

OKLAHOMA STATE SENATE  
CONFERENCE  
COMMITTEE REPORT

May 24, 2023

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB437

By: Garvin of the Senate and Marti of the House

Title: Medical marijuana; directing the Oklahoma Medical Marijuana Authority to select a vendor for seed-to-sale inventory tracking system; time limitation; responsibilities of the Authority; repealer.

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together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:


1. That the House recede from all Amendments.
2. That the attached Conference Committee Substitute (Request #2181) be adopted.


Respectfully submitted,

SENATE CONFEREES:

  
\_\_\_\_\_  
Garvin

  
\_\_\_\_\_  
Paxton

Coleman  
  
\_\_\_\_\_  
Thompson, K.

Daniels  
  
\_\_\_\_\_  
Stephens

  
\_\_\_\_\_  
Boren

HOUSE CONFEREES:

Conference Committee on Alcohol, Tobacco, and Controlled Substances

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL NO. 437

6 By: Garvin of the Senate

7 and

8 Marti of the House

9  
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to medical marijuana; amending 63  
12 O.S. 2021, Section 420, as amended by Section 1,  
13 Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022, Section  
14 420), which relates to medical marijuana patient  
15 license; prohibiting colocation of recommending  
16 physicians for minor patient; requiring certain  
17 attestation; clarifying certain requirement;  
18 directing promulgation of certain rules; requiring  
19 qualifying medical conditions for recommendations;  
20 requiring in-person physical examination; providing  
21 exception; amending 63 O.S. 2021, Sections 421, 422,  
22 and 423, as amended by Sections 1, 2, and 3, Chapter  
23 332, O.S.L. 2022, and 424 (63 O.S. Supp. 2022,  
24 Sections 421, 422, and 423), which relate to  
licensing requirements for medical marijuana  
dispensaries, commercial growers, processors, and  
transporters; providing for temporary and annual  
licenses; updating language; amending 63 O.S. 2021,  
Section 427.2, as last amended by Section 1, Chapter  
317, O.S.L. 2022 (63 O.S. Supp. 2022, Section 427.2),  
which relates to definitions; modifying definition;  
amending 63 O.S. 2021, Section 427.8, which relates  
to municipal and county zoning rights; updating  
statutory references; amending 63 O.S. 2021, Section  
427.10, as amended by Section 12, Chapter 251, O.S.L.  
2022 (63 O.S. Supp. 2022, Section 427.10), which  
relates to physicians who may provide a

1 recommendation; directing creation of certain  
2 registry; requiring registration by physicians;  
3 requiring compliance with medical education and  
4 continuing medical education requirements; directing  
5 promulgation of certain rules in consultation with  
6 specified boards; amending 63 O.S. 2021, Section  
7 427.14, as last amended by Section 5 of Enrolled  
8 House Bill No. 2095 of the 1st Session of the 59th  
9 Oklahoma Legislature (63 O.S. Supp. 2022, Section  
10 427.14), which relates to medical marijuana business  
11 license; modifying scope of certain definition;  
12 creating temporary and annual licensing program for  
13 certain medical marijuana businesses; stating  
14 conditions for temporary licenses; requiring  
15 adherence to certain rules and regulations;  
16 clarifying obligations of the Oklahoma Medical  
17 Marijuana Authority when issuing temporary licenses;  
18 stating length of term of temporary licenses;  
19 providing for extensions under certain circumstances;  
20 establishing fees for temporary licenses and  
21 extensions; requiring submission of certain  
22 information to the Authority; prohibiting issuance of  
23 license until certain inspections are completed;  
24 authorizing rejection of applications; defining term;  
clarifying circumstances that allow for the issuance  
of annual medical marijuana business licenses;  
requiring current licensees to submit certain  
documentation prior to renewal; establishing  
timelines and procedures; requiring person issued a  
temporary and annual license to annually submit  
certain documentation when seeking renewal of the  
license; requiring insurance verification for  
licensees transporting medical marijuana; requiring  
an applicant to submit verification of ownership or  
lease of a licensed medical marijuana business  
premises; prohibiting multiple licenses at same  
location; providing exception; amending Section 3,  
Chapter 328, O.S.L. 2022 (63 O.S. Supp. 2022, Section  
427.14b), which relates to credentials required for  
employees to work in licensed medical marijuana  
business; requiring dispensary employees to comply  
with education and continuing education requirements;  
directing promulgation of certain rules; authorizing  
the Oklahoma Medical Marijuana Authority to require  
certain application for transfer of license;  
prohibiting transfer without approval; allowing  
Authority to revoke license or forbid future

1 licenses; establishing fee for application; providing  
2 for promulgation of rules; prohibiting transfers  
3 during certain investigations; allowing for only one  
4 transfer per year; amending 63 O.S. 2021, Section  
5 427.16, as last amended by Section 7 of Enrolled  
6 House Bill No. 2095 of the 1st Session of the 59th  
7 Oklahoma Legislature (63 O.S. Supp. 2022, Section  
8 427.16), which relates to medical marijuana  
9 transporter license; creating temporary licensing  
10 program for medical marijuana transporters;  
11 specifying certain requirements; providing exception  
12 under certain circumstances; allowing the Oklahoma  
13 Medical Marijuana Authority to revoke exception;  
14 directing promulgation of rules to impose limits on  
15 tetrahydrocannabinol (THC) potency of medical  
16 marijuana and medical marijuana products; setting  
17 certain limits on potency; prohibiting licensed  
18 medical marijuana dispensary from selling medical  
19 marijuana or medical marijuana product that exceeds  
20 potency limits; amending 63 O.S. 2021, Section  
21 427.21, as amended by Section 2, Chapter 329, O.S.L.  
22 2022 (63 O.S. Supp. 2022, Section 427.21), which  
23 relates to advertising; prohibiting certain types of  
24 events to be hosted or advertised; providing for the  
promulgation of rules for certain events; directing  
licensed medical marijuana processors and licensed  
medical marijuana commercial growers to sell certain  
medical marijuana products in pre-packaged form;  
providing requirements for packaging; allowing for  
the display and smelling of marijuana; amending  
Section 2 of Enrolled Senate Bill No. 913 of the 1st  
Session of the 59th Oklahoma Legislature, which  
relates to medical marijuana bond requirement;  
providing for promulgation of rules; providing for  
codification; providing effective dates; and  
declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 420, as  
amended by Section 1, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022,  
Section 420), is amended to read as follows:

