

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 2763

By: Ford

AS INTRODUCED

An Act relating to medical marijuana; amending Section 2, State Question No. 788, Initiative Petition No. 412 (63 O.S. Supp. 2020, Section 421), which relates to licensure of medical marijuana dispensaries; updating language; authorizing the use of drive through lanes for medical marijuana sales; providing restrictions; and providing an effective date.

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

SECTION 1. AMENDATORY Section 2, State Question No. 788, Initiative Petition No. 412 (63 O.S. Supp. 2020, Section 421), is amended to read as follows:

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

1 for a ~~retail~~ dispensary license must be owned by an Oklahoma ~~state~~
2 resident and must be registered to do business in Oklahoma. The
3 ~~Oklahoma~~ State Department of Health shall have two (2) weeks to
4 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 ~~rejection)~~ the
7 rejection or 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 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 caregivers, and account for
12 any waste. The report ~~will~~ shall show total sales in dollars, tax
13 collected in dollars, ~~and tax due in dollars.~~ The ~~Oklahoma~~ State
14 Department of Health ~~will~~ shall have oversight and auditing
15 responsibilities to ensure that all marijuana being grown is
16 accounted for. A ~~retailer will~~ licensed medical marijuana
17 dispensary shall only be subject to a penalty if a gross discrepancy
18 exists and cannot be explained. Penalties for fraudulent reporting
19 occurring within any ~~2~~ two-year time period ~~will~~ shall be ~~an initial~~
20 a fine of Five Thousand Dollars (\$5,000.00) (first) for the first
21 offense and revocation of ~~licensing (second)~~ the medical marijuana
22 dispensary license for the second offense.

23 D. Only a licensed medical marijuana ~~retailer~~ dispensary may
24 conduct retail sales of marijuana, ~~or marijuana derivatives in the~~

1 form provided by licensed medical marijuana processors, ~~and these~~.
2 These products ~~can~~ may only be sold to a licensed medical marijuana
3 ~~license holder~~ patient or ~~their~~ licensed caregiver. Penalties for
4 fraudulent sales occurring within any ~~2~~ two-year time period ~~will~~
5 shall be ~~an initial~~ a fine of Five Thousand Dollars (\$5,000.00)
6 ~~(first)~~ for the first offense and revocation of ~~licensing~~ ~~(second)~~
7 the medical marijuana dispensary license for the second offense.

8 E. Beginning November 1, 2021, licensed medical marijuana
9 dispensaries may operate drive-through lanes for dispensing medical
10 marijuana to licensed medical marijuana patients or licensed
11 caregivers. The drive-through lanes of a licensed medical marijuana
12 dispensary shall:

13 1. Utilize drive-through drawers or pneumatic tube systems for
14 dispensing medical marijuana; and

15 2. Utilize drive-through windows that allow for clear
16 visibility for verification of patient or caregiver identity.

17 SECTION 2. This act shall become effective November 1, 2021.

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