

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

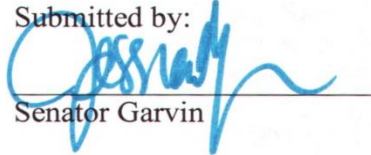
No. 1

COMMITTEE AMENDMENT

(Date)

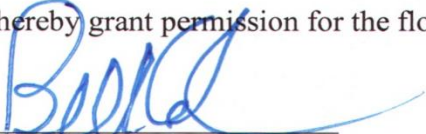
I move to amend Engrossed House Bill No. 1350, by the attached floor substitute (Request #2161) for the title, enacting clause and entire body of the measure.

Submitted by:



Senator Garvin

I hereby grant permission for the floor substitute to be adopted.



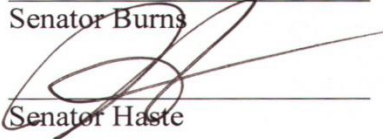
Senator Coleman, Chair (required)



Senator Thompson (Kristen)

Senator Brooks


Senator Burns



Senator Haste

Senator Jett

Senator Treat, President Pro Tempore

Senator Newhouse


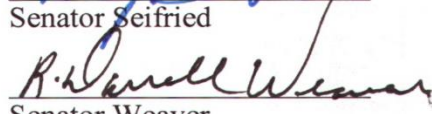
Senator Prieto



Senator Pugh



Senator Seifried



Senator Weaver

Senator Young

Senator McCortney, Majority Floor Leader

Note: Business and Commerce committee majority requires seven (7) members' signatures.

Garvin-MR-FS-HB1350
4/25/2023 8:35 AM

(Floor Amendments Only) Date and Time Filed: 4-25-23 9:39am gd

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED

5 HOUSE BILL NO. 1350

By: Fetgatter of the House

and

Garvin of the Senate

7
8
9
10 FLOOR SUBSTITUTE

11 An Act relating to medical marijuana; amending 63
12 O.S. 2021, Sections 421, 422, and 423, as last
13 amended by Sections 1, 2, and 3, Chapter 332, O.S.L.
14 2022, and 424 (63 O.S. Supp. 2022, Sections 421, 422,
15 and 423), which relate to licensing requirements for
16 medical marijuana dispensaries, commercial growers,
17 processors, and transporters; providing for temporary
18 and annual licenses; updating language; amending 63
19 O.S. 2021, Sections 427.8, 427.14, as last amended by
20 Enrolled Senate Bill No. 913 of the 1st Session of
21 the 59th Oklahoma Legislature, and 427.16, as last
22 amended by Section 16, Chapter 251, O.S.L. 2022 (63
23 O.S. Supp. 2022, Sections 427.14 and 427.16), which
24 relate to the Oklahoma Medical Marijuana and Patient
Protection Act; updating statutory references;
modifying scope of certain definition; creating
temporary and annual licensing program for certain
medical marijuana businesses; stating conditions for
temporary licenses; requiring adherence to certain
rules and regulations; clarifying obligations of the
Oklahoma Medical Marijuana Authority when issuing
temporary licenses; stating length of term of
temporary licenses; providing for extensions under
certain circumstances; establishing fees for
temporary licenses and extensions; requiring
submission of certain information to the Authority;
prohibiting issuance of license until certain

1 inspections are completed; authorizing rejection of
2 applications; defining term; clarifying circumstances
3 that allow for the issuance of annual medical
4 marijuana business licenses; requiring current
5 licensees to submit certain documentation prior to
6 renewal; establishing timelines and procedures;
7 requiring person issued a temporary and annual
8 license to annually submit certain documentation when
9 seeking renewal of the license; requiring insurance
10 verification for licensees transporting medical
11 marijuana; creating temporary licensing program for
12 medical marijuana transporters; specifying certain
13 requirements; providing exception under certain
14 circumstances; allowing the Oklahoma Medical
15 Marijuana Authority to revoke exception updating
16 language; updating statutory references; making
17 language gender neutral; and providing an effective
18 date.

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

20 SECTION 1. AMENDATORY 63 O.S. 2021, Section 421, as last
21 amended by Section 1, Chapter 332, O.S.L. 2022 (63 O.S. Supp. 2022,
22 Section 421), is amended to read as follows:

23 Section 421. A. The Oklahoma Medical Marijuana Authority shall
24 make available on its website in an easy-to-find location ~~an~~
25 ~~application~~ applications for a temporary medical marijuana
26 dispensary license and an annual medical marijuana dispensary
27 license. The application ~~fee to~~ fees for the temporary or annual
28 license shall be paid by the applicant ~~shall be~~ in the amounts
29 provided for in Section 427.14 of this title. A method of payment
30 for the application ~~fee~~ fees shall be provided on the website of the

1 Authority. ~~Dispensary~~ Medical marijuana dispensary applicants must
2 all be residents of Oklahoma. Any entity applying for a temporary
3 or annual medical marijuana dispensary license must be owned by an
4 Oklahoma resident and must be registered to do business in Oklahoma.
5 The Authority shall have ninety (90) business days to review the
6 application for a temporary medical marijuana dispensary license;
7 approve, reject or deny the application; and mail the approval,
8 rejection or denial letter stating reasons for the rejection or
9 denial to the applicant.

10 B. ~~The~~ In addition to the requirements provided for in the
11 Oklahoma Medical Marijuana and Patient Protection Act, the Authority
12 shall approve all applications which meet the following criteria:

13 1. The applicant must be twenty-five (25) years of age or
14 older;

15 2. The applicant, if applying as an individual, must show
16 residency in ~~the State of Oklahoma~~ this state;

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

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

22 5. All applying individuals or entities must be registered to
23 conduct business in ~~the State of Oklahoma~~ this state; and
24

1 6. All applicants must disclose all ownership interests in the
2 dispensary.

3 Applicants with a nonviolent felony conviction in the last two
4 (2) years, any other felony conviction in the last five (5) years,
5 inmates in the custody of the Department of Corrections or any
6 person currently incarcerated shall not qualify for a temporary or
7 annual medical marijuana dispensary license.

8 C. Licensed medical marijuana dispensaries shall be required to
9 complete a monthly sales report to the Authority. This report shall
10 be due on the fifteenth of each month and provide reporting on the
11 previous month. This report shall detail the weight of marijuana
12 purchased at wholesale and the weight of marijuana sold to licensed
13 medical marijuana patients and licensed caregivers and account for
14 any waste. The report shall show total sales in dollars, tax
15 collected in dollars, and tax due in dollars. The Authority shall
16 have oversight and auditing responsibilities to ensure that all
17 marijuana being grown is accounted for.

18 D. Only a licensed medical marijuana dispensary may conduct
19 retail sales of marijuana or marijuana derivatives. Beginning on
20 ~~the effective date of this act~~ November 1, 2021, licensed medical
21 marijuana dispensaries shall be authorized to package and sell pre-
22 rolled marijuana to licensed medical marijuana patients and licensed
23 caregivers. The products described in this subsection shall contain
24 only the ground parts of the marijuana plant and shall not include

1 marijuana concentrates or derivatives. The total net weight of each
2 pre-roll packaged and sold by a medical marijuana dispensary shall
3 not exceed one (1) gram. These products shall be tested, packaged
4 and labeled in accordance with Oklahoma law and rules promulgated by
5 the Authority.