1 Section 420. A. A person in possession of a state-issued  
2 medical marijuana patient license shall be able to:

- 3 1. Consume marijuana legally;
- 4 2. Legally possess up to three (3) ounces or eighty-four and  
5 nine-tenths (84.9) grams of marijuana on their person;
- 6 3. Legally possess six mature marijuana plants and the  
7 harvested marijuana therefrom;
- 8 4. Legally possess six seedling plants;
- 9 5. Legally possess one (1) ounce or twenty-eight and three-  
10 tenths (28.3) grams of concentrated marijuana;
- 11 6. Legally possess seventy-two (72) ounces or two thousand  
12 thirty-seven and six-tenths (2,037.6) grams of edible marijuana;
- 13 7. Legally possess up to eight (8) ounces or two hundred  
14 twenty-six and four-tenths (226.4) grams of marijuana in their  
15 residence; and
- 16 8. Legally possess seventy-two (72) ounces of topical  
17 marijuana.

18 B. Possession of up to one and one-half (1.5) ounces or forty-  
19 two and forty-five one-hundredths (42.45) grams of marijuana by  
20 persons who can state a medical condition, but are not in possession  
21 of a state-issued medical marijuana patient license, shall  
22 constitute a misdemeanor offense not subject to imprisonment but  
23 punishable by a fine not to exceed Four Hundred Dollars (\$400.00).  
24 Any law enforcement officer who comes in contact with a person in

1 violation of this subsection and who is satisfied as to the identity  
2 of the person, as well as any other pertinent information the law  
3 enforcement officer deems necessary, shall issue to the person a  
4 written citation containing a notice to answer the charge against  
5 the person in the appropriate court. Upon receiving the written  
6 promise of the alleged violator to answer as specified in the  
7 citation, the law enforcement officer shall release the person upon  
8 personal recognizance unless there has been a violation of another  
9 provision of law.

10 C. The Oklahoma Medical Marijuana Authority shall be  
11 established which shall receive applications for medical marijuana  
12 patient and caregiver license recipients, dispensaries, growers and  
13 processors within sixty (60) days of the passage of this initiative.

14 D. The Authority shall, within thirty (30) days of passage of  
15 this initiative, make available on its website, in an easy-to-find  
16 location, an application for a medical marijuana patient license.  
17 The license shall be valid for two (2) years. The biannual  
18 application fee shall be One Hundred Dollars (\$100.00), or Twenty  
19 Dollars (\$20.00) for individuals on Medicaid, Medicare or SoonerCare  
20 or one hundred percent (100%) disabled veterans. The methods of  
21 payment shall be provided on the website of the Authority. Reprints  
22 of the medical marijuana patient license shall be Twenty Dollars  
23 (\$20.00).

24

1 E. A short-term medical marijuana patient license application  
2 shall also be made available on the website of the Authority. A  
3 short-term medical marijuana patient license shall be granted to any  
4 applicant who can meet the requirements for a two-year medical  
5 marijuana patient license, but whose physician recommendation for  
6 medical marijuana is only valid for sixty (60) days. Short-term  
7 medical marijuana patient licenses shall be issued for sixty (60)  
8 days. The fee for a short-term medical marijuana patient license,  
9 reprints of the short-term medical marijuana patient license and the  
10 procedure for extending or renewing the license shall be determined  
11 by the Executive Director of the Authority.

12 F. A temporary medical marijuana patient license application  
13 shall also be available on the website of the Authority for  
14 residents of other states. Temporary medical marijuana patient  
15 licenses shall be granted to medical marijuana license holders from  
16 other states, provided that such states have state-regulated medical  
17 marijuana programs and applicants can prove they are members of such  
18 programs. Temporary medical marijuana patient licenses shall be  
19 issued for thirty (30) days. The cost for a temporary medical  
20 marijuana patient license shall be One Hundred Dollars (\$100.00).  
21 Renewal shall be granted with resubmission of a new application. No  
22 additional criteria shall be required. Reprints of the temporary  
23 medical marijuana patient license shall be Twenty Dollars (\$20.00).

24

1 G. Medical marijuana patient license applicants shall submit  
2 their applications to the Authority for approval. The applicant  
3 shall be a resident of this state and shall prove residency by a  
4 valid driver license, utility bills, or other accepted methods.

5 H. The Authority shall review the medical marijuana patient  
6 license application; approve, reject or deny the application; and  
7 mail the approval, rejection or denial letter stating any reasons  
8 for the rejection or denial to the applicant within fourteen (14)  
9 business days of receipt of the application. Approved applicants  
10 shall be issued a medical marijuana patient license which shall act  
11 as proof of his or her approved status. Applications may only be  
12 rejected or denied based on the applicant not meeting stated  
13 criteria or improper completion of the application.

14 I. The Authority shall make available, both on its website and  
15 through a telephone verification system, an easy method to validate  
16 the authenticity of the medical marijuana patient license by the  
17 unique 24-character identification number.

18 J. The Authority shall ensure that all medical marijuana  
19 patient and caregiver records and information are sealed to protect  
20 the privacy of medical marijuana patient license applicants.

21 K. A caregiver license shall be made available for qualified  
22 caregivers of a medical marijuana patient license holder who is  
23 homebound. As provided in Section 427.11 of this title, the  
24 caregiver license shall provide the caregiver the same rights as the



1 medical marijuana patient licensee including the ability to possess  
2 marijuana, marijuana products and mature and immature plants  
3 pursuant to the Oklahoma Medical Marijuana and Patient Protection  
4 Act, but excluding the ability to use marijuana or marijuana  
5 products unless the caregiver has a medical marijuana patient  
6 license. Applicants for a caregiver license shall submit proof of  
7 the license status and homebound status of the medical marijuana  
8 patient and proof that the applicant is the designee of the medical  
9 marijuana patient. The applicant shall also submit proof that he or  
10 she is eighteen (18) years of age or older and proof of his or her  
11 state residency.

12 L. All applicants for a medical marijuana patient license shall  
13 be eighteen (18) years of age or older. A special exception shall  
14 be granted to an applicant under the age of eighteen (18); however,  
15 these applications shall be signed by two physicians and the parent  
16 or legal guardian of the applicant. The two physicians shall not be  
17 located at the same physical address. At least one of the  
18 physicians shall attest that the minor applicant has been under the  
19 routine care of the physician for not less than one (1) year, or not  
20 less than five (5) years if the minor patient has only been seen by  
21 the physician through telemedicine, or that the minor applicant was  
22 referred to the physician by a physician whose care the minor  
23 applicant has been under for not less than one (1) year or not less

24

1 than five (5) years if the minor patient has only been seen by the  
2 physician through telemedicine.

