

1 **SENATE FLOOR VERSION**

2 April 3, 2023

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 1349

6 By: Fetgatter of the House

7 and

8 Garvin of the Senate

9 [medical marijuana - Oklahoma Medical Marijuana
10 Authority Board - Oklahoma Medical Marijuana
11 Authority - Oklahoma Open Meeting Act - Oklahoma Open
12 Records Act - Administrative Procedures Act -
13 codification - effective date]

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

15 SECTION 1. 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:
24

- 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;

24

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.

24

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.

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

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

5 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
6 April 3, 2023 - DO PASS AS AMENDED
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24