

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1349

6 By: Fetgatter

7 COMMITTEE SUBSTITUTE

8 An act relating to medical marijuana; creating the
9 Oklahoma Medical Marijuana Authority Board; providing
10 for appointments to the Board; prescribing terms of
11 office; providing an ex officio member of the Board;
12 providing for the election of a chair and vice-chair;
13 imposing quorum requirements for taking official
14 actions; providing exemption from certain
15 prohibition; stating powers and duties of the Board;
16 providing for reimbursement of expenses pursuant to
17 the State Travel Reimbursement Act; authorizing
18 meetings; prescribing minimum number of meetings;
19 stating manner by which vacancies on the Board shall
20 be filled; directing the Oklahoma Medical Marijuana
21 Authority to provide clerical staff and space for
22 meetings; providing for applicability of Oklahoma
23 Open Meeting Act, Oklahoma Open Records Act and
24 Administrative Procedures Act; providing for
codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 427.26 of Title 63, unless there
is created a duplication in numbering, reads as follows:

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

1 B. The Oklahoma Medical Marijuana Authority Board shall consist
2 of the following members and all appointees shall serve their terms
3 at the pleasure of the appointing authority and may be removed or
4 replaced without cause:

5 1. One member appointed by the Governor who shall be a chief of
6 police of a municipality with a population over one hundred thousand
7 (100,000), as determined by the latest Federal Decennial Census;

8 2. One member appointed by the Governor who shall be a sheriff
9 of a county with a population under twenty-five thousand (25,000),
10 as determined by the latest Federal Decennial Census;

11 3. One member who is a district attorney appointed by the
12 Governor selected from a list submitted by the District Attorneys
13 Council;

14 4. One member who is a licensed physician appointed by the
15 Governor selected from a list submitted by the State Board of
16 Medical Licensure and Supervision;

17 5. One member who is a licensed medical marijuana commercial
18 grower appointed by the Governor selected from a list submitted by
19 the Oklahoma Medical Marijuana Authority;

20 6. One member who is a licensed medical marijuana processor
21 appointed by the Speaker of the Oklahoma House of Representatives
22 selected from a list submitted by the Oklahoma Medical Marijuana
23 Authority;

24

1 7. One member who is a licensed medical marijuana dispensary
2 owner appointed by the Speaker of the Oklahoma House of
3 Representatives selected from a list submitted by the Oklahoma
4 Medical Marijuana Authority;

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

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

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

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

1 E. Appointed members who serve on the Board shall be exempt
2 from dual-office-holding prohibitions pursuant to Section 6 of Title
3 51 of the Oklahoma Statutes.

4 F. The Oklahoma Medical Marijuana Authority Board shall be the
5 rulemaking body for the Oklahoma Medical Marijuana Authority and
6 shall have the power and duty to:

7 1. Establish the policies of the Oklahoma Medical Marijuana
8 Authority; and

9 2. Adopt and promulgate rules as necessary and appropriate to
10 carry out the duties and responsibilities of the Oklahoma Medical
11 Marijuana Authority.

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

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

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

1 J. The Oklahoma Medical Marijuana Authority shall provide
2 clerical staff to perform designated duties of the Oklahoma Medical
3 Marijuana Authority Board. The Oklahoma Medical Marijuana Authority
4 shall also provide space for meetings of the Board.

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

8 SECTION 2. This act shall become effective November 1, 2023.

9

10 59-1-7861 JL 03/01/23

11

12

13

14

15

16

17

18

19

20

21

22

23

24