3 M. All applications for a medical marijuana patient license  
4 shall be signed by ~~an Oklahoma~~ a physician located in this state and  
5 licensed by and in good standing with the State Board of Medical  
6 Licensure and Supervision, the State Board of Osteopathic Examiners,  
7 or the Board of Podiatric Medical Examiners. There are no  
8 qualifying conditions for patients eighteen (18) years of age or  
9 older, unless the patient is currently enrolled in a public school  
10 in this state. The Executive Director shall consult with  
11 appropriate medical licensure boards or organizations representing  
12 healthcare providers that oversee the care of pediatric patients in  
13 this state to promulgate rules to specify qualifying medical  
14 conditions for a medical marijuana patient under eighteen (18) years  
15 of age, or for patients eighteen (18) years of age or older who are  
16 currently enrolled in a public school in this state, for licensure.  
17 A medical marijuana patient license shall be recommended according  
18 to the accepted standards a reasonable and prudent physician would  
19 follow when recommending or approving any medication, and may only  
20 be recommended for qualifying medical conditions approved by the  
21 Executive Director for patients under eighteen (18) years of age, or  
22 who are currently enrolled in a public school in this state. Before  
23 issuing a medical marijuana recommendation to a minor patient, a  
24 physician shall first conduct an in-person examination of the

1 patient. Unless the physician certifies that the patient is  
2 homebound and in need of a caregiver under subsection K of this  
3 section. No physician may be unduly stigmatized or harassed for  
4 signing a medical marijuana patient license application.

5 N. Counties and cities may enact medical marijuana guidelines  
6 allowing medical marijuana patient license holders or caregiver  
7 license holders to exceed the state limits set forth in subsection A  
8 of this section.

9 SECTION 2. AMENDATORY 63 O.S. 2021, Section 421, as  
10 amended by Section 1, Chapter 332, O.S.L. 2022 (63 O.S. Supp. 2022,  
11 Section 421), is amended to read as follows:

12 Section 421. A. The Oklahoma Medical Marijuana Authority shall  
13 make available on its website in an easy-to-find location ~~an~~  
14 ~~application~~ applications for a temporary medical marijuana  
15 dispensary license and annual medical marijuana dispensary license.  
16 The application ~~fee to~~ fees for the temporary or annual license  
17 shall be paid by the applicant ~~shall be~~ in the amounts provided for  
18 in Section 427.14 of this title. A method of payment for the  
19 application ~~fee~~ fees shall be provided on the website of the  
20 Authority. ~~Dispensary~~ Medical marijuana dispensary applicants must  
21 all be residents of Oklahoma. Any entity applying for a temporary  
22 or annual medical marijuana dispensary license must be owned by an  
23 Oklahoma resident and must be registered to do business in Oklahoma.  
24 The Authority shall have ninety (90) business days to review the

1 application for a temporary medical marijuana dispensary license;  
2 approve, reject or deny the application; and mail the approval,  
3 rejection or denial letter stating reasons for the rejection or  
4 denial to the applicant.

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

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

10 2. The applicant, if applying as an individual, must show  
11 residency in the State of Oklahoma;

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

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

17 5. All applying individuals or entities must be registered to  
18 conduct business in the State of Oklahoma; and

19 6. All applicants must disclose all ownership interests in the  
20 dispensary.

21 Applicants with a nonviolent felony conviction in the last two  
22 (2) years, any other felony conviction in the last five (5) years,  
23 inmates in the custody of the Department of Corrections or any  
24

1 person currently incarcerated shall not qualify for a temporary or  
2 annual medical marijuana dispensary license.

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

13 D. Only a licensed medical marijuana dispensary may conduct  
14 retail sales of marijuana or marijuana derivatives. Beginning on  
15 the effective date of this act, licensed medical marijuana  
16 dispensaries shall be authorized to package and sell pre-rolled  
17 marijuana to licensed medical marijuana patients and licensed  
18 caregivers. The products described in this subsection shall contain  
19 only the ground parts of the marijuana plant and shall not include  
20 marijuana concentrates or derivatives. The total net weight of each  
21 pre-roll packaged and sold by a medical marijuana dispensary shall  
22 not exceed one (1) gram. These products shall be tested, packaged  
23 and labeled in accordance with Oklahoma law and rules promulgated by  
24 the Authority.

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

17 SECTION 3. AMENDATORY 63 O.S. 2021, Section 422, as  
18 amended by Section 2, Chapter 332, O.S.L. 2022 (63 O.S. Supp. 2022,  
19 Section 422), is amended to read as follows:

20 Section 422. A. The Oklahoma Medical Marijuana Authority shall  
21 make available on its website in an easy-to-find location ~~an~~  
22 ~~application~~ applications for a temporary medical marijuana  
23 commercial grower license and annual medical marijuana commercial  
24 grower license. The application ~~fee~~ fees for the temporary or

1 annual license shall be paid by the applicant in the amounts  
2 provided for in Section 427.14 of this title. A method of payment  
3 for the application ~~fee~~ fees shall be provided on the website of the  
4 Authority. The Authority shall have ninety (90) days to review the  
5 application for a temporary medical marijuana commercial grower  
6 license; approve, reject or deny the application; and mail the  
7 approval, rejection or denial letter stating the reasons for the  
8 rejection or denial to the applicant.

