medical marijuana industry
22 representation.

1 SECTION 24. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 427.24 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Whenever an authorized agent of the State Department of
5 Health finds, in whole or in part, that:

6 1. Any medical marijuana or medical marijuana product fails to
7 meet the requirements of Sections 420 through 426.1 of Title 63 of
8 the Oklahoma Statutes and the Oklahoma Medical Marijuana and Patient
9 Protection Act, as it relates to health and safety;

10 2. The medical marijuana or medical marijuana product is
11 handled in violation of applicable laws or rules and regulations of
12 the Department; or

13 3. The medical marijuana or medical marijuana product may be
14 poisonous, deleterious to health or is otherwise unsafe,
15 a tag or other appropriate marking shall be affixed to the medical
16 marijuana or medical marijuana product. The tag or other
17 appropriate marking shall give notice that the medical marijuana or
18 medical marijuana product is or is suspected of being manufactured,
19 produced, transferred, sold or offered for sale in violation of
20 applicable laws or rules and regulations of the Department. The tag
21 or other appropriate marking shall also give notice that the medical
22 marijuana or medical marijuana product is embargoed and shall
23 provide a warning that all persons shall be prohibited from removing
24 or disposing of the medical marijuana or medical marijuana product

1 until permission for removal or disposal is given by the State
2 Commissioner of Health. It shall be unlawful for any person to
3 remove or dispose of the embargoed medical marijuana or medical
4 marijuana product without permission.

5 B. 1. If the Commissioner finds that medical marijuana or
6 medical marijuana product embargoed pursuant to subsection A of this
7 section does not meet the requirements of applicable laws or rules
8 and regulations of the Department, or is poisonous, deleterious to
9 health or otherwise unsafe, the Commissioner may institute an action
10 in the district court, in whose jurisdiction the medical marijuana
11 or medical marijuana product is embargoed, for the condemnation and
12 destruction of the medical marijuana or medical marijuana product.

13 2. If the Commissioner later finds that the embargoed medical
14 marijuana or medical marijuana product does meet the requirements of
15 applicable laws and rules and regulations of the Department and is
16 not poisonous, deleterious to health or otherwise unsafe, the
17 Commissioner shall remove the embargo.

18 3. In any court proceeding regarding an embargo, the State
19 Department of Health, the Oklahoma Medical Marijuana Authority and
20 the State Commissioner of Health shall not be held liable if the
21 court finds reasonable belief for the embargo.

22 C. If the court finds that the embargoed medical marijuana or
23 medical marijuana product, in whole or in part, is in violation of
24 any applicable laws or Department rules or regulations or is

1 poisonous, deleterious to health, or otherwise unsafe, the medical
2 marijuana or medical marijuana product shall be destroyed under the
3 supervision of the Commissioner and at the expense of the owner or
4 defendant. All court costs, fees, cost of storage and other proper
5 expenses shall be paid by the owner or defendant of the medical
6 marijuana or medical marijuana product. The court may order that
7 the medical marijuana or medical marijuana product be delivered to
8 the owner or defendant for appropriate labeling or processing under
9 the supervision of the Commissioner if:

10 1. The violation can be corrected by proper processing of the
11 medical marijuana or medical marijuana product;

12 2. All costs, fees and expenses have been paid; and

13 3. A sufficient bond is executed and conditioned for
14 appropriate labeling or processing as the court may require.

15 The expense of supervision shall be paid to the Commissioner by the
16 person obtaining release of the medical marijuana or medical
17 marijuana product under bond.

18 SECTION 25. AMENDATORY Section 2, Chapter 337, O.S.L.
19 2019 (63 O.S. Supp. 2020, Section 428.1), is amended to read as
20 follows:

21 Section 428.1 As used in ~~this act~~ the Oklahoma Medical
22 Marijuana Waste Management Act:

23 1. "Authority" shall mean the Oklahoma Medical Marijuana
24 Authority, or successor agency;

1 2. "Commercial licensee" shall mean any person or entity issued
2 a license by the Oklahoma Medical Marijuana Authority, or successor
3 agency, to conduct commercial business in this state;

4 3. "Disposal" shall mean the ~~final~~ disposition of medical
5 marijuana waste by ~~either~~ a process which renders the waste unusable
6 and unrecognizable through physical destruction or a recycling
7 process;

8 4. "Facility" shall mean ~~a location~~ the licensed or permitted
9 premises where the disposal of medical marijuana waste takes place
10 by a licensee;

11 5. "License" shall mean a medical marijuana waste disposal
12 license;

13 6. "Licensee" shall mean the holder of a medical marijuana
14 waste disposal license;

15 7. "Medical marijuana waste" shall mean:

16 a. unused, surplus, returned or out-of-date marijuana and
17 plant debris of the plant of the genus Cannabis,
18 including dead plants and all unused plant parts,
19 except the term shall not include seeds, roots, stems,
20 stalks and fan leaves,

21 b. all product which is deemed to fail laboratory testing
22 and cannot be remediated, and

23 c. all product and inventory from commercial licensees,
24 medical marijuana research facilities and medical

1 marijuana education facilities that have gone out of
2 business and are not subject to the provisions of
3 Section 1560 of Title 12 of the Oklahoma Statutes; and

4 8. "Medical marijuana waste disposal license" shall mean a
5 license issued by the Oklahoma Medical Marijuana Authority, or
6 successor agency.

