

**SENATE FLOOR VERSION**

February 26, 2024

**AS AMENDED**

SENATE BILL NO. 1980

By: Paxton

[ medical marijuana - definitions - effective date ]

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 427.2, as last amended by Section 1, Chapter 317, O.S.L. 2022 (63 O.S. Supp. 2023, Section 427.2), is amended to read as follows:

Section 427.2. As used in the Oklahoma Medical Marijuana and Patient Protection Act:

1. "Advertising" means the act of providing consideration for the publication, dissemination, solicitation or circulation, of visual, oral or written communication to induce directly or indirectly any person to patronize a particular medical marijuana business, or to purchase particular medical marijuana or a medical marijuana product. Advertising includes marketing, but does not include packaging and labeling;

2. "Authority" means the Oklahoma Medical Marijuana Authority;

1        3. "Batch number" means a unique numeric or alphanumeric  
2 identifier assigned prior to testing to allow for inventory tracking  
3 and traceability;

4        4. "Cannabinoid" means any of the chemical compounds that are  
5 active principles of marijuana;

6        5. "Caregiver" means a family member or assistant who regularly  
7 looks after a medical marijuana license holder whom a physician  
8 attests needs assistance;

9        6. "Child-resistant" means special packaging that is:

10        a. designed or constructed to be significantly difficult  
11            for children under five (5) years of age to open and  
12            not difficult for normal adults to use properly as  
13            defined by 16 C.F.R. 1700.15 (1995) and 16 C.F.R.  
14            1700.20 (1995),

15        b. opaque so that the outermost packaging does not allow  
16            the product to be seen without opening the packaging  
17            material, and

18        c. resealable to maintain its child-resistant  
19            effectiveness for multiple openings for any product  
20            intended for more than a single use or containing  
21            multiple servings;

22        7. "Clone" means a nonflowering plant cut from a mother plant  
23 that is capable of developing into a new plant and has shown no  
24 signs of flowering;

1        8. "Commissioner" means the State Commissioner of Health;

2        9. "Complete application" means a document prepared in

3 accordance with the provisions set forth in the Oklahoma Medical

4 Marijuana and Patient Protection Act, rules promulgated pursuant

5 thereto, and the forms and instructions provided by the Department

6 including any supporting documentation required and the applicable

7 license application fee;

8        10. "Department" means the State Department of Health;

9        11. "Director" means the Executive Director of the Oklahoma

10 Medical Marijuana Authority;

11        12. "Dispense" means the selling of medical marijuana or a

12 medical marijuana product to a qualified patient or the designated

13 caregiver of the patient that is packaged in a suitable container

14 appropriately labeled for subsequent administration to or use by a

15 qualifying patient;

16        13. "Dispensary" means a medical marijuana dispensary, an

17 entity that has been licensed by the Department pursuant to the

18 Oklahoma Medical Marijuana and Patient Protection Act to purchase

19 medical marijuana or medical marijuana products from a licensed

20 medical marijuana commercial grower or medical marijuana processor,

21 sell medical marijuana or medical marijuana products to patients and

22 caregivers as defined under the Oklahoma Medical Marijuana and

23 Patient Protection Act, or sell or transfer products to another

24 dispensary;

1        14. "Edible medical marijuana product" means any medical-  
2 marijuana-infused product for which the intended use is oral  
3 consumption including, but not limited to, any type of food, drink  
4 or pill;

5        15. "Entity" means an individual, general partnership, limited  
6 partnership, limited liability company, trust, estate, association,  
7 corporation, cooperative or any other legal or commercial entity;

8        16. "Flower" means the reproductive organs of the marijuana or  
9 cannabis plant referred to as the bud or parts of the plant that are  
10 harvested and used to consume in a variety of medical marijuana  
11 products;

12        17. "Flowering" means the reproductive state of the marijuana  
13 or cannabis plant in which there are physical signs of flower or  
14 budding out of the nodes of the stem;

15        18. "Food-based medical marijuana concentrate" means a medical  
16 marijuana concentrate that was produced by extracting cannabinoids  
17 from medical marijuana through the use of propylene glycol,  
18 glycerin, butter, olive oil, coconut oil or other typical food-safe  
19 cooking fats;

