

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 1349

By: Fetgatter of the House

and

Garvin of the Senate

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6
7 [medical marijuana - Oklahoma Medical Marijuana
8 Authority Board - Oklahoma Medical Marijuana
9 Authority - Oklahoma Open Meeting Act - Oklahoma
10 Open Records Act - Administrative Procedures Act -
11 codification - effective date]
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14 AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause
15 and entire bill and insert

16 "An act relating to medical marijuana; creating the
17 Oklahoma Medical Marijuana Authority Executive
18 Advisory Council; providing for appointments to the
19 Council; authorizing Executive Director of the
20 Oklahoma Medical Marijuana Authority to be chair;
21 requiring the Authority to provide staff and support;
22 prescribing terms of office; imposing quorum
23 requirements for taking official actions; providing
24 exemption from certain prohibition; stating powers
and duties of the Advisory Council; requiring
Advisory Council to produce certain report; providing
for reimbursement of expenses pursuant to the State
Travel Reimbursement Act; authorizing meetings;
prescribing minimum number of meetings; stating
manner by which vacancies on the Board shall be
filled; providing for applicability of Oklahoma Open
Meeting Act, Oklahoma Open Records Act, and

1 Administrative Procedures Act; providing for
2 codification; and providing an effective date.

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

5 SECTION 1. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 427.27 of Title 63, unless there
7 is created a duplication in numbering, reads as follows:

8 A. There is hereby created the Oklahoma Medical Marijuana
9 Authority Executive Advisory Council.

10 B. The Oklahoma Medical Marijuana Authority Executive Advisory
11 Council shall consist of the following members and all appointees
12 shall serve their terms at the pleasure of the appointing authority
13 and may be removed or replaced without cause:

14 1. One member appointed by the Governor to represent all
15 citizens of this state;

16 2. One member appointed by the Speaker of the House of
17 Representatives who shall be a citizen from a county with a
18 population under twenty-five thousand (25,000) persons, as
19 determined by the latest Federal Decennial Census;

20 3. One member appointed by the President Pro Tempore of the
21 Senate who shall be a citizen from a municipality with a population
22 in excess of seventy-five thousand (75,000) persons, as determined
23 by the latest Federal Decennial Census;

1 4. One member who is a current medical marijuana business
2 license holder appointed by the Speaker of the House of
3 Representatives;

4 5. One member who is a current medical marijuana business
5 license holder appointed by the President Pro Tempore of the Senate;
6 and

7 6. One member appointed by the Governor who holds a medical
8 marijuana patient license.

9 C. The Executive Director of the Oklahoma Medical Marijuana
10 Authority shall chair the Advisory Council and provide staff and
11 administrative support to the Advisory Council.

12 D. The Advisory Council shall select a co-chair from the
13 membership of the Advisory Council.

14 E. Each member of the Advisory Council shall serve a term of
15 four (4) years from the date of appointment. Members of the
16 Advisory Council shall not serve more than two consecutive terms.

17 F. A majority of the members of the Advisory Council shall
18 constitute a quorum for the transaction of business and for taking
19 any official action. Official action of the Advisory Council must
20 have a favorable vote by a majority of the members present.

21 G. Appointed members who serve on the Advisory Council shall be
22 exempt from dual-office-holding prohibitions pursuant to Section 6
23 of Title 51 of the Oklahoma Statutes.

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1 H. The Advisory Council may advise the Authority of recommended
2 changes to state policy, rules, or statutes.

3 I. The Advisory Council shall prepare and issue a report of its
4 findings and recommendations electronically to the Governor,
5 President Pro Tempore, and Speaker of the House by November 1, 2025,
6 and each year thereafter no later than November 1 of each year.

7 J. Members appointed pursuant to subsection B of this section
8 shall serve without compensation but shall be reimbursed for
9 expenses incurred in the performance of their duties in accordance
10 with the State Travel Reimbursement Act.

11 K. The Oklahoma Medical Marijuana Authority Executive Advisory
12 Council shall meet as often as necessary to conduct business but
13 shall meet not less than four times a year, with an organizational
14 meeting to be held prior to January 1, 2025.

15 L. Any vacancy occurring on the Oklahoma Medical Marijuana
16 Authority Executive Advisory Council shall be filled for the
17 unexpired term of office in the same manner as provided for in
18 subsection B of this section.

19 M. The Advisory Council shall act in accordance with the
20 provisions of the Oklahoma Open Meeting Act, the Oklahoma Open
21 Records Act, and the Administrative Procedures Act.

22 SECTION 2. This act shall become effective November 1, 2024."
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1 Passed the Senate the 25th day of April, 2024.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2024.