7 SECTION 26. AMENDATORY Section 3, Chapter 337, O.S.L.
8 2019 (63 O.S. Supp. 2020, Section 429), is amended to read as
9 follows:

10 Section 429. A. Medical marijuana waste shall be subject to
11 the provisions of ~~this act~~ the Oklahoma Medical Marijuana Waste
12 Management Act and shall not be subject to the provisions of the
13 Uniform Controlled Dangerous Substances Act. Nothing in ~~this act~~
14 the Oklahoma Medical Marijuana Waste Management Act shall alter or
15 affect the jurisdictional areas of environmental responsibility of
16 the Department of Environmental Quality as provided for in Title 27A
17 of the Oklahoma Statutes.

18 B. Commercial licensees, medical marijuana research facilities
19 and medical marijuana education facilities shall be authorized to
20 destroy the following marijuana plant parts without being required
21 to utilize the services of a medical marijuana waste disposal
22 facility:

- 23 1. ~~Root balls~~ Roots;
- 24 2. Stems;

1 3. Fan leaves; ~~and~~

2 4. Seeds; and

3 5. Stalks.

4 Unless restricted by local ordinance, commercial licensees,
5 medical marijuana research facilities and medical marijuana
6 education facilities shall be authorized to destroy the above-listed
7 marijuana plant parts on-site by open burning, incineration,
8 burying, mulching, composting or any other technique approved by the
9 Department of Environmental Quality.

10 ~~C. Commercial licensees, medical marijuana research facilities~~
11 ~~and medical marijuana education facilities engaged in the disposal~~
12 ~~of medical marijuana waste shall create and maintain documentation~~
13 ~~on a form prescribed by the Oklahoma Medical Marijuana Authority~~
14 ~~that includes precise weights or counts of medical marijuana waste~~
15 ~~and the manner in which the medical marijuana waste is disposed.~~
16 ~~Such documentation shall contain a witness affidavit and signature~~
17 ~~attesting to the lawful disposal of the medical marijuana waste~~
18 ~~under penalty of perjury. All disposal records shall be maintained~~
19 ~~by commercial licensees, medical marijuana research facilities and~~
20 ~~medical marijuana educational facilities for a period of five (5)~~
21 ~~years and shall be subject to inspection and auditing by the~~
22 ~~Authority.~~

1 SECTION 27. AMENDATORY Section 4, Chapter 337, O.S.L.
2 2019 (63 O.S. Supp. 2020, Section 430), is amended to read as
3 follows:

4 Section 430. A. There is hereby created and authorized a
5 medical marijuana waste disposal license. A person or entity in
6 possession of a medical marijuana waste disposal license shall be
7 entitled to possess, transport and dispose of medical marijuana
8 waste. No person or entity shall possess, transport or dispose of
9 medical marijuana waste without a valid medical marijuana waste
10 disposal license. The Oklahoma Medical Marijuana Authority shall
11 issue licenses upon proper application by a licensee and
12 determination by the Authority that the proposed site and facility
13 are physically and technically suitable. Upon a finding that a
14 proposed medical marijuana waste disposal facility is not physically
15 or technically suitable, the Authority shall deny the license. The
16 Authority may, upon determining that public health or safety
17 requires emergency action, issue a temporary license for treatment
18 or storage of medical marijuana waste for a period not to exceed
19 ninety (90) days. The Authority shall not, ~~for the first year of~~
20 ~~the licensure program~~ until November 1, 2021, issue more than ten
21 licenses. ~~Upon the conclusion of the first year, the Authority~~
22 ~~shall assess the need for additional licenses and shall, if~~
23 ~~demonstrated, increase~~ Beginning November 1, 2021, there shall be no
24

1 limit to the number of medical marijuana waste disposal licenses as
2 ~~deemed necessary~~ issued by the Authority.

3 B. Entities applying for a medical marijuana waste disposal
4 license shall undergo the following screening process:

5 1. Complete an application form, as prescribed by the
6 Authority, which shall include:

7 a. an attestation that the applicant is authorized to
8 make application on behalf of the entity,

9 b. full name of the organization,

10 c. trade name, if applicable,

11 d. type of business organization,

12 e. complete mailing address,

13 f. an attestation that the commercial entity will not be
14 located on tribal land,

15 g. telephone number and email address of the entity, and

16 h. name, residential address and date of birth of each
17 owner and each member, manager and board member, if
18 applicable;

19 2. The application for a medical marijuana waste disposal
20 license made by an individual on his or her own behalf shall be on
21 the form prescribed by the Authority and shall include, but not be
22 limited to:

23 a. the first, middle and last name of the applicant and
24 suffix, if applicable,