6 E. No medical marijuana dispensary shall offer or allow a
7 medical marijuana patient licensee, caregiver licensee or other
8 member of the public to handle or otherwise have physical contact
9 with any medical marijuana not contained in a sealed or separate
10 package. Provided, such prohibition shall not preclude an employee
11 of the medical marijuana dispensary from handling loose or
12 nonpackaged medical marijuana to be placed in packaging consistent
13 with the Oklahoma Medical Marijuana and Patient Protection Act and
14 the rules promulgated by the Authority for the packaging of medical
15 marijuana for retail sale. Provided, further, such prohibition
16 shall not prevent a medical marijuana dispensary from displaying
17 samples of its medical marijuana in separate display cases, jars or
18 other containers and allowing medical marijuana patient licensees
19 and caregiver licensees the ability to handle or smell the various
20 samples as long as the sample medical marijuana is used for display
21 purposes only and is not offered for retail sale.

22 SECTION 2. AMENDATORY 63 O.S. 2021, Section 422, as last
23 amended by Section 2, Chapter 332, O.S.L. 2022 (63 O.S. Supp. 2022,
24 Section 422), is amended to read as follows:

1 Section 422. A. The Oklahoma Medical Marijuana Authority shall
2 make available on its website in an easy-to-find location ~~an~~
3 ~~application~~ applications for a temporary medical marijuana
4 commercial grower license and an annual medical marijuana commercial
5 grower license. The application ~~fee~~ fees for the temporary or
6 annual license shall be paid by the applicant in the amounts
7 provided for in Section 427.14 of this title. A method of payment
8 for the application ~~fee~~ fees shall be provided on the website of the
9 Authority. The Authority shall have ninety (90) days to review the
10 application for a temporary medical marijuana commercial grower
11 license; approve, reject or deny the application; and mail the
12 approval, rejection or denial letter stating the reasons for the
13 rejection or denial to the applicant.

14 B. ~~The~~ In addition to the requirements provided for in the
15 Oklahoma Medical Marijuana and Patient Protection Act, the Authority
16 shall approve all applications which meet the following criteria:

17 1. The applicant must be twenty-five (25) years of age or
18 older;

19 2. The applicant, if applying as an individual, must show
20 residency in ~~the State of Oklahoma~~ this state;

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

23

24

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

4 5. All applying individuals or entities must be registered to
5 conduct business in ~~the State of Oklahoma~~ this state; and

6 6. All applicants must disclose all ownership interests in the
7 commercial grower operation.

8 Applicants with a nonviolent felony conviction in the last two
9 (2) years, any other felony conviction in the last five (5) years,
10 inmates in the custody of the Department of Corrections or any
11 person currently incarcerated shall not qualify for a temporary or
12 annual medical marijuana commercial grower license.

13 C. A licensed medical marijuana commercial grower may sell
14 marijuana to a licensed medical marijuana dispensary or a licensed
15 medical marijuana processor. Further, sales by a licensed medical
16 marijuana commercial grower shall be considered wholesale sales and
17 shall not be subject to taxation. Under no circumstances may a
18 licensed medical marijuana commercial grower sell marijuana directly
19 to a licensed medical marijuana patient or licensed medical
20 marijuana caregiver. A licensed medical marijuana commercial grower
21 may only sell at the wholesale level to a licensed medical marijuana
22 dispensary, a licensed medical marijuana commercial grower or a
23 licensed medical marijuana processor. If the federal government
24 lifts restrictions on buying and selling marijuana between states,

1 then a licensed medical marijuana commercial grower would be allowed
2 to sell and buy marijuana wholesale from, or to, an out-of-state
3 wholesale provider. A licensed medical marijuana commercial grower
4 shall be required to complete a monthly yield and sales report to
5 the Authority. This report shall be due on the fifteenth of each
6 month and provide reporting on the previous month. This report
7 shall detail the amount of marijuana harvested in pounds, the amount
8 of drying or dried marijuana on hand, the amount of marijuana sold
9 to licensed processors in pounds, the amount of waste in pounds, and
10 the amount of marijuana sold to licensed medical marijuana
11 dispensaries in pounds. Additionally, this report shall show total
12 wholesale sales in dollars. The Authority shall have oversight and
13 auditing responsibilities to ensure that all marijuana being grown
14 by licensed medical marijuana commercial growers is accounted for.

15 D. There shall be no limits on how much marijuana a licensed
16 medical marijuana commercial grower can grow.

17 E. Beginning on ~~the effective date of this act~~ June 1, 2023,
18 licensed medical marijuana commercial growers shall be authorized to
19 package and sell pre-rolled marijuana to licensed medical marijuana
20 dispensaries. The products described in this subsection shall
21 contain only the ground parts of the marijuana plant and shall not
22 include marijuana concentrates or derivatives. The total net weight
23 of each pre-roll packaged and sold by licensed medical marijuana
24 commercial growers shall not exceed one (1) gram. These products

1 must be tested, packaged and labeled in accordance with Oklahoma law
2 and rules promulgated by the Authority.

3 SECTION 3. AMENDATORY 63 O.S. 2021, Section 423, as last
4 amended by Section 3, Chapter 332, O.S.L. 2022 (63 O.S. Supp. 2022,
5 Section 423), is amended to read as follows:

6 Section 423. A. The Oklahoma Medical Marijuana Authority shall
7 make available on its website in an easy-to-find location ~~an~~
8 ~~application~~ applications for a temporary medical marijuana processor
9 license and an annual medical marijuana ~~processing~~ processor
10 license. The Authority shall be authorized to issue two types of
11 annual medical marijuana processor licenses based on the level of
12 risk posed by the type of processing conducted:

- 13 1. Nonhazardous medical marijuana processor license; and
- 14 2. Hazardous medical marijuana processor license.

15 The application ~~fee~~ fees for ~~a nonhazardous or hazardous medical~~
16 ~~marijuana processor~~ the temporary or annual license shall be paid by
17 the applicant in the amounts provided for in Section 427.14 of this
18 title. A method of payment shall be provided on the website of the
19 Authority. The Authority shall have ninety (90) days to review the
20 application for a temporary medical marijuana processor license;
21 approve, reject or deny the application; and mail the approval,
22 rejection or denial letter stating the reasons for the rejection or
23 denial to the applicant.

24

1 B. The Authority shall approve all applications which meet the
2 following criteria:

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

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

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~~ this state; and

14 6. All applicants must disclose all ownership interests in the
15 processing operation.

16 Applicants with a nonviolent felony conviction in the last two
17 (2) years, any other felony conviction in the last five (5) years,
18 inmates in the custody of the Department of Corrections or any
19 person currently incarcerated shall not qualify for a temporary or
20 annual medical marijuana ~~processing~~ processor license.

21 C. 1. A licensed medical marijuana processor may take
22 marijuana plants and distill or process these plants into
23 concentrates, edibles, and other forms for consumption.
24

1 2. As required by subsection D of this section, the Authority
2 shall make available a set of standards which shall be used by
3 licensed medical marijuana processors in the preparation of edible
4 marijuana products. The standards should be in line with current
5 food preparation guidelines. No excessive or punitive rules may be
6 established by the Authority.

7 3. Up to two times a year, the Authority may inspect a
8 processing operation and determine its compliance with the
9 preparation standards. If deficiencies are found, a written report
10 of the deficiency shall be issued to the licensed medical marijuana
11 processor. The licensed medical marijuana processor shall have one
12 (1) month to correct the deficiency or be subject to a fine of Five
13 Hundred Dollars (\$500.00) for each deficiency.