20        19. "Good cause" for purposes of an initial, renewal or  
21 reinstatement license application, or for purposes of discipline of  
22 a licensee, means:

- 23            a. the licensee or applicant has violated, does not meet,  
24                or has failed to comply with any of the terms,

- 1 conditions or provisions of the act, any rules  
2 promulgated pursuant thereto, or any supplemental  
3 relevant state or local law, rule or regulation,
- 4 b. the licensee or applicant has failed to comply with  
5 any special terms or conditions that were placed upon  
6 the license pursuant to an order of the State  
7 Department of Health, Oklahoma Medical Marijuana  
8 Authority or the municipality, or
- 9 c. the licensed premises of a medical marijuana business  
10 or applicant have been operated in a manner that  
11 adversely affects the public health or welfare or the  
12 safety of the immediate vicinity in which the  
13 establishment is located;

14 20. "Harvest batch" means a specifically identified quantity of  
15 medical marijuana that is uniform in strain, cultivated utilizing  
16 the same cultivation practices, harvested at the same time from the  
17 same location and cured under uniform conditions;

18 21. "Harvested marijuana" means post-flowering medical  
19 marijuana not including trim, concentrate or waste;

20 22. "Heat- or pressure-based medical marijuana concentrate"  
21 means a medical marijuana concentrate that was produced by  
22 extracting cannabinoids from medical marijuana through the use of  
23 heat or pressure;  
24

1       23. "Hemp-derived cannabinoid product" means a product that  
2 contains cannabinoids that are extracted from hemp or resin from  
3 hemp by physical or chemical means and is intended for  
4 administration to a consumer including, but not limited to,  
5 concentrates, oils, tinctures, edibles, pills, topicals, gels,  
6 creams, and other derivative forms. The term shall also mean  
7 products available for animal or human consumption, which may be in  
8 the form of inhalation into the respiratory system and ingestion in  
9 the gastrointestinal system, or tissue absorption. The term shall  
10 not include seeds or seed-derived ingredients that are generally  
11 recognized as safe by the United States Food and Drug  
12 Administration;

13       24. "Immature plant" means a nonflowering marijuana plant that  
14 has not demonstrated signs of flowering;

15       ~~24.~~ 25. "Inventory tracking system" means the required tracking  
16 system that accounts for medical marijuana from either the seed or  
17 immature plant stage until the medical marijuana or medical  
18 marijuana product is sold to a patient at a medical marijuana  
19 dispensary, transferred to a medical marijuana research facility,  
20 destroyed by a medical marijuana business or used in a research  
21 project by a medical marijuana research facility;

22       ~~25.~~ 26. "Licensed patient" or "patient" means a person who has  
23 been issued a medical marijuana patient license by the State  
24 Department of Health or Oklahoma Medical Marijuana Authority;

1       ~~26.~~ 27. "Licensed premises" means the premises specified in an  
2 application for a medical marijuana business license, medical  
3 marijuana research facility license or medical marijuana education  
4 facility license pursuant to the Oklahoma Medical Marijuana and  
5 Patient Protection Act that are owned or in possession of the  
6 licensee and within which the licensee is authorized to cultivate,  
7 manufacture, distribute, sell, store, transport, test or research  
8 medical marijuana or medical marijuana products in accordance with  
9 the provisions of the Oklahoma Medical Marijuana and Patient  
10 Protection Act and rules promulgated pursuant thereto;

11       ~~27.~~ 28. "Manufacture" means the production, propagation,  
12 compounding or processing of a medical marijuana product, excluding  
13 marijuana plants, either directly or indirectly by extraction from  
14 substances of natural or synthetic origin, or independently by means  
15 of chemical synthesis, or by a combination of extraction and  
16 chemical synthesis;

17       ~~28.~~ 29. "Marijuana" shall have the same meaning as such term is  
18 defined in Section 2-101 of this title and shall not include any  
19 plant or material containing delta-8 or delta-10  
20 tetrahydrocannabinol which is grown, processed or sold pursuant to  
21 the provisions of the Oklahoma Industrial Hemp Program unless the  
22 plant or material containing delta-8 or delta-10  
23 tetrahydrocannabinol is used in a hemp-derived cannabinoid product;  
24