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

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

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

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

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

21 5. All applying individuals or entities must be registered to  
22 conduct business in the State of Oklahoma; and

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

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

6 C. A licensed medical marijuana commercial grower may sell  
7 marijuana to a licensed medical marijuana dispensary or a licensed  
8 medical marijuana processor. Further, sales by a licensed medical  
9 marijuana commercial grower shall be considered wholesale sales and  
10 shall not be subject to taxation. Under no circumstances may a  
11 licensed medical marijuana commercial grower sell marijuana directly  
12 to a licensed medical marijuana patient or licensed medical  
13 marijuana caregiver. A licensed medical marijuana commercial grower  
14 may only sell at the wholesale level to a licensed medical marijuana  
15 dispensary, a licensed medical marijuana commercial grower or a  
16 licensed medical marijuana processor. If the federal government  
17 lifts restrictions on buying and selling marijuana between states,  
18 then a licensed medical marijuana commercial grower would be allowed  
19 to sell and buy marijuana wholesale from, or to, an out-of-state  
20 wholesale provider. A licensed medical marijuana commercial grower  
21 shall be required to complete a monthly yield and sales report to  
22 the Authority. This report shall be due on the fifteenth of each  
23 month and provide reporting on the previous month. This report  
24 shall detail the amount of marijuana harvested in pounds, the amount



1 of drying or dried marijuana on hand, the amount of marijuana sold  
2 to licensed processors in pounds, the amount of waste in pounds, and  
3 the amount of marijuana sold to licensed medical marijuana  
4 dispensaries in pounds. Additionally, this report shall show total  
5 wholesale sales in dollars. The Authority shall have oversight and  
6 auditing responsibilities to ensure that all marijuana being grown  
7 by licensed medical marijuana commercial growers is accounted for.

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

10 E. Beginning on the effective date of this act, licensed  
11 medical marijuana commercial growers shall be authorized to package  
12 and sell pre-rolled marijuana to licensed medical marijuana  
13 dispensaries. The products described in this subsection shall  
14 contain only the ground parts of the marijuana plant and shall not  
15 include marijuana concentrates or derivatives. The total net weight  
16 of each pre-roll packaged and sold by licensed medical marijuana  
17 commercial growers shall not exceed one (1) gram. These products  
18 must be tested, packaged and labeled in accordance with Oklahoma law  
19 and rules promulgated by the Authority.

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

23 Section 423. A. The Oklahoma Medical Marijuana Authority shall  
24 make available on its website in an easy-to-find location ~~an~~

1 ~~application~~ applications for a temporary medical marijuana processor  
2 license and annual medical marijuana ~~processing~~ processor license.

3 The Authority shall be authorized to issue two types of annual  
4 medical marijuana processor licenses based on the level of risk  
5 posed by the type of processing conducted:

- 6 1. Nonhazardous medical marijuana processor license; and
- 7 2. Hazardous medical marijuana processor license.

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

17 B. The Authority shall approve all applications which meet the  
18 following criteria:

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

21 2. The applicant, if applying as an individual, must show  
22 residency in the State of Oklahoma;

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

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; and

6 6. All applicants must disclose all ownership interests in the  
7 processing 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 ~~processing~~ processor license.

13 C. 1. A licensed medical marijuana processor may take  
14 marijuana plants and distill or process these plants into  
15 concentrates, edibles, and other forms for consumption.

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

22 3. Up to two times a year, the Authority may inspect a  
23 processing operation and determine its compliance with the  
24 preparation standards. If deficiencies are found, a written report

1 of the deficiency shall be issued to the licensed medical marijuana  
2 processor. The licensed medical marijuana processor shall have one  
3 (1) month to correct the deficiency or be subject to a fine of Five  
4 Hundred Dollars (\$500.00) for each deficiency.

5 4. A licensed medical marijuana processor may sell marijuana  
6 products it creates to a licensed medical marijuana dispensary or  
7 any other licensed medical marijuana processor. All sales by a  
8 licensed medical marijuana processor shall be considered wholesale  
9 sales and shall not be subject to taxation.

10 5. Under no circumstances may a licensed medical marijuana  
11 processor sell marijuana or any marijuana product directly to a  
12 licensed medical marijuana patient or licensed medical marijuana  
13 caregiver. However, a licensed medical marijuana processor may  
14 process cannabis into a concentrated form for a licensed medical  
15 marijuana patient for a fee.

16 6. Licensed medical marijuana processors shall be required to  
17 complete a monthly yield and sales report to the Authority. This  
18 report shall be due on the fifteenth of each month and shall provide  
19 reporting on the previous month. This report shall detail the  
20 amount of marijuana and medical marijuana products purchased in  
21 pounds, the amount of marijuana cooked or processed in pounds, and  
22 the amount of waste in pounds. Additionally, this report shall show  
23 total wholesale sales in dollars. The Authority shall have  
24

1 oversight and auditing responsibilities to ensure that all marijuana  
2 being processed is accounted for.

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

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

20 F. Any device used for the processing or consumption of medical  
21 marijuana shall be considered legal to be sold, manufactured,  
22 distributed and possessed. No merchant, wholesaler, manufacturer or  
23 individual may be unduly harassed or prosecuted for selling,  
24 manufacturing or possessing marijuana paraphernalia.

1 SECTION 5. AMENDATORY 63 O.S. 2021, Section 424, is  
2 amended to read as follows:

3 Section 424. A. A temporary medical marijuana transportation  
4 transporter license will or an annual medical marijuana transporter  
5 license shall be issued to qualifying applicants for a medical  
6 marijuana retail dispensary, growing medical marijuana commercial  
7 grower, or processing medical marijuana processor license. The  
8 ~~transportation temporary or annual medical marijuana transporter~~  
9 license ~~will~~ shall be issued at the time of approval of a ~~retail,~~  
10 ~~growing, or processing~~ the temporary or annual medical marijuana  
11 dispensary, medical marijuana commercial grower, or medical  
12 marijuana processor license. The fees for the temporary or annual  
13 license shall be paid by the applicant in the amounts provided for  
14 in Section 427.14 of this title.

15 B. A ~~transportation~~ medical marijuana transporter license ~~will~~  
16 shall allow the holder to transport medical marijuana from an  
17 ~~Oklahoma licensed~~ Oklahoma-licensed medical marijuana ~~retailer~~  
18 dispensary, licensed growing medical marijuana commercial grower  
19 facility, or licensed medical marijuana processor facility to an  
20 ~~Oklahoma licensed~~ Oklahoma-licensed medical marijuana ~~retailer~~  
21 dispensary, licensed growing medical marijuana commercial grower  
22 facility, or licensed medical marijuana processing facility.

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1 C. All medical marijuana or medical marijuana products shall be  
2 transported in a locked container and clearly labeled "Medical  
3 Marijuana or Derivative".