- b. the residence address and mailing address of the applicant,
- c. the date of birth of the applicant,
- d. the preferred telephone number and email address of the applicant,
- e. an attestation that the information provided by the applicant is true and correct, and
- f. a statement signed by the applicant pledging not to divert marijuana to any individual or entity that is not lawfully entitled to possess marijuana; and

3. Each application shall be accompanied by the following documentation:

- a. a list of all persons or entities that have an ownership interest in the entity,
- b. a certificate of good standing from the Oklahoma Secretary of State, if applicable,
- c. an Affidavit of Lawful Presence for each owner,
- d. proof that the proposed location of the disposal facility is at least one thousand (1,000) feet from a public or private school. The distance indicated in this subparagraph shall be measured from any entrance the nearest property line of the public or private school to the nearest property line point front entrance of the disposal facility. If any public or

1 private school is established within one thousand
2 (1,000) feet of any disposal facility after such
3 disposal facility has been licensed, the provisions of
4 this subparagraph shall not be a deterrent to the
5 renewal of such license or warrant revocation of the
6 license, and

7 e. documents establishing the applicant, the members,
8 managers and board members, if applicable, and
9 seventy-five percent (75%) of the ownership interests
10 are Oklahoma residents as established in Section 420
11 ~~et seq. of Title 63 of the Oklahoma Statutes~~ of this
12 title, as it relates to proof of residency.

13 C. No license shall be issued except upon proof of sufficient
14 liability insurance and financial responsibility. Liability
15 insurance shall be provided by the applicant and shall apply to
16 sudden and nonsudden bodily injury or property damage on, below or
17 above the surface, as required by the rules of the Authority. Such
18 insurance shall be maintained for the period of operation of the
19 facility and shall provide coverage for damages resulting from
20 operation of the facility during operation and after closing. ~~In~~
21 ~~lieu of liability insurance required by this subsection, an~~
22 ~~equivalent amount of cash, securities, bond or alternate financial~~
23 ~~assurance, of a type and in an amount acceptable to the Authority,~~
24 ~~may be substituted; provided, that such deposit shall be maintained~~

1 ~~for a period of five (5) years after the date of last operation of~~
2 ~~the facility.~~

3 D. Submission of an application for a medical marijuana waste
4 disposal license shall constitute permission for entry to and
5 inspection of the facility of the licensee during hours of operation
6 and other reasonable times. Refusal to permit such entry of
7 inspection shall constitute grounds for the nonrenewal, suspension
8 or revocation of a license. The Authority may perform an annual
9 unannounced on-site inspection of the operations and any facility of
10 the licensee. If the Authority receives a complaint concerning
11 noncompliance by a licensee with the provisions of ~~this act~~ the
12 Oklahoma Medical Marijuana Waste Management Act, the Authority may
13 conduct additional unannounced, on-site inspections beyond an annual
14 inspection. The Authority shall refer all complaints alleging
15 criminal activity that are made against a licensed facility to
16 appropriate state or local law enforcement authorities.

17 E. The Authority shall issue ~~a~~ an annual permit for each
18 medical marijuana waste disposal facility operated by a licensee. A
19 permit shall be issued only upon proper application by a licensee
20 and determination by the Authority that the proposed site and
21 facility are physically and technically suitable. Upon a finding
22 that a proposed medical marijuana waste disposal facility is not
23 physically or technically suitable, the Authority shall deny the
24 permit. The Authority shall have the authority to revoke a permit

1 upon a finding that the site and facility are not physically and
2 technically suitable for processing. The Authority may, upon
3 determining that public health or safety requires emergency action,
4 issue a temporary permit for treatment or storage of medical
5 marijuana waste for a period not to exceed ninety (90) days.

6 F. The cost of a medical marijuana waste disposal license shall
7 be Five Thousand Dollars (\$5,000.00) for the initial license. The
8 cost of a medical marijuana waste disposal facility permit shall be
9 Five Hundred Dollars (\$500.00). A medical marijuana waste disposal
10 facility permit that has been revoked shall be reinstated upon
11 remittance of a reinstatement fee of Five Hundred Dollars (\$500.00)
12 to restore the facility permit. All license and permit fees shall
13 be deposited into the ~~Public Health Special Fund~~ Oklahoma Medical
14 Marijuana Authority Revolving Fund as provided in Section ~~1-107~~
15 427.5 of ~~Title 63 of the Oklahoma Statutes~~ this title.

16 G. The holder of a medical marijuana waste disposal license
17 shall not be required to obtain a medical marijuana transporter
18 license provided for in the Oklahoma Medical Marijuana and Patient
19 Protection Act for purposes of transporting medical marijuana waste.

20 H. All commercial licensees, as defined in Section ~~2~~ 428.1 of
21 this ~~act~~ title, shall utilize a licensed medical marijuana waste
22 disposal service to process all medical marijuana waste generated by
23 the licensee.

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1 I. The State Commissioner of Health shall promulgate rules for
2 the implementation of ~~this act~~ the Oklahoma Medical Marijuana Waste
3 Management Act. Promulgated rules shall address disposal process
4 standards, site security and any other subject matter deemed
5 necessary by the Authority.

6 SECTION 28. 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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