1       ~~29.~~ 30. "Material change" means any change that would require a  
2 substantive revision to the standard operating procedures of a  
3 licensee for the cultivation or production of medical marijuana,  
4 medical marijuana concentrate or medical marijuana products;

5       ~~30.~~ 31. "Mature plant" means a harvestable female marijuana  
6 plant that is flowering;

7       ~~31.~~ 32. "Medical marijuana business (MMB)" means a licensed  
8 medical marijuana dispensary, medical marijuana processor, medical  
9 marijuana commercial grower, medical marijuana laboratory, medical  
10 marijuana business operator or a medical marijuana transporter;

11       ~~32.~~ 33. "Medical marijuana concentrate" or "concentrate" means  
12 a specific subset of medical marijuana that was produced by  
13 extracting cannabinoids from medical marijuana. Categories of  
14 medical marijuana concentrate include water-based medical marijuana  
15 concentrate, food-based medical marijuana concentrate, solvent-based  
16 medical marijuana concentrate, and heat- or pressure-based medical  
17 marijuana concentrate;

18       ~~33.~~ 34. "Medical marijuana commercial grower" or "commercial  
19 grower" means an entity licensed to cultivate, prepare and package  
20 medical marijuana and transfer or contract for transfer medical  
21 marijuana to a medical marijuana dispensary, medical marijuana  
22 processor, any other medical marijuana commercial grower, medical  
23 marijuana research facility, medical marijuana education facility  
24 and pesticide manufacturers. A commercial grower may sell seeds,



1 flower or clones to commercial growers pursuant to the Oklahoma  
2 Medical Marijuana and Patient Protection Act;

3 ~~34.~~ 35. "Medical marijuana education facility" or "education  
4 facility" means a person or entity approved pursuant to the Oklahoma  
5 Medical Marijuana and Patient Protection Act to operate a facility  
6 providing training and education to individuals involving the  
7 cultivation, growing, harvesting, curing, preparing, packaging or  
8 testing of medical marijuana, or the production, manufacture,  
9 extraction, processing, packaging or creation of medical-marijuana-  
10 infused products or medical marijuana products as described in the  
11 Oklahoma Medical Marijuana and Patient Protection Act;

12 ~~35.~~ 36. "Medical-marijuana-infused product" means a product  
13 infused with medical marijuana including, but not limited to, edible  
14 products, ointments and tinctures;

15 ~~36.~~ 37. "Medical marijuana product" or "product" means a  
16 product that contains cannabinoids that have been extracted from  
17 plant material or the resin therefrom by physical or chemical means  
18 and is intended for administration to a qualified patient including,  
19 but not limited to, oils, tinctures, edibles, pills, topical forms,  
20 gels, creams, vapors, patches, liquids and forms administered by a  
21 nebulizer, excluding live plant forms which are considered medical  
22 marijuana;

23 ~~37.~~ 38. "Medical marijuana processor" means a person or entity  
24 licensed pursuant to the Oklahoma Medical Marijuana and Patient

1 Protection Act to operate a business including the production,  
2 manufacture, extraction, processing, packaging or creation of  
3 concentrate, medical-marijuana-infused products or medical marijuana  
4 products as described in the Oklahoma Medical Marijuana and Patient  
5 Protection Act;

6 ~~38.~~ 39. "Medical marijuana research facility" or "research  
7 facility" means a person or entity approved pursuant to the Oklahoma  
8 Medical Marijuana and Patient Protection Act to conduct medical  
9 marijuana research. A medical marijuana research facility is not a  
10 medical marijuana business;

11 ~~39.~~ 40. "Medical marijuana testing laboratory" or "laboratory"  
12 means a public or private laboratory licensed pursuant to the  
13 Oklahoma Medical Marijuana and Patient Protection Act, to conduct  
14 testing and research on medical marijuana and medical marijuana  
15 products;

16 ~~40.~~ 41. "Medical marijuana transporter" or "transporter" means  
17 a person or entity that is licensed pursuant to the Oklahoma Medical  
18 Marijuana and Patient Protection Act. A medical marijuana  
19 transporter does not include a medical marijuana business that  
20 transports its own medical marijuana, medical marijuana concentrate  
21 or medical marijuana products to a property or facility adjacent to  
22 or connected to the licensed premises if the property is another  
23 licensed premises of the same medical marijuana business;