14 4. A licensed medical marijuana processor may sell marijuana
15 products it creates to a licensed medical marijuana dispensary or
16 any other licensed medical marijuana processor. All sales by a
17 licensed medical marijuana processor shall be considered wholesale
18 sales and shall not be subject to taxation.

19 5. Under no circumstances may a licensed medical marijuana
20 processor sell marijuana or any marijuana product directly to a
21 licensed medical marijuana patient or licensed medical marijuana
22 caregiver. However, a licensed medical marijuana processor may
23 process cannabis into a concentrated form for a licensed medical
24 marijuana patient for a fee.

1 6. Licensed medical marijuana processors shall be required to
2 complete a monthly yield and sales report to the Authority. This
3 report shall be due on the fifteenth of each month and shall provide
4 reporting on the previous month. This report shall detail the
5 amount of marijuana and medical marijuana products purchased in
6 pounds, the amount of marijuana cooked or processed in pounds, and
7 the amount of waste in pounds. Additionally, this report shall show
8 total wholesale sales in dollars. The Authority shall have
9 oversight and auditing responsibilities to ensure that all marijuana
10 being processed is accounted for.

11 D. The Authority shall oversee the inspection and compliance of
12 licensed medical marijuana processors producing products with
13 marijuana as an additive. The Authority shall be compelled to
14 ~~within thirty (30) days of passage of this initiative,~~ appoint
15 twelve (12) Oklahoma residents to the Medical Marijuana Advisory
16 Council, who are marijuana industry experts, to create a list of
17 food safety standards for processing and handling medical marijuana
18 in Oklahoma. These standards shall be adopted by the Authority and
19 the Authority may enforce these standards for licensed medical
20 marijuana processors. The Authority shall develop a standards
21 review procedure and these standards can be altered by calling
22 another council of twelve (12) Oklahoma marijuana industry experts.
23 A signed letter of twenty operating, licensed medical marijuana

24

1 processors shall constitute a need for a new council and standards
2 review.

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

5 F. Any device used for the processing or consumption of medical
6 marijuana shall be considered legal to be sold, manufactured,
7 distributed and possessed. No merchant, wholesaler, manufacturer or
8 individual may be unduly harassed or prosecuted for selling,
9 manufacturing or possessing marijuana paraphernalia.

10 SECTION 4. AMENDATORY 63 O.S. 2021, Section 424, is
11 amended to read as follows:

12 Section 424. A. A temporary medical marijuana transportation
13 transporter license will or an annual medical marijuana transporter
14 license shall be issued to qualifying applicants for a medical
15 marijuana retail dispensary, growing medical marijuana commercial
16 grower, or processing medical marijuana processor license. The
17 transportation temporary or annual medical marijuana transporter
18 license will shall be issued at the time of approval of a retail,
19 growing, or processing the temporary or annual medical marijuana
20 dispensary, medical marijuana commercial grower, or medical
21 marijuana processor license. The fees for the temporary or annual
22 license shall be paid by the applicant in the amounts provided for
23 in Section 427.14 of this title.

24

1 B. A ~~transportation~~ medical marijuana transporter license will
2 shall allow the holder to transport medical marijuana from an
3 ~~Oklahoma licensed~~ Oklahoma-licensed medical marijuana ~~retailer~~
4 dispensary, licensed growing medical marijuana commercial grower
5 facility, or ~~licensed~~ medical marijuana processor facility to an
6 ~~Oklahoma licensed~~ Oklahoma-licensed medical marijuana ~~retailer~~
7 dispensary, licensed growing medical marijuana commercial grower
8 facility, or ~~licensed processing~~ medical marijuana processor
9 facility.

10 C. All medical marijuana or medical marijuana products shall be
11 transported in a locked container and clearly labeled "Medical
12 Marijuana or Derivative".

13 SECTION 5. AMENDATORY 63 O.S. 2021, Section 427.8, is
14 amended to read as follows:

15 Section 427.8 A. The rights to possess the marijuana products
16 set forth in Section 420 of ~~Title 63 of the Oklahoma Statutes~~ this
17 title are cumulative and a duly licensed individual may possess at
18 any one time the totality of the items listed therein and not be in
19 violation of ~~this act~~ the Oklahoma Medical Marijuana and Patient
20 Protection Act so long as the individual holds a valid medical
21 marijuana patient license or caregiver license.

22 B. Municipal and county governing bodies may not enact medical
23 marijuana guidelines which restrict or interfere with the rights of
24 a licensed patient or caregiver to possess, purchase, cultivate or

1 transport medical marijuana within the legal limits set forth in
2 ~~this act~~ the Oklahoma Medical Marijuana and Patient Protection Act
3 or ~~Section Sections 420 et seq. of Title 63 of the Oklahoma Statutes~~
4 through 426.1 of this title or require patients or caregivers to
5 obtain permits or licenses in addition to the state-required
6 licenses provided herein.

7 C. Nothing in ~~this act~~ the Oklahoma Medical Marijuana and
8 Patient Protection Act or ~~Section Sections 420 et seq. of Title 63~~
9 ~~of the Oklahoma Statutes~~ through 426.1 of this title shall prohibit
10 a residential or commercial property or business owner from
11 prohibiting the consumption of medical marijuana or medical
12 marijuana product by smoke or vaporization on the premises, within
13 the structures of the premises or within ten (10) feet of the
14 entryway to the premises. However, a medical marijuana patient
15 shall not be denied the right to consume or use other medical
16 marijuana products which are otherwise legal and do not involve the
17 smoking or vaporization of cannabis when lawfully recommended
18 pursuant to Section 420 of ~~Title 63 of the Oklahoma Statutes~~ this
19 title.

20 D. A medical marijuana patient or caregiver licensee shall not
21 be denied eligibility in public assistance programs including, but
22 not limited to, Medicaid, Supplemental Nutrition Assistance Program
23 (SNAP), Women, Infants, and Children Nutrition Program (WIC),
24 Temporary Assistance for Needy Families (TANF) or other such public

1 assistance programs based solely on his or her status as a medical
2 marijuana patient or caregiver licensee, unless required by federal
3 law.

4 E. A medical marijuana patient or caregiver licensee shall not
5 be denied the right to own, purchase or possess a firearm,
6 ammunition, or firearm accessories based solely on his or her status
7 as a medical marijuana patient or caregiver licensee. No state or
8 local agency, municipal or county governing authority shall
9 restrict, revoke, suspend or otherwise infringe upon the right of a
10 person to own, purchase or possess a firearm, ammunition, or firearm
11 accessories or any related firearms license or certification based
12 solely on ~~their~~ his or her status as a medical marijuana patient or
13 caregiver licensee.

14 F. A medical marijuana patient or caregiver in actual
15 possession of a medical marijuana license shall not be subject to
16 arrest, prosecution or penalty in any manner or denied any right,
17 privilege or public assistance, under state law or municipal or
18 county ordinance or resolution including without limitation a civil
19 penalty or disciplinary action by a business, occupational or
20 professional licensing board or bureau, for the medical use of
21 marijuana in accordance with ~~this act~~ the Oklahoma Medical Marijuana
22 and Patient Protection Act.

23

24

1 G. A government medical assistance program shall not be
2 required to reimburse a person for costs associated with the medical
3 use of marijuana unless federal law requires reimbursement.