4 SECTION 6. AMENDATORY 63 O.S. 2021, Section 427.2, as  
5 last amended by Section 1, Chapter 317, O.S.L. 2022 (63 O.S. Supp.  
6 2022, Section 427.2), is amended to read as follows:

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

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

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

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

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

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

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

2 a. designed or constructed to be significantly difficult  
3 for children under five (5) years of age to open and  
4 not difficult for normal adults to use properly as  
5 defined by 16 C.F.R. 1700.15 (1995) and 16 C.F.R.  
6 1700.20 (1995),

7 b. opaque so that the outermost packaging does not allow  
8 the product to be seen without opening the packaging  
9 material, and

10 c. resealable to maintain its child-resistant  
11 effectiveness for multiple openings for any product  
12 intended for more than a single use or containing  
13 multiple servings;

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

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

18 9. "Complete application" means a document prepared in  
19 accordance with the provisions set forth in the Oklahoma Medical  
20 Marijuana and Patient Protection Act, rules promulgated pursuant  
21 thereto, and the forms and instructions provided by the Department  
22 including any supporting documentation required and the applicable  
23 license application fee;

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



1           11. "Director" means the Executive Director of the Oklahoma  
2 Medical Marijuana Authority;

3           12. "Dispense" means the selling of medical marijuana or a  
4 medical marijuana product to a qualified patient or the designated  
5 caregiver of the patient that is packaged in a suitable container  
6 appropriately labeled for subsequent administration to or use by a  
7 qualifying patient;

8           13. "Dispensary" means a medical marijuana dispensary, an  
9 entity that has been licensed by the Department pursuant to the  
10 Oklahoma Medical Marijuana and Patient Protection Act to purchase  
11 medical marijuana or medical marijuana products from a licensed  
12 medical marijuana commercial grower or medical marijuana processor,  
13 sell medical marijuana or medical marijuana products to patients and  
14 caregivers as defined under the Oklahoma Medical Marijuana and  
15 Patient Protection Act, or sell or transfer products to another  
16 dispensary;

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

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

24

1 16. "Flower" means the reproductive organs of the marijuana or  
2 cannabis plant referred to as the bud or parts of the plant that are  
3 harvested and used to consume in a variety of medical marijuana  
4 products;

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

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

13 19. "Good cause" for purposes of an initial, renewal or  
14 reinstatement license application, or for purposes of discipline of  
15 a licensee, means:

- 16 a. the licensee or applicant has violated, does not meet,  
17 or has failed to comply with any of the terms,  
18 conditions or provisions of the act, any rules  
19 promulgated pursuant thereto, or any supplemental  
20 relevant state or local law, rule or regulation,
- 21 b. the licensee or applicant has failed to comply with  
22 any special terms or conditions that were placed upon  
23 the license pursuant to an order of the State

24

1 Department of Health, Oklahoma Medical Marijuana  
2 Authority or the municipality, or

3 c. the licensed premises of a medical marijuana business  
4 or applicant have been operated in a manner that  
5 adversely affects the public health or welfare or the  
6 safety of the immediate vicinity in which the  
7 establishment is located;

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

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

14 22. "Heat- or pressure-based medical marijuana concentrate"  
15 means a medical marijuana concentrate that was produced by  
16 extracting cannabinoids from medical marijuana through the use of  
17 heat or pressure;

18 23. "Immature plant" means a nonflowering marijuana plant that  
19 has not demonstrated signs of flowering;

20 24. "Inventory tracking system" means the required tracking  
21 system that accounts for medical marijuana from either the seed or  
22 immature plant stage until the medical marijuana or medical  
23 marijuana product is sold to a patient at a medical marijuana  
24 dispensary, transferred to a medical marijuana research facility,

1 destroyed by a medical marijuana business or used in a research  
2 project by a medical marijuana research facility;

3 25. "Licensed patient" or "patient" means a person who has been  
4 issued a medical marijuana patient license by the State Department  
5 of Health or Oklahoma Medical Marijuana Authority;

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

16 27. "Manufacture" means the production, propagation,  
17 compounding or processing of a medical marijuana product, excluding  
18 marijuana plants, either directly or indirectly by extraction from  
19 substances of natural or synthetic origin, or independently by means  
20 of chemical synthesis, or by a combination of extraction and  
21 chemical synthesis;

22 28. "Marijuana" shall have the same meaning as such term is  
23 defined in Section 2-101 of this title and ~~shall not include any~~  
24 ~~plant or material containing delta-8 or delta-10~~

1 ~~tetrahydrocannabinol which is grown, processed or sold pursuant to~~  
2 ~~the provisions of the Oklahoma Industrial Hemp Program~~ any plant or  
3 material derivative not defined therein shall be defined by the  
4 Authority;

5 29. "Material change" means any change that would require a  
6 substantive revision to the standard operating procedures of a  
7 licensee for the cultivation or production of medical marijuana,  
8 medical marijuana concentrate or medical marijuana products;

9 30. "Mature plant" means a harvestable female marijuana plant  
10 that is flowering;

11 31. "Medical marijuana business (MMB)" means a licensed medical  
12 marijuana dispensary, medical marijuana processor, medical marijuana  
13 commercial grower, medical marijuana laboratory, medical marijuana  
14 business operator or a medical marijuana transporter;

15 32. "Medical marijuana concentrate" or "concentrate" means a  
16 specific subset of medical marijuana that was produced by extracting  
17 cannabinoids from medical marijuana. Categories of medical  
18 marijuana concentrate include water-based medical marijuana  
19 concentrate, food-based medical marijuana concentrate, solvent-based  
20 medical marijuana concentrate, and heat- or pressure-based medical  
21 marijuana concentrate;

22 33. "Medical marijuana commercial grower" or "commercial  
23 grower" means an entity licensed to cultivate, prepare and package  
24 medical marijuana and transfer or contract for transfer medical

1 marijuana to a medical marijuana dispensary, medical marijuana  
2 processor, any other medical marijuana commercial grower, medical  
3 marijuana research facility, medical marijuana education facility  
4 and pesticide manufacturers. A commercial grower may sell seeds,  
5 flower or clones to commercial growers pursuant to the Oklahoma  
6 Medical Marijuana and Patient Protection Act;

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

16 35. "Medical-marijuana-infused product" means a product infused  
17 with medical marijuana including, but not limited to, edible  
18 products, ointments and tinctures;

19 36. "Medical marijuana product" or "product" means a product  
20 that contains cannabinoids that have been extracted from plant  
21 material or the resin therefrom by physical or chemical means and is  
22 intended for administration to a qualified patient including, but  
23 not limited to, oils, tinctures, edibles, pills, topical forms,  
24 gels, creams, vapors, patches, liquids and forms administered by a

1 nebulizer, excluding live plant forms which are considered medical  
2 marijuana;