24

1       ~~41.~~ 42. "Medical marijuana waste" or "waste" means unused,  
2 surplus, returned or out-of-date marijuana, plant debris of the  
3 plant of the genus Cannabis including dead plants and all unused  
4 plant parts and roots, except the term shall not include roots,  
5 stems, stalks and fan leaves;

6       ~~42.~~ 43. "Medical use" means the acquisition, possession, use,  
7 delivery, transfer or transportation of medical marijuana, medical  
8 marijuana products, medical marijuana devices or paraphernalia  
9 relating to the administration of medical marijuana to treat a  
10 licensed patient;

11       ~~43.~~ 44. "Mother plant" means a marijuana plant that is grown or  
12 maintained for the purpose of generating clones, and that will not  
13 be used to produce plant material for sale to a medical marijuana  
14 processor or medical marijuana dispensary;

15       ~~44.~~ 45. "Oklahoma physician" or "physician" means a physician  
16 licensed by and in good standing with the State Board of Medical  
17 Licensure and Supervision, the State Board of Osteopathic Examiners  
18 or the Board of Podiatric Medical Examiners;

19       ~~45.~~ 46. "Oklahoma resident" means an individual who can provide  
20 proof of residency as required by the Oklahoma Medical Marijuana and  
21 Patient Protection Act;

22       ~~46.~~ 47. "Owner" means, except where the context otherwise  
23 requires, a direct beneficial owner including, but not limited to,  
24 all persons or entities as follows:

- a. all shareholders owning an interest of a corporate entity and all officers of a corporate entity,
- b. all partners of a general partnership,
- c. all general partners and all limited partners that own an interest in a limited partnership,
- d. all members that own an interest in a limited liability company,
- e. all beneficiaries that hold a beneficial interest in a trust and all trustees of a trust,
- f. all persons or entities that own interest in a joint venture,
- g. all persons or entities that own an interest in an association,
- h. the owners of any other type of legal entity, and
- i. any other person holding an interest or convertible note in any entity which owns, operates or manages a licensed facility;

~~47.~~ 48. "Package" or "packaging" means any container or wrapper that may be used by a medical marijuana business to enclose or contain medical marijuana;

~~48.~~ 49. "Person" means a natural person, partnership, association, business trust, company, corporation, estate, limited liability company, trust or any other legal entity or organization, or a manager, agent, owner, director, servant, officer or employee

1   thereof, except that person does not include any governmental  
2   organization;

3       ~~49.~~ 50.   "Pesticide" means any substance or mixture of  
4   substances intended for preventing, destroying, repelling or  
5   mitigating any pest or any substance or mixture of substances  
6   intended for use as a plant regulator, defoliant or desiccant,  
7   except that the term pesticide shall not include any article that is  
8   a "new animal drug" as designated by the United States Food and Drug  
9   Administration;

10      ~~50.~~ 51.   "Production batch" means:

- 11           a.   any amount of medical marijuana concentrate of the  
12                same category and produced using the same extraction  
13                methods, standard operating procedures and an  
14                identical group of harvest batch of medical marijuana,  
15                or  
16           b.   any amount of medical marijuana product of the same  
17                exact type, produced using the same ingredients,  
18                standard operating procedures and the same production  
19                batch of medical marijuana concentrate;

20      ~~51.~~ 52.   "Public institution" means any entity established or  
21   controlled by the federal government, state government, or a local  
22   government or municipality including, but not limited to,  
23   institutions of higher education or related research institutions;

1       ~~52.~~ 53. "Public money" means any funds or money obtained by the  
2 holder from any governmental entity including, but not limited to,  
3 research grants;

4       ~~53.~~ 54. "Recommendation" means a document that is signed or  
5 electronically submitted by a physician on behalf of a patient for  
6 the use of medical marijuana pursuant to the Oklahoma Medical  
7 Marijuana and Patient Protection Act;

8       ~~54.~~ 55. "Registered to conduct business" means a person that  
9 has provided proof that the business applicant is in good standing  
10 with the Secretary of State and Oklahoma Tax Commission;

11       ~~55.~~ 56. "Remediation" means the process by which the medical  
12 marijuana flower or trim, which has failed microbial testing, is  
13 processed into solvent-based medical marijuana concentrate and  
14 retested as required by the Oklahoma Medical Marijuana and Patient  
15 Protection Act;