4 H. Unless otherwise required by federal law or required to
5 obtain federal funding:

6 1. No employer may refuse to hire, discipline, discharge or
7 otherwise penalize an applicant or employee solely on the basis of
8 such applicant's or employee's status as a medical marijuana
9 licensee; and

10 2. No employer may refuse to hire, discipline, discharge or
11 otherwise penalize an applicant or employee solely on the basis of a
12 positive test for marijuana components or metabolites, unless:

13 a. the applicant or employee is not in possession of a
14 valid medical marijuana license,

15 b. the licensee possesses, consumes or is under the
16 influence of medical marijuana or medical marijuana
17 product while at the place of employment or during the
18 fulfillment of employment obligations, or

19 c. the position is one involving safety-sensitive job
20 duties, as such term is defined in subsection K of
21 this section.

22 I. Nothing in ~~this act~~ the Oklahoma Medical Marijuana and
23 Patient Protection Act or ~~Section Sections~~ Sections 420 et seq. of Title 63
24 ~~of the Oklahoma Statutes~~ through 426.1 of this title shall:

1 1. Require an employer to permit or accommodate the use of
2 medical marijuana on the property or premises of any place of
3 employment or during hours of employment;

4 2. Require an employer, a government medical assistance
5 program, private health insurer, worker's compensation carrier or
6 self-insured employer providing worker's compensation benefits to
7 reimburse a person for costs associated with the use of medical
8 marijuana; or

9 3. Prevent an employer from having written policies regarding
10 drug testing and impairment in accordance with the ~~Oklahoma~~
11 ~~Standards for Workplace Drug and Alcohol Testing Act, Section 551 et~~
12 ~~seq. of Title 40 of the Oklahoma Statutes.~~

13 J. Any applicant or employee aggrieved by a willful violation
14 of this section shall have, as his or her exclusive remedy, the same
15 remedies as provided for in the ~~Oklahoma~~ Standards for Workplace
16 Drug and Alcohol Testing Act set forth in Section 563 of Title 40 of
17 the Oklahoma Statutes.

18 K. As used in this section:

19 1. "Safety-sensitive" means any job that includes tasks or
20 duties that the employer reasonably believes could affect the safety
21 and health of the employee performing the task or others including,
22 but not limited to, any of the following:

23 a. the handling, packaging, processing, storage, disposal
24 or transport of hazardous materials,

- b. the operation of a motor vehicle, other vehicle, equipment, machinery or power tools,
- c. repairing, maintaining or monitoring the performance or operation of any equipment, machinery or manufacturing process, the malfunction or disruption of which could result in injury or property damage,
- d. performing firefighting duties,
- e. the operation, maintenance or oversight of critical services and infrastructure including, but not limited to, electric, gas, and water utilities, power generation or distribution,
- f. the extraction, compression, processing, manufacturing, handling, packaging, storage, disposal, treatment or transport of potentially volatile, flammable, combustible materials, elements, chemicals or any other highly regulated component,
- g. dispensing pharmaceuticals,
- h. carrying a firearm, or
- i. direct patient care or direct child care; and

2. A "positive test for marijuana components or metabolites" means a result that is at or above the cutoff concentration level established by the United States Department of Transportation or Oklahoma law regarding being under the influence, whichever is lower.

1 L. All smokable, vaporized, vapable and e-cigarette medical
2 marijuana product inhaled through vaporization or smoked by a
3 medical marijuana licensee are subject to the same restrictions for
4 tobacco under ~~Section~~ Sections 1-1521 through 1-1527 of ~~Title 63 of~~
5 ~~the Oklahoma Statutes~~ this title, commonly referred to as the
6 "Smoking in Public Places and Indoor Workplaces Act".

7 SECTION 6. AMENDATORY 63 O.S. 2021, Section 427.14, as
8 last amended by Enrolled Senate Bill No. 913 of the 1st Session of
9 the 59th Oklahoma Legislature (63 O.S. Supp. 2022, Section 427.14),
10 is amended to read as follows:

11 Section 427.14 A. There is hereby created the medical
12 marijuana business license, which shall include the following
13 categories:

- 14 1. Medical marijuana commercial grower;
- 15 2. Medical marijuana processor;
- 16 3. Medical marijuana dispensary;
- 17 4. Medical marijuana transporter; and
- 18 5. Medical marijuana testing laboratory.

19 B. The Oklahoma Medical Marijuana Authority, with the aid of
20 the Office of Management and Enterprise Services, shall develop a
21 website for medical marijuana business license applications.

22 C. The Authority shall make available on its website in an
23 easy-to-find location, applications for a temporary medical
24

1 marijuana business license and an annual medical marijuana business
2 license.

3 D. Beginning November 1, 2023, the Authority shall require all
4 persons or entities seeking licensure as a medical marijuana
5 commercial grower, medical marijuana processor, medical marijuana
6 dispensary, or medical marijuana transporter to first apply for a
7 temporary medical marijuana business license.

8 1. A temporary medical marijuana business license is a
9 conditional license and does not authorize the licensee to conduct
10 any sales of medical marijuana or marijuana products, the growing or
11 processing of marijuana, or the transportation of any medical
12 marijuana or marijuana products by the licensee. A temporary
13 medical marijuana business licensee shall follow all applicable
14 rules and regulations promulgated by the Authority.

15 2. A temporary medical marijuana business license does not
16 obligate the Authority to issue an annual medical marijuana business
17 license nor does the temporary medical marijuana business license
18 create a vested right in the holder to either an extension of the
19 temporary medical marijuana business license or to the granting of a
20 subsequent annual medical marijuana business license.

21 3. A temporary medical marijuana business license issued under
22 the provisions of this subsection shall be valid for one hundred
23 eighty (180) days from its effective date.

24

1 4. A temporary medical marijuana business license may be
2 extended by the Authority for additional ninety-day periods not to
3 exceed eighteen (18) months if:

4 a. an application for an annual license has been
5 submitted to the Authority prior to the initial
6 expiration date of the temporary medical marijuana
7 business license, and

8 b. the Authority determines that the application and
9 required documentation submitted by the applicant for
10 an annual medical marijuana business license is
11 deficient in some manner.

12 5. A nonrefundable application fee for a temporary medical
13 marijuana business license shall be assessed in the amount of One
14 Thousand Dollars (\$1,000.00). A nonrefundable fee of One Thousand
15 Dollars (\$1,000.00) shall be assessed for every ninety-day extension
16 requested by the holder of a temporary medical marijuana business
17 license and subsequently granted by the Authority.

18 6. In addition to the general requirements provided for in
19 subsection F of this section, persons or entities applying for a
20 temporary medical marijuana business license or applying to renew a
21 medical marijuana business license shall submit the following to the
22 Authority:

23 a. business-formation documents, which may include, but
24 not be limited to, articles of incorporation,

1 operating agreements, partnership agreements, and
2 fictitious business name statements. The applicant
3 shall also provide all documents filed with the
4 Secretary of State,

5 b. financial information pertaining to the operations of
6 the medical marijuana business, which shall include
7 the following:

8 (1) a list of funds belonging to the applicant held
9 in savings, checking, or other accounts
10 maintained by a financial institution. The
11 applicant shall provide for each account the name
12 of the financial institution, the address of the
13 financial institution, account type, account
14 number, and the amount of money in the account,

15 (2) a list of loans made to the applicant. For each
16 loan, the applicant shall provide the amount of
17 the loan, the date of the loan, term of the loan,
18 security provided for the loan, and the name,
19 address, and phone number of the lender,

20 (3) a list of investments made into the medical
21 marijuana business. For each investment, the
22 applicant shall provide the amount of the
23 investment, the date of the investment, term of
24