3 37. "Medical marijuana processor" means a person or entity  
4 licensed pursuant to the Oklahoma Medical Marijuana and Patient  
5 Protection Act to operate a business including the production,  
6 manufacture, extraction, processing, packaging or creation of  
7 concentrate, medical-marijuana-infused products or medical marijuana  
8 products as described in the Oklahoma Medical Marijuana and Patient  
9 Protection Act;

10 38. "Medical marijuana research facility" or "research  
11 facility" means a person or entity approved pursuant to the Oklahoma  
12 Medical Marijuana and Patient Protection Act to conduct medical  
13 marijuana research. A medical marijuana research facility is not a  
14 medical marijuana business;

15 39. "Medical marijuana testing laboratory" or "laboratory"  
16 means a public or private laboratory licensed pursuant to the  
17 Oklahoma Medical Marijuana and Patient Protection Act, to conduct  
18 testing and research on medical marijuana and medical marijuana  
19 products;

20 40. "Medical marijuana transporter" or "transporter" means a  
21 person or entity that is licensed pursuant to the Oklahoma Medical  
22 Marijuana and Patient Protection Act. A medical marijuana  
23 transporter does not include a medical marijuana business that  
24 transports its own medical marijuana, medical marijuana concentrate

1 or medical marijuana products to a property or facility adjacent to  
2 or connected to the licensed premises if the property is another  
3 licensed premises of the same medical marijuana business;

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

9 42. "Medical use" means the acquisition, possession, use,  
10 delivery, transfer or transportation of medical marijuana, medical  
11 marijuana products, medical marijuana devices or paraphernalia  
12 relating to the administration of medical marijuana to treat a  
13 licensed patient;

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

18 44. "Oklahoma physician" or "physician" means a physician  
19 licensed by and in good standing with the State Board of Medical  
20 Licensure and Supervision, the State Board of Osteopathic Examiners  
21 or the Board of Podiatric Medical Examiners;

22 45. "Oklahoma resident" means an individual who can provide  
23 proof of residency as required by the Oklahoma Medical Marijuana and  
24 Patient Protection Act;



1 46. "Owner" means, except where the context otherwise requires,  
2 a direct beneficial owner including, but not limited to, all persons  
3 or entities as follows:

- 4 a. all shareholders owning an interest of a corporate  
5 entity and all officers of a corporate entity,
- 6 b. all partners of a general partnership,
- 7 c. all general partners and all limited partners that own  
8 an interest in a limited partnership,
- 9 d. all members that own an interest in a limited  
10 liability company,
- 11 e. all beneficiaries that hold a beneficial interest in a  
12 trust and all trustees of a trust,
- 13 f. all persons or entities that own interest in a joint  
14 venture,
- 15 g. all persons or entities that own an interest in an  
16 association,
- 17 h. the owners of any other type of legal entity, and
- 18 i. any other person holding an interest or convertible  
19 note in any entity which owns, operates or manages a  
20 licensed facility;

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

1 48. "Person" means a natural person, partnership, association,  
2 business trust, company, corporation, estate, limited liability  
3 company, trust or any other legal entity or organization, or a  
4 manager, agent, owner, director, servant, officer or employee  
5 thereof, except that person does not include any governmental  
6 organization;

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

13 50. "Production batch" means:

14 a. any amount of medical marijuana concentrate of the  
15 same category and produced using the same extraction  
16 methods, standard operating procedures and an  
17 identical group of harvest batch of medical marijuana,  
18 or

19 b. any amount of medical marijuana product of the same  
20 exact type, produced using the same ingredients,  
21 standard operating procedures and the same production  
22 batch of medical marijuana concentrate;

23 51. "Public institution" means any entity established or  
24 controlled by the federal government, state government, or a local

1 government or municipality including, but not limited to,  
2 institutions of higher education or related research institutions;

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

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

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

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

18 56. "Research project" means a discrete scientific endeavor to  
19 answer a research question or a set of research questions related to  
20 medical marijuana and is required for a medical marijuana research  
21 license. A research project shall include a description of a  
22 defined protocol, clearly articulated goals, defined methods and  
23 outputs, and a defined start and end date. The description shall  
24 demonstrate that the research project will comply with all

1 requirements in the Oklahoma Medical Marijuana and Patient  
2 Protection Act and rules promulgated pursuant thereto. All research  
3 and development conducted by a medical marijuana research facility  
4 shall be conducted in furtherance of an approved research project;

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

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

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

23 60. "Solvent-based medical marijuana concentrate" means a  
24 medical marijuana concentrate that was produced by extracting

1 cannabinoids from medical marijuana through the use of a solvent  
2 approved by the Department;

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

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

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

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

22 65. "Transporter agent" means a person who transports medical  
23 marijuana or medical marijuana products for a licensed transporter  
24

1 and holds a transporter agent license pursuant to the Oklahoma  
2 Medical Marijuana and Patient Protection Act;

3 66. "Universal symbol" means the image established by the State  
4 Department of Health or Oklahoma Medical Marijuana Authority and  
5 made available to licensees through its website indicating that the  
6 medical marijuana or the medical marijuana product contains THC;

7 67. "Usable marijuana" means the dried leaves, flowers, oils,  
8 vapors, waxes and other portions of the marijuana plant and any  
9 mixture or preparation thereof, excluding seeds, roots, stems,  
10 stalks and fan leaves; and

11 68. "Water-based medical marijuana concentrate" means a  
12 concentrate that was produced by extracting cannabinoids from  
13 medical marijuana through the use of only water, ice or dry ice.

14 SECTION 7. AMENDATORY 63 O.S. 2021, Section 427.8, is  
15 amended to read as follows:

16 Section 427.8. A. The rights to possess the marijuana products  
17 set forth in Section 420 of ~~Title 63 of the Oklahoma Statutes~~ this  
18 title are cumulative and a duly licensed individual may possess at  
19 any one time the totality of the items listed therein and not be in  
20 violation of this act so long as the individual holds a valid  
21 medical 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 status as a medical marijuana patient or caregiver  
13 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.

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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 8. AMENDATORY 63 O.S. 2021, Section 427.10, as  
8 amended by Section 12, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022,  
9 Section 427.10), is amended to read as follows:

10 Section 427.10. A. Only licensed Oklahoma allopathic,  
11 osteopathic and podiatric physicians may provide a medical marijuana  
12 recommendation for a medical marijuana patient license under the  
13 Oklahoma Medical Marijuana and Patient Protection Act.