16       ~~56.~~ 57. "Research project" means a discrete scientific endeavor  
17 to answer a research question or a set of research questions related  
18 to medical marijuana and is required for a medical marijuana  
19 research license. A research project shall include a description of  
20 a defined protocol, clearly articulated goals, defined methods and  
21 outputs, and a defined start and end date. The description shall  
22 demonstrate that the research project will comply with all  
23 requirements in the Oklahoma Medical Marijuana and Patient  
24 Protection Act and rules promulgated pursuant thereto. All research

1 and development conducted by a medical marijuana research facility  
2 shall be conducted in furtherance of an approved research project;

3 ~~57.~~ 58. "Revocation" means the final decision by the Department  
4 that any license issued pursuant to the Oklahoma Medical Marijuana  
5 and Patient Protection Act is rescinded because the individual or  
6 entity does not comply with the applicable requirements set forth in  
7 the Oklahoma Medical Marijuana and Patient Protection Act or rules  
8 promulgated pursuant thereto;

9 ~~58.~~ 59. "School" means a public or private preschool, a public  
10 or private elementary or secondary school, or a technology center  
11 school which is primarily used for classroom instruction. A  
12 homeschool, daycare or child-care facility shall not be considered a  
13 "school" as used in the Oklahoma Medical Marijuana and Patient  
14 Protection Act;

15 ~~59.~~ 60. "Shipping container" means a hard-sided container with  
16 a lid or other enclosure that can be secured in place. A shipping  
17 container is used solely for the transport of medical marijuana,  
18 medical marijuana concentrate, or medical marijuana products between  
19 medical marijuana businesses, a medical marijuana research facility,  
20 or a medical marijuana education facility;

21 ~~60.~~ 61. "Solvent-based medical marijuana concentrate" means a  
22 medical marijuana concentrate that was produced by extracting  
23 cannabinoids from medical marijuana through the use of a solvent  
24 approved by the Department;

1       ~~61.~~ 62. "State Question" means Oklahoma State Question No. 788,  
2 Initiative Petition No. 412, approved by a majority vote of the  
3 citizens of Oklahoma on June 26, 2018;

4       ~~62.~~ 63. "Strain" means the classification of marijuana or  
5 cannabis plants in either pure sativa, indica, afghanica, ruderalis  
6 or hybrid varieties;

7       ~~63.~~ 64. "THC" means tetrahydrocannabinol, which is the primary  
8 psychotropic cannabinoid in marijuana formed by decarboxylation of  
9 naturally tetrahydrocannabinolic acid, which generally occurs by  
10 exposure to heat;

11       ~~64.~~ 65. "Test batch" means with regard to usable marijuana, a  
12 homogenous, identified quantity of usable marijuana by strain, no  
13 greater than ten (10) pounds, that is harvested during a seven-day  
14 period from a specified cultivation area, and with regard to oils,  
15 vapors and waxes derived from usable marijuana, means an identified  
16 quantity that is uniform, that is intended to meet specifications  
17 for identity, strength and composition, and that is manufactured,  
18 packaged and labeled during a specified time period according to a  
19 single manufacturing, packaging and labeling protocol;

20       ~~65.~~ 66. "Transporter agent" means a person who transports  
21 medical marijuana or medical marijuana products for a licensed  
22 transporter and holds a transporter agent license pursuant to the  
23 Oklahoma Medical Marijuana and Patient Protection Act;



1       ~~66.~~ 67. "Universal symbol" means the image established by the

2 State Department of Health or Oklahoma Medical Marijuana Authority

3 and made available to licensees through its website indicating that

4 the medical marijuana or the medical marijuana product contains THC;

5       ~~67.~~ 68. "Usable marijuana" means the dried leaves, flowers,

6 oils, vapors, waxes and other portions of the marijuana plant and

7 any mixture or preparation thereof, excluding seeds, roots, stems,

8 stalks and fan leaves; and

9       ~~68.~~ 69. "Water-based medical marijuana concentrate" means a

10 concentrate that was produced by extracting cannabinoids from

11 medical marijuana through the use of only water, ice or dry ice.

12       SECTION 2. This act shall become effective November 1, 2024.

13 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE

14 February 26, 2024 - DO PASS AS AMENDED