1 the investment, and the name, address, and phone
2 number of the investor, and

3 (4) a list of all monetary gifts, equipment, and
4 property of any kind given to the applicant for
5 the purpose of or in exchange for applying for or
6 operating a medical marijuana business. For each
7 gift, the applicant shall provide the value or a
8 description of the gift and the name, address,
9 and phone number of the provider of the gift,

10 c. a complete list of every individual who has a
11 financial interest in the medical marijuana business
12 who is not an owner of the medical marijuana business,

13 d. whether the applicant has an ownership or a financial
14 interest in any other medical marijuana business
15 licensed under the provisions of the Oklahoma Medical
16 Marijuana and Patient Protection Act,

17 e. a complete and detailed diagram of the proposed
18 premises. If changes to the proposed premises occur
19 during the application period, a revised set of plans
20 shall be submitted to the Authority for final
21 inspection. The diagram shall be to scale and shall
22 show the following:

23 (1) boundaries of the property and the proposed
24 premises to be licensed, showing all boundaries,

1 dimensions, entrances and exits, interior
2 partitions, walls, rooms, windows, doorways, and
3 common or shared entryways, and shall include a
4 brief statement or description of the principal
5 activity to be conducted therein,

6 (2) the location of medical marijuana business
7 activities that will take place in each area of
8 the premises, and limited-access areas,

9 (3) where all cameras are located and a number
10 assigned to each camera for identification
11 purposes, and

12 (4) if the proposed premises consists of only a
13 portion of the property, labels indicating which
14 part of the property is the proposed premises and
15 what the remaining property is used for,

16 f. if the applicant is not the landowner of the real
17 property upon which the premises is located, the
18 applicant shall provide to the Authority a document
19 from the landowner or the agent of the landowner that
20 states that the applicant has the right to occupy the
21 property and acknowledging the applicant may use the
22 property for the medical marijuana business activity
23 for which the applicant is applying for licensure. An
24

1 applicant shall also provide a copy of the rental
2 agreement, as applicable,

3 g. if the applicant is the landowner of the real property
4 upon which the premises is located, the applicant
5 shall provide to the Authority a copy of the title or
6 deed to the property,

7 h. if the applicant is applying for a medical marijuana
8 commercial grower license, the applicant shall also
9 submit the following:

10 (1) for indoor and mixed light cultivation,
11 identification of all power sources for
12 cultivation activities including, but not limited
13 to, illumination, heating, cooling, and
14 ventilation,

15 (2) if the applicant is proposing to use a diversion
16 from a waterbody, groundwater well, or rain
17 catchment system as a water source for
18 cultivation, include the following locations on
19 the property diagram with locations also provided
20 as coordinates in either latitude and longitude
21 or the Oklahoma Coordinate System:

22 (a) sources of water used, including the
23 location of waterbody diversion, pump
24 location, and distribution system, and

1 (b) location, type, and capacity of each storage
2 unit to be used for cultivation, and

3 (3) a proposed cultivation plan, which shall include
4 identification of all water sources used for
5 cultivation activities, and

6 i. evidence of insurance including, but not limited to:

7 (1) general liability insurance,

8 (2) workers' compensation insurance or a copy of an

9 Affidavit of Exempt Status filed with the

10 Oklahoma Workers' Compensation Commission if

11 compensation coverage is not required pursuant to

12 the Administrative Workers' Compensation Act, and

13 (3) product liability insurance.

14 7. The Authority may request additional information from the
15 applicant.

16 8. The Authority may reject an application for an annual
17 medical marijuana business license if the requirements for a
18 temporary medical marijuana business license or any provision of the
19 Oklahoma Medical Marijuana and Patient Protection Act are not
20 satisfied.

21 9. For purposes of this subsection, "financial interest"
22 concerning a medical marijuana business shall include any
23 contractual agreements for profit sharing, subcontracting, or
24 similar financial arrangements; provided, that such disclosures

1 alone shall not automatically indicate ownership of the license or
2 require disclosure as an owner of the license.

3 E. 1. The Minus the fee of One Thousand Dollars (\$1,000.00)
4 for a temporary medical marijuana transporter license, the annual,
5 nonrefundable fee for a medical marijuana transporter license shall
6 be Two Thousand Five Hundred Dollars (\$2,500.00).

7 2. The Minus the fee of One Thousand Dollars (\$1,000.00) for a
8 temporary medical marijuana business license, the initial fee for a
9 medical marijuana commercial grower license shall be calculated
10 based upon the total amount of square feet of canopy or acres the
11 grower estimates will be harvested for the year. The annual,
12 nonrefundable license fee shall be based upon the total amount of
13 square feet of canopy harvested by the grower during the previous
14 twelve (12) months. The amount of the fees shall be determined as
15 follows:

16 a. For an indoor, greenhouse, or light deprivation
17 medical marijuana grow facility:

18 (1) Tier 1: Up to ten thousand (10,000) square feet
19 of canopy, the fee shall be Two Thousand Five
20 Hundred Dollars (\$2,500.00),

21 (2) Tier 2: Ten thousand one (10,001) square feet of
22 canopy to twenty thousand (20,000) square feet of
23 canopy, the fee shall be Five Thousand Dollars
24 (\$5,000.00),

- 1 (3) Tier 3: Twenty thousand one (20,001) square feet
2 of canopy to forty thousand (40,000) square feet
3 of canopy, the fee shall be Ten Thousand Dollars
4 (\$10,000.00),
- 5 (4) Tier 4: Forty thousand one (40,001) square feet
6 of canopy to sixty thousand (60,000) square feet
7 of canopy, the fee shall be Twenty Thousand
8 Dollars (\$20,000.00),
- 9 (5) Tier 5: Sixty thousand one (60,001) square feet
10 of canopy to eighty thousand (80,000) square feet
11 of canopy, the fee shall be Thirty Thousand
12 Dollars (\$30,000.00),
- 13 (6) Tier 6: Eighty thousand one (80,001) square feet
14 of canopy to ninety-nine thousand nine hundred
15 ninety-nine (99,999) square feet of canopy, the
16 fee shall be Forty Thousand Dollars (\$40,000.00),
17 and
- 18 (7) Tier 7: One hundred thousand (100,000) square
19 feet of canopy and beyond, the fee shall be Fifty
20 Thousand Dollars (\$50,000.00), plus an additional
21 twenty-five cents (\$0.25) per square foot of
22 canopy over one hundred thousand (100,000) square
23 feet.

24 b. For an outdoor medical marijuana grow facility:

- 1 (1) Tier 1: Up to two and one-half (2 1/2) acres,
2 the fee shall be Two Thousand Five Hundred
3 Dollars (\$2,500.00),
- 4 (2) Tier 2: Two and one-half (2 1/2) acres up to
5 five (5) acres, the fee shall be Five Thousand
6 Dollars (\$5,000.00),
- 7 (3) Tier 3: Five (5) acres up to ten (10) acres, the
8 fee shall be Ten Thousand Dollars (\$10,000.00),
- 9 (4) Tier 4: Ten (10) acres up to twenty (20) acres,
10 the fee shall be Twenty Thousand Dollars
11 (\$20,000.00),
- 12 (5) Tier 5: Twenty (20) acres up to thirty (30)
13 acres, the fee shall be Thirty Thousand Dollars
14 (\$30,000.00),
- 15 (6) Tier 6: Thirty (30) acres up to forty (40)
16 acres, the fee shall be Forty Thousand Dollars
17 (\$40,000.00),
- 18 (7) Tier 7: Forty (40) acres up to fifty (50) acres,
19 the fee shall be Fifty Thousand Dollars
20 (\$50,000.00), and
- 21 (8) Tier 8: If the amount of acreage exceeds fifty
22 (50) acres, the fee shall be Fifty Thousand
23 Dollars (\$50,000.00) plus an additional Two
24 Hundred Fifty Dollars (\$250.00) per acre.