14 B. A physician who has not completed his or her first residency  
15 shall not meet the definition of "physician" under this section and  
16 any recommendation for a medical marijuana patient license shall not  
17 be processed by the Oklahoma Medical Marijuana Authority.

18 C. No physician shall be subject to arrest, prosecution or  
19 penalty in any manner or denied any right or privilege under state,  
20 municipal or county statute, ordinance or resolution, including  
21 without limitation a civil penalty or disciplinary action by the  
22 State Board of Medical Licensure and Supervision, the State Board of  
23 Osteopathic Examiners, the Board of Podiatric Medical Examiners or  
24 by any other business, occupation or professional licensing board or

1 bureau, solely for providing a medical marijuana recommendation for  
2 a patient or for monitoring, treating or prescribing scheduled  
3 medication to patients who are medical marijuana licensees. The  
4 provisions of this subsection shall not prevent the relevant  
5 professional licensing boards from sanctioning a physician for  
6 failing to properly evaluate the medical condition of a patient or  
7 for otherwise violating the applicable physician-patient standard of  
8 care.

9 D. A physician who recommends use of medical marijuana shall  
10 not be located at the same physical address as a licensed medical  
11 marijuana dispensary.

12 E. If the physician determines the continued use of medical  
13 marijuana by the patient no longer meets the requirements set forth  
14 in the Oklahoma Medical Marijuana and Patient Protection Act, the  
15 physician shall notify the Oklahoma Medical Marijuana Authority and  
16 the license shall be immediately voided without right to an  
17 individual proceeding.

18 F. The Authority shall create and maintain a registry of  
19 recommending physicians. Beginning January 1, 2025, to be eligible  
20 to provide a medical marijuana recommendation to a licensed patient,  
21 a physician shall be registered with the Authority.

22 G. To be registered with the Authority, a physician shall  
23 comply with the medical education and continuing medical education  
24 requirements described in subsection I of this section and shall

1 meet all other requirements established by law or rule for  
2 recommending physicians. A minimum of two (2) hours of continuing  
3 physician education related to medical marijuana shall be completed  
4 by January 1, 2025, or within one (1) year of being listed on the  
5 registry.

6 H. The Executive Director of the Authority shall promulgate  
7 rules to establish medical education and continuing medical  
8 education requirements for recommending physicians. The State Board  
9 of Medical Licensure and Supervision, the State Board of Osteopathic  
10 Examiners, and the Board of Podiatric Medical Examiners shall  
11 provide the Executive Director with a list of approved courses for  
12 initial training and certification for recommending physicians. The  
13 Executive Director or licensure boards may consult with associations  
14 representing licensees of such boards to approve education courses.  
15 There shall be no less than one (1) hour of continuing education  
16 each year for physicians making recommendations to patients under  
17 eighteen (18) years of age or patients eighteen (18) years of age or  
18 older who are enrolled in a public school in this state.

19 SECTION 9. AMENDATORY 63 O.S. 2021, Section 427.14, as  
20 last amended by Section 5 of Enrolled House Bill No. 2095 of the 1st  
21 Session of the 59th Oklahoma Legislature (63 O.S. Supp. 2022,  
22 Section 427.14), is amended to read as follows:  
23  
24

1 Section 427.14. A. There is hereby created the medical  
2 marijuana business license, which shall include the following  
3 categories:

- 4 1. Medical marijuana commercial grower;
- 5 2. Medical marijuana processor;
- 6 3. Medical marijuana dispensary;
- 7 4. Medical marijuana transporter; and
- 8 5. Medical marijuana testing laboratory.

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

12 C. The Authority shall make available on its website in an  
13 easy-to-find location, applications for a temporary medical  
14 marijuana business license and annual medical marijuana business  
15 license.

16 D. Beginning November 1, 2023, the Authority shall require all  
17 persons or entities seeking licensure as a medical marijuana  
18 commercial grower, medical marijuana processor, medical marijuana  
19 dispensary, or medical marijuana transporter to first apply for a  
20 temporary medical marijuana business license.

21 1. A temporary medical marijuana business license is a  
22 conditional license and does not authorize the licensee to conduct  
23 any sales of medical marijuana or marijuana products, the growing or  
24 processing of marijuana, or the transportation of any medical

1 marijuana or marijuana products by the licensee. A temporary  
2 medical marijuana business licensee shall follow all applicable  
3 rules and regulations promulgated by the Authority.

4 2. A temporary medical marijuana business license does not  
5 obligate the Authority to issue an annual medical marijuana business  
6 license nor does the temporary medical marijuana business license  
7 create a vested right in the holder to either an extension of the  
8 temporary medical marijuana business license or to the granting of a  
9 subsequent annual medical marijuana business license.

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

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

16 a. an application for an annual license has been  
17 submitted to the Authority prior to the initial  
18 expiration date of the temporary medical marijuana  
19 business license, and

20 b. the Authority determines that the application and  
21 required documentation submitted by the applicant for  
22 an annual medical marijuana business license is  
23 deficient in some manner.

24



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

7       6. In addition to the general requirements provided for in  
8 subsection F of this section, persons or entities applying for a  
9 temporary medical marijuana business license or applying to renew a  
10 medical marijuana business license shall submit the following to the  
11 Authority:

12       a. business-formation documents, which may include, but  
13 are not limited to, articles of incorporation,  
14 operating agreements, partnership agreements, and  
15 fictitious business name statements. The applicant  
16 shall also provide all documents filed with the  
17 Secretary of State,

18       b. financial information pertaining to the operations of  
19 the medical marijuana business, which shall include  
20 the following:

21       (1) a list of funds belonging to the applicant held  
22 in savings, checking, or other accounts  
23 maintained by a financial institution. The  
24 applicant shall provide for each account the name

1 of the financial institution, address of the  
2 financial institution, account type, account  
3 number, and amount of money in the account,

4 (2) a list of loans made to the applicant. For each  
5 loan, the applicant shall provide the amount of  
6 the loan, date of the loan, term of the loan,  
7 security provided for the loan, and the name,  
8 address, and phone number of the lender,

9 (3) a list of investments made into the medical  
10 marijuana business. For each investment, the  
11 applicant shall provide the amount of the  
12 investment, date of the investment, term of the  
13 investment, and the name, address, and phone  
14 number of the investor, and