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8 _____
9 Presiding Officer of the House
10 of Representatives

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2 BILL NO. 1349

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

15 SECTION 3. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 427.26 of Title 63, unless there
17 is created a duplication in numbering, reads as follows:

18 A. There is hereby created the Oklahoma Medical Marijuana
19 Authority Board.

20 B. The Oklahoma Medical Marijuana Authority Board shall consist
21 of the following members and all appointees shall serve their terms
22 at the pleasure of the appointing authority and may be removed or
23 replaced without cause:
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- 1 1. One member appointed by the Governor who shall be a chief of
2 police of a municipality with a population over one hundred thousand
3 (100,000), as determined by the latest Federal Decennial Census;
- 4 2. One member appointed by the Governor who shall be a sheriff
5 of a county with a population under twenty-five thousand (25,000),
6 as determined by the latest Federal Decennial Census;
- 7 3. One member who is a district attorney appointed by the
8 Governor selected from a list submitted by the District Attorneys
9 Council;
- 10 4. One member who is a licensed physician appointed by the
11 Governor selected from a list submitted by the State Board of
12 Medical Licensure and Supervision;
- 13 5. One member who is a licensed medical marijuana commercial
14 grower appointed by the Governor selected from a list submitted by
15 the Oklahoma Medical Marijuana Authority;
- 16 6. One member who is a licensed medical marijuana processor
17 appointed by the Speaker of the Oklahoma House of Representatives
18 selected from a list submitted by the Oklahoma Medical Marijuana
19 Authority;
- 20 7. One member who is a licensed medical marijuana dispensary
21 owner appointed by the Speaker of the Oklahoma House of
22 Representatives selected from a list submitted by the Oklahoma
23 Medical Marijuana Authority;

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1 8. One member who is a licensed medical marijuana transporter
2 appointed by the President Pro Tempore of the Oklahoma State Senate
3 selected from a list submitted by the Oklahoma Medical Marijuana
4 Authority; and

5 9. One member who is a licensed medical marijuana testing
6 laboratory owner appointed by the President Pro Tempore of the
7 Oklahoma State Senate selected from a list submitted by the Oklahoma
8 Medical Marijuana Authority.

9 C. Each member of the Oklahoma Medical Marijuana Authority
10 Board shall serve a term of four (4) years from the date of
11 appointment. Members of the Board shall not serve more than two
12 consecutive terms. The Executive Director of the Oklahoma Medical
13 Marijuana Authority shall be an ex officio member of the Board, but
14 shall be entitled to vote only in case of a tie vote.

15 D. A chair and vice-chair shall be elected annually from the
16 membership of the Oklahoma Medical Marijuana Authority Board. A
17 majority of the members of the Board shall constitute a quorum for
18 the transaction of business and for taking any official action.
19 Official action of the Board must have a favorable vote by a
20 majority of the members present.

21 E. Appointed members who serve on the Board shall be exempt
22 from dual-office-holding prohibitions pursuant to Section 6 of Title
23 51 of the Oklahoma Statutes.

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1 F. The Oklahoma Medical Marijuana Authority Board shall be the
2 rulemaking body for the Oklahoma Medical Marijuana Authority and
3 shall have the power and duty to:

4 1. Establish the policies of the Oklahoma Medical Marijuana
5 Authority; and

6 2. Adopt and promulgate rules as necessary and appropriate to
7 carry out the duties and responsibilities of the Oklahoma Medical
8 Marijuana Authority.

9 G. Members appointed pursuant to subsection B of this section
10 shall serve without compensation but shall be reimbursed for
11 expenses incurred in the performance of their duties in accordance
12 with the State Travel Reimbursement Act.

13 H. The Oklahoma Medical Marijuana Authority Board shall meet as
14 often as necessary to conduct business but shall meet not less than
15 four times a year, with an organizational meeting to be held prior
16 to January 1, 2024. In addition, special meetings may be called by
17 the Executive Director of the Oklahoma Medical Marijuana Authority.

18 I. Any vacancy occurring on the Oklahoma Medical Marijuana
19 Authority Board shall be filled for the unexpired term of office in
20 the same manner as provided for in subsection B of this section.

21 J. The Oklahoma Medical Marijuana Authority shall provide
22 clerical staff to perform designated duties of the Oklahoma Medical
23 Marijuana Authority Board. The Oklahoma Medical Marijuana Authority
24 shall also provide space for meetings of the Board.

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K. The Oklahoma Medical Marijuana Authority Board shall act in accordance with the provisions of the Oklahoma Open Meeting Act, the Oklahoma Open Records Act and the Administrative Procedures Act.

SECTION 4. This act shall become effective November 1, 2023.

Passed the House of Representatives the 13th day of March, 2023.

Presiding Officer of the House
of Representatives

Passed the Senate the ____ day of _____, 2023.

Presiding Officer of the Senate