1 c. For a medical marijuana commercial grower that has a
2 combination of both indoor and outdoor growing
3 facilities at one location, the medical marijuana
4 commercial grower shall be required to obtain a
5 separate license from the Authority for each type of
6 grow operation and shall be subject to the licensing
7 fees provided for in subparagraphs a and b of this
8 paragraph.

9 d. As used in this paragraph:

10 (1) "canopy" means the total surface area within a
11 cultivation area that is dedicated to the
12 cultivation of flowering marijuana plants. The
13 surface area of the plant canopy must be
14 calculated in square feet and measured and must
15 include all of the area within the boundaries
16 where the cultivation of the flowering marijuana
17 plants occurs. If the surface of the plant
18 canopy consists of noncontiguous areas, each
19 component area must be separated by identifiable
20 boundaries. If a tiered or shelving system is
21 used in the cultivation area, the surface area of
22 each tier or shelf must be included in
23 calculating the area of the plant canopy.
24 Calculation of the area of the plant canopy may

1 not include the areas within the cultivation area
2 that are used to cultivate immature marijuana
3 plants and seedlings, prior to flowering, and
4 that are not used at any time to cultivate mature
5 marijuana plants. If the flowering plants are
6 vertically grown in cylinders, the square footage
7 of the canopy shall be measured by the
8 circumference of the cylinder multiplied by the
9 total length of the cylinder,

10 (2) "greenhouse" means a structure located outdoors
11 that is completely covered by a material that
12 allows a controlled level of light transmission,
13 and

14 (3) "light deprivation" means a structure that has
15 concrete floors and the ability to manipulate
16 natural light.

17 3. The In addition to the nonrefundable application fee for a
18 temporary medical marijuana business license, the annual,
19 nonrefundable license fee for a medical marijuana processor license
20 shall be determined as follows:

21 a. Tier 1: Zero (0) to ten thousand (10,000) pounds of
22 biomass or production or use of up to one hundred
23 (100) liters of cannabis concentrate, the annual fee
24

1 shall be Two Thousand Five Hundred Dollars
2 (\$2,500.00),

3 b. Tier 2: Ten thousand one (10,001) pounds to fifty
4 thousand (50,000) pounds of biomass or production or
5 use from one hundred one (101) to three hundred fifty
6 (350) liters of cannabis concentrate, the annual fee
7 shall be Five Thousand Dollars (\$5,000.00),

8 c. Tier 3: Fifty thousand one (50,001) pounds to one
9 hundred fifty thousand (150,000) pounds of biomass or
10 production or use from three hundred fifty-one (351)
11 to six hundred fifty (650) liters of cannabis
12 concentrate, the annual fee shall be Ten Thousand
13 Dollars (\$10,000.00),

14 d. Tier 4: One hundred fifty thousand one (150,001)
15 pounds to three hundred thousand (300,000) pounds of
16 biomass or production or use from six hundred fifty-
17 one (651) to one thousand (1,000) liters of cannabis
18 concentrate, the annual fee shall be Fifteen Thousand
19 Dollars (\$15,000.00), and

20 e. Tier 5: More than three hundred thousand one
21 (300,001) pounds of biomass or production or use in
22 excess of one thousand one (1,001) liters of cannabis
23 concentrate, the annual fee shall be Twenty Thousand
24 Dollars (\$20,000.00).

1 For purposes of this paragraph only, if the cannabis concentrate
2 is in nonliquid form, every one thousand (1,000) grams of
3 concentrated marijuana shall be calculated as one (1) liter of
4 cannabis concentrate.

5 4. The Minus the fee of One Thousand Dollars (\$1,000.00) for a
6 temporary medical marijuana business license, the initial fee for a
7 medical marijuana dispensary license shall be Two Thousand Five
8 Hundred Dollars (\$2,500.00). The annual, nonrefundable license fee
9 for a medical marijuana dispensary license shall be calculated at
10 ten percent (10%) of the sum of twelve (12) calendar months of the
11 combined annual state sales tax and state excise tax of the
12 dispensary. The minimum fee shall be not less than Two Thousand
13 Five Hundred Dollars (\$2,500.00) and the maximum fee shall not
14 exceed Ten Thousand Dollars (\$10,000.00).

15 5. The Minus the fee of One Thousand Dollars (\$1,000.00) for a
16 temporary medical marijuana business license, the annual,
17 nonrefundable license fee for a medical marijuana testing laboratory
18 shall be Twenty Thousand Dollars (\$20,000.00).

19 ~~E.~~ F. All applicants seeking licensure or licensure renewal as
20 a medical marijuana business shall comply with the following general
21 requirements:

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

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

4 3. Applicants shall submit a complete application to the
5 Authority before the application may be accepted or considered;

6 4. All applications shall be complete and accurate in every
7 detail;

8 5. All applications shall include all attachments or
9 supplemental information required by the forms supplied by the
10 Authority;

11 6. All applications shall be accompanied by a full remittance
12 for the whole amount of the application fees. Application fees are
13 nonrefundable;

14 7. All applicants shall be approved for licensing review that,
15 at a minimum, meets the following criteria:

16 a. twenty-five (25) years of age or older,

17 b. if applying as an individual, proof that the applicant
18 is an Oklahoma resident pursuant to paragraph 11 of
19 this subsection,

20 c. if applying as an entity, proof that seventy-five
21 percent (75%) of all members, managers, executive
22 officers, partners, board members or any other form of
23 business ownership are Oklahoma residents pursuant to
24 paragraph 11 of this subsection,

1 d. if applying as an individual or entity, proof that the
2 individual or entity is registered to conduct business
3 in ~~the State of Oklahoma~~ this state,

4 e. disclosure of all ownership interests pursuant to the
5 Oklahoma Medical Marijuana and Patient Protection Act,
6 and

7 f. proof that the medical marijuana business, medical
8 marijuana research facility, medical marijuana
9 education facility and medical marijuana waste
10 disposal facility applicant or licensee has not been
11 convicted of a nonviolent felony in the last two (2)
12 years, or any other felony conviction within the last
13 five (5) years, is not a current inmate in the custody
14 of the Department of Corrections, or currently
15 incarcerated in a jail or corrections facility;

16 8. There shall be no limit to the number of medical marijuana
17 business licenses or categories that an individual or entity can
18 apply for or receive, although each application and each category
19 shall require a separate application and application fee. A
20 commercial grower, processor and dispensary, or any combination
21 thereof, are authorized to share the same address or physical
22 location, subject to the restrictions set forth in the Oklahoma
23 Medical Marijuana and Patient Protection Act;

1 9. All applicants for a medical marijuana business license,
2 research facility license or education facility license authorized
3 by the Oklahoma Medical Marijuana and Patient Protection Act, or for
4 a renewal of such license, shall undergo an Oklahoma criminal
5 history background check conducted by the Oklahoma State Bureau of
6 Investigation (OSBI) within thirty (30) days prior to the
7 application for the license, including:

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

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

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

- 24 a. an unexpired Oklahoma-issued driver license,

- 1 b. an Oklahoma identification card,
- 2 c. a utility bill preceding the date of application,
- 3 excluding cellular telephone and Internet bills,
- 4 d. a residential property deed to property in ~~the State~~
- 5 ~~of Oklahoma~~ this state, and
- 6 e. a rental agreement preceding the date of application
- 7 for residential property located in ~~the State of~~
- 8 ~~Oklahoma~~ this state.

9 Applicants that were issued a medical marijuana business license

10 prior to August 30, 2019, are hereby exempt from the two-year or

11 five-year Oklahoma residence requirement mentioned above;

12 12. All license applicants shall be required to submit a

13 registration with the Oklahoma State Bureau of Narcotics and

14 Dangerous Drugs Control as provided in Sections 2-302 through 2-304

15 of this title;

16 13. All applicants shall establish their identity through

17 submission of a color copy or digital image of one of the following

18 unexpired documents:

- 19 a. front of an Oklahoma driver license,
- 20 b. front of an Oklahoma identification card,
- 21 c. a United States passport or other photo identification
- 22 issued by the United States government, or
- 23
- 24

1 d. a tribal identification card approved for
2 identification purposes by the ~~Oklahoma~~ Department of
3 Public Safety;

4 14. All applicants shall submit an applicant photograph; and

5 15. All applicants for a medical marijuana business license
6 seeking to operate a commercial grow shall file along with ~~their~~ the
7 application a bond as prescribed in Section ~~2~~ 427.26 of this ~~act~~
8 title.

9 ~~F.~~ G. The Authority shall review the temporary medical
10 marijuana business license application; approve, reject or deny the
11 application; and mail the approval, rejection, denial or status-
12 update letter to the applicant within ninety (90) business days of
13 receipt of the application.

14 ~~G.~~ H. 1. The Authority shall review the temporary medical
15 marijuana business license applications and conduct all
16 investigations, inspections and interviews before approving the
17 application for an annual medical marijuana business license for the
18 specific category applied under. The annual medical marijuana
19 business license shall not be issued until the Authority determines
20 that all necessary inspections and reviews, including, but not
21 limited to, plan reviews, safety inspections or compliance
22 inspections, have been completed.

23 2. Approved applicants shall be issued a an annual medical
24 marijuana business license for the specific category applied under,

1 which shall act as proof of their approved status. Rejection and
2 denial letters shall provide a reason for the rejection or denial.
3 Applications for an annual medical marijuana business license may
4 only be rejected or denied based on the applicant not meeting the
5 standards set forth in the provisions of subsection D of this
6 section for a temporary medical marijuana business license, the
7 provisions of the Oklahoma Medical Marijuana and Patient Protection
8 Act and Sections 420 through 426.1 of this title, improper
9 completion of the application, or for a reason provided for in the
10 Oklahoma Medical Marijuana and Patient Protection Act and Sections
11 420 through 426.1 of this title. If an application for an annual
12 medical marijuana business license is rejected for failure to
13 provide required information, the applicant shall ~~have thirty (30)~~
14 ~~days~~ be granted an extension of time as provided for in paragraph 4
15 of subsection D of this section to submit the required information
16 for reconsideration. ~~No additional application fee and~~ shall be
17 ~~charged for such reconsideration~~ assessed a nonrefundable fee of One
18 Thousand Dollars (\$1,000.00) for every ninety-day extension
19 requested by the applicant and subsequently granted by the
20 Authority. Unless the Authority determines otherwise, an
21 application that has been resubmitted but is still incomplete or
22 contains errors that are not clerical or typographical in nature
23 shall be denied.

24

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

5 4. Approval, rejection, denial or status-update letters shall
6 be sent to the applicant in the same method the application was
7 submitted to the Authority.

8 5. Medical marijuana businesses issued a medical marijuana
9 business license prior to the effective date of this act shall be
10 required to submit business-formation documents, financial
11 information, and insurance information pertaining to the operations
12 of the medical marijuana business, as prescribed in subparagraphs a,
13 b, c, d, e, f, and i of paragraph 6 of subsection D of this section,
14 to the Authority prior to renewal of the medical marijuana business
15 license. The medical marijuana business licensee shall submit the
16 required documentation not less than sixty (60) days prior to the
17 date of renewal of the medical marijuana business license. The
18 Authority shall have thirty (30) days to review the submitted
19 documentation and an additional thirty (30) days immediately
20 thereafter for purposes of resolving any inconsistencies,
21 discrepancies, or disputed issues found within the submitted
22 documentation. If the medical marijuana business licensee fails to
23 submit the required documentation sixty (60) days prior to the date
24 of renewal, the license of the medical marijuana business shall be

1 suspended until such time as the documentation is submitted to the
2 Authority.

3 6. Medical marijuana businesses that have been issued a
4 temporary and annual medical marijuana business license pursuant to
5 the provisions of subsection D of this section shall be required to
6 annually submit updated business-formation documents, financial
7 information, and insurance information pertaining to the operations
8 of the medical marijuana business, as prescribed in subparagraphs a,
9 b, c, d, e, f, and i of paragraph 6 of subsection D of this section,
10 to the Authority when seeking renewal of the medical marijuana
11 business license.

12 ~~H.~~ I. A license for a medical marijuana business, medical
13 marijuana research facility, medical marijuana education facility or
14 medical marijuana waste disposal facility shall not be issued to or
15 held by:

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

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

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

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

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

5 a. file taxes, interest or penalties due related to a
6 medical marijuana business, or

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

9 6. A sheriff, deputy sheriff, police officer or prosecuting
10 officer, or an officer or employee of the Authority or municipality;

11 7. A person whose authority to be a caregiver, as defined in
12 Section 427.2 of this title, has been revoked by the Authority; or

13 8. A person who was involved in the management or operations of
14 any medical marijuana business, medical marijuana research facility,
15 medical marijuana education facility or medical marijuana waste
16 disposal facility that, after the initiation of a disciplinary
17 action, has had a medical marijuana license revoked, not renewed, or
18 surrendered during the five (5) years preceding submission of the
19 application and for the following violations:

20 a. unlawful sales or purchases,

21 b. any fraudulent acts, falsification of records or
22 misrepresentation to the Authority, medical marijuana
23 patient licensees, caregiver licensees or medical
24 marijuana business licensees,

- c. any grossly inaccurate or fraudulent reporting,
- d. threatening or harming any medical marijuana patient, caregiver, medical practitioner or employee of the Authority,
- e. knowingly or intentionally refusing to permit the Authority access to premises or records,
- f. using a prohibited, hazardous substance for processing in a residential area,
- g. criminal acts relating to the operation of a medical marijuana business, or
- h. any violations that endanger public health and safety or product safety.

~~J.~~ J. In investigating the qualifications of an applicant or a licensee, the Authority and municipalities may have access to criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such an agency.

~~K.~~ K. The failure of an applicant or licensee to provide the requested information by the Authority deadline may be grounds for denial of the application.

~~L.~~ L. All applicants and licensees shall submit information to the Authority in a full, faithful, truthful and fair manner. The Authority may recommend denial of an application where the applicant or licensee made misstatements, omissions, misrepresentations or untruths in the application or in connection with the background

1 investigation of the applicant. This type of conduct may be grounds
2 for administrative action against the applicant or licensee. Typos
3 and scrivener errors shall not be grounds for denial.

4 ~~H.~~ M. A licensed medical marijuana business premises shall be
5 subject to and responsible for compliance with applicable provisions
6 consistent with the zoning where such business is located as
7 described in the most recent versions of the Oklahoma Uniform
8 Building Code, the International Building Code and the International
9 Fire Code, unless granted an exemption by a municipality or
10 appropriate code enforcement entity.

11 ~~M.~~ N. All medical marijuana business, medical marijuana
12 research facility, medical marijuana education facility and medical
13 marijuana waste disposal facility licensees shall pay the relevant
14 licensure fees prior to receiving licensure to operate.

15 ~~N.~~ O. A medical marijuana business, medical marijuana research
16 facility, medical marijuana education facility or medical marijuana
17 waste disposal facility that attempts to renew its license after the
18 expiration date of the license shall pay a late renewal fee in an
19 amount to be determined by the Authority to reinstate the license.
20 Late renewal fees are nonrefundable. A license that has been
21 expired for more than ninety (90) days shall not be renewed.

22 ~~O.~~ P. No medical marijuana business, medical marijuana research
23 facility, medical marijuana education facility or medical marijuana
24 waste disposal facility shall possess, sell or transfer medical

1 marijuana or medical marijuana products without a valid, unexpired
2 license issued by the Authority.

3 Q. A medical marijuana business license holder shall provide
4 the Authority insurance verifications for all individuals licensed
5 to transport medical marijuana or medical marijuana product. The
6 Authority may determine the contents required from the insurance
7 verifications, which may include, but not be limited to, type of
8 coverage, amount of coverage, or vehicles insured under coverage.

9 SECTION 7. AMENDATORY 63 O.S. 2021, Section 427.16, as
10 last amended by Section 16, Chapter 251, O.S.L. 2022 (63 O.S. Supp.
11 2022, Section 427.16), is amended to read as follows:

12 Section 427.16 A. There is hereby created a medical marijuana
13 transporter license as a category of the medical marijuana business
14 license.

15 B. Pursuant to Section 424 of this title, the Oklahoma Medical
16 Marijuana Authority shall issue a temporary and an annual medical
17 marijuana transporter license to licensed medical marijuana
18 commercial growers, licensed medical marijuana processors, and
19 licensed medical marijuana dispensaries upon issuance of such
20 licenses and upon each renewal. Medical marijuana transporter
21 licenses shall also be issued to licensed medical marijuana research
22 facilities, licensed medical marijuana education facilities and
23 licensed medical marijuana testing laboratories upon issuance of
24 such licenses and upon each renewal.

1 C. A temporary or annual medical marijuana transporter license
2 may also be issued to qualifying applicants who are registered with
3 the Secretary of State and otherwise meet the requirements for a
4 medical marijuana business license set forth in Section 427.14 of
5 this title, the Oklahoma Medical Marijuana and Patient Protection
6 Act, and the requirements set forth in this section to provide
7 logistics, distribution and storage of medical marijuana, medical
8 marijuana concentrate and medical marijuana products.

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

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

21 F. A medical marijuana transporter licensee may contract with
22 multiple licensed medical marijuana businesses.

23 G. A medical marijuana transporter may maintain a licensed
24 premises to temporarily store medical marijuana, medical marijuana

1 concentrate and medical marijuana products and to use as a
2 centralized distribution point. A medical marijuana transporter may
3 store and distribute medical marijuana, medical marijuana
4 concentrate and medical marijuana products from the licensed
5 premises. The licensed premises shall meet all security
6 requirements applicable to a medical marijuana business.

7 H. A medical marijuana transporter licensee shall use the seed-
8 to-sale tracking system developed pursuant to the Oklahoma Medical
9 Marijuana and Patient Protection Act to create shipping manifests
10 documenting the transport of medical marijuana, medical marijuana
11 concentrate and medical marijuana products throughout the state.

12 I. A licensed medical marijuana transporter may maintain and
13 operate one or more warehouses in the state to handle medical
14 marijuana, medical marijuana concentrate and medical marijuana
15 products. Each location shall be registered and inspected by the
16 Authority prior to its use.

17 J. With the exception of a lawful transfer between medical
18 marijuana businesses who are licensed to operate at the same
19 physical address, all medical marijuana, medical marijuana
20 concentrate and medical marijuana products shall be transported:

21 1. In vehicles equipped with Global Positioning System (GPS)
22 trackers;

23 2. In a locked container and clearly labeled "Medical Marijuana
24 or Derivative"; and

1 3. In a secured area of the vehicle that is not accessible by
2 the driver during transit.

3 K. A transporter agent may possess marijuana at any location
4 while the transporter agent is transferring marijuana to or from a
5 licensed medical marijuana business, licensed medical marijuana
6 research facility or licensed medical marijuana education facility.
7 The Authority shall administer and enforce the provisions of this
8 section concerning transportation.

9 L. The Authority shall issue a transporter agent license to
10 individual agents, employees, officers or owners of a transporter
11 license in order for the individual to qualify to transport medical
12 marijuana, medical marijuana concentrate or medical marijuana
13 products.

14 M. The annual fee for a transporter agent license shall be
15 Twenty-five Dollars (\$25.00) and shall be paid by the transporter
16 license holder or the individual applicant. Transporter license
17 reprints shall be Twenty Dollars (\$20.00).

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

- 20 1. The name, address and date of birth of the person;
- 21 2. Proof of current state residency;
- 22 3. Proof of identity as required for a medical marijuana
23 business license;
- 24 4. Possession of a valid state-issued driver license;

1 5. Verification of employment with a licensed transporter;

2 6. The application and affiliated fee; and

3 7. A copy of the criminal background check conducted by the
4 Oklahoma State Bureau of Investigation, paid for by the applicant.

5 O. If the transporter agent application is denied, the
6 Authority shall notify the transporter in writing of the reason for
7 denying the registry identification card.

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

12 Q. The Authority may revoke the registry identification card of
13 a transporter agent who knowingly violates any provision of this
14 section, and the transporter is subject to any other penalties
15 established by law for the violation.

16 R. The Authority may revoke or suspend the transporter license
17 of a transporter that the Authority determines knowingly aided or
18 facilitated a violation of any provision of this section, and the
19 license holder is subject to any other penalties established in law
20 for the violation.

21 S. ~~Vehicles used in the transport of~~ Any vehicle used in the
22 duties of a licensed medical marijuana business transporting medical
23 marijuana or medical marijuana product shall be:

1 1. Insured at or above the legal requirements in this state in
2 accordance with subsection Q of Section 427.14 of this title;

3 2. Capable of securing medical marijuana during transport; and

4 3. In possession of a shipping container as defined in Section
5 427.2 of this title capable of securing all transported products.

6 T. Prior to the transport of any medical marijuana, medical
7 marijuana concentrate or medical marijuana products, an inventory
8 manifest shall be prepared at the origination point of the medical
9 marijuana. The inventory manifest shall include the following
10 information:

11 1. For the origination point of the medical marijuana:

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

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

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

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

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

5 5. The arrival date and estimated time of arrival;

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

8 7. Notation of the transporting licensee.

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

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

15 3. A receiving licensee shall refuse to accept any medical
16 marijuana, medical marijuana concentrate or medical marijuana
17 products that are not accompanied by an inventory manifest.

18 4. Originating and receiving licensees shall maintain copies of
19 inventory manifests and logs of quantities of medical marijuana
20 received for seven (7) years from date of receipt.

21 V. Upon written approval by the Authority, a medical marijuana
22 business license holder may be exempt from the provisions of this
23 section for the purpose of transporting medical marijuana waste
24 between licensed facilities, provided the facilities are licensed

1 under the same license holder. The Authority may, at any time,
2 revoke this provision if the medical marijuana business license
3 holder violates any provisions of Section 420 et seq. of this title.

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

5
6 59-1-2161 MR 4/25/2023 9:53:15 AM
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24