15 (4) a list of all monetary gifts, equipment, and  
16 property of any kind given to the applicant for  
17 the purpose of or in exchange for applying for or  
18 operating a medical marijuana business. For each  
19 gift, the applicant shall provide the value or a  
20 description of the gift and the name, address,  
21 and phone number of the provider of the gift,

22 c. a complete list of every individual who has a  
23 financial interest in the medical marijuana business  
24 who is not an owner of the medical marijuana business,

1 d. whether the applicant has an ownership or a financial  
2 interest in any other medical marijuana business  
3 licensed under the provisions of the Oklahoma Medical  
4 Marijuana and Patient Protection Act,

5 e. a complete and detailed diagram of the proposed  
6 premises. If changes to the proposed premises occur  
7 during the application period, a revised set of plans  
8 shall be submitted to the Authority for final  
9 inspection. The diagram shall be to scale and shall  
10 show the following:

11 (1) boundaries of the property and the proposed  
12 premises to be licensed, showing all boundaries,  
13 dimensions, entrances and exits, interior  
14 partitions, walls, rooms, windows, doorways, and  
15 common or shared entryways, and shall include a  
16 brief statement or description of the principal  
17 activity to be conducted therein,

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

21 (3) where all cameras are located and a number  
22 assigned to each camera for identification  
23 purposes, and

1           (4) if the proposed premises consists of only a  
2           portion of the property, labels indicating which  
3           part of the property is the proposed premises and  
4           what the remaining property is used for,

5       f. if the applicant is not the landowner of the real  
6       property upon which the premises is located, the  
7       applicant shall provide to the Authority a document  
8       from the landowner or the agent of the landowner that  
9       states that the applicant has the right to occupy the  
10       property and acknowledging the applicant may use the  
11       property for the medical marijuana business activity  
12       for which the applicant is applying for licensure. An  
13       applicant shall also provide a copy of the rental  
14       agreement, as applicable,

15       g. if the applicant is the landowner of the real property  
16       upon which the premises is located, the applicant  
17       shall provide to the Authority a copy of the title or  
18       deed to the property,

19       h. if the applicant is applying for a medical marijuana  
20       commercial grower license, the applicant shall also  
21       submit the following:

22           (1) for indoor and mixed light cultivation,  
23           identification of all power sources for  
24           cultivation activities including, but not limited

1 to, illumination, heating, cooling, and  
2 ventilation,

3 (2) if the applicant is proposing to use a diversion  
4 from a waterbody, groundwater well, or rain  
5 catchment system as a water source for  
6 cultivation, include the following locations on  
7 the property diagram with locations also provided  
8 as coordinates in either latitude and longitude  
9 or the Oklahoma Coordinate System:

10 (a) sources of water used, including the  
11 location of waterbody diversion, pump  
12 location, and distribution system, and

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

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

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

19 (1) general liability insurance,

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

21 Affidavit of Exempt Status filed with the

22 Oklahoma Workers' Compensation Commission if

23 compensation coverage is not required pursuant to

24 the Administrative Workers' Compensation Act, and

1                   (3) product liability insurance.

2           7. The Authority may request additional information from the  
3 applicant.

4           8. The Authority may reject an application for an annual  
5 medical marijuana business license if the requirements for a  
6 temporary medical marijuana business license or any provision of the  
7 Oklahoma Medical Marijuana and Patient Protection Act are not  
8 satisfied.

9           9. For purposes of this subsection, "financial interest"  
10 concerning a medical marijuana business shall include any  
11 contractual agreements for profit sharing, subcontracting, or  
12 similar financial arrangements; provided, such disclosures alone  
13 shall not automatically indicate ownership of the license or require  
14 disclosure as an owner of the license.

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

19           2. The Minus the fee of One Thousand Dollars (\$1,000.00) for a  
20 temporary medical marijuana business license, the initial fee for a  
21 medical marijuana commercial grower license shall be calculated  
22 based upon the total amount of square feet of canopy or acres the  
23 grower estimates will be harvested for the year. The annual,  
24 nonrefundable license fee shall be based upon the total amount of

1 square feet of canopy harvested by the grower during the previous  
2 twelve (12) months. The amount of the fees shall be determined as  
3 follows after November 1, 2025:

4 a. For an indoor, greenhouse, or light deprivation  
5 medical marijuana grow facility:

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

9 (2) Tier 2: Ten thousand one (10,001) square feet of  
10 canopy to twenty thousand (20,000) square feet of  
11 canopy, the fee shall be Five Thousand Dollars  
12 (\$5,000.00),

13 (3) Tier 3: Twenty thousand one (20,001) square feet  
14 of canopy to forty thousand (40,000) square feet  
15 of canopy, the fee shall be Ten Thousand Dollars  
16 (\$10,000.00),

17 (4) Tier 4: Forty thousand one (40,001) square feet  
18 of canopy to sixty thousand (60,000) square feet  
19 of canopy, the fee shall be Twenty Thousand  
20 Dollars (\$20,000.00),

21 (5) Tier 5: Sixty thousand one (60,001) square feet  
22 of canopy to eighty thousand (80,000) square feet  
23 of canopy, the fee shall be Thirty Thousand  
24 Dollars (\$30,000.00),

1 (6) Tier 6: Eighty thousand one (80,001) square feet  
2 of canopy to ninety-nine thousand nine hundred  
3 ninety-nine (99,999) square feet of canopy, the  
4 fee shall be Forty Thousand Dollars (\$40,000.00),  
5 and

6 (7) Tier 7: One hundred thousand (100,000) square  
7 feet of canopy and beyond, the fee shall be Fifty  
8 Thousand Dollars (\$50,000.00), plus an additional  
9 twenty-five cents (\$0.25) per square foot of  
10 canopy over one hundred thousand (100,000) square  
11 feet.

12 b. For an outdoor medical marijuana grow facility:

13 (1) Tier 1: Up to two and one-half (2 1/2) acres,  
14 the fee shall be Two Thousand Five Hundred  
15 Dollars (\$2,500.00),

16 (2) Tier 2: Two and one-half (2 1/2) acres up to  
17 five (5) acres, the fee shall be Five Thousand  
18 Dollars (\$5,000.00),

19 (3) Tier 3: Five (5) acres up to ten (10) acres, the  
20 fee shall be Ten Thousand Dollars (\$10,000.00),

21 (4) Tier 4: Ten (10) acres up to twenty (20) acres,  
22 the fee shall be Twenty Thousand Dollars  
23 (\$20,000.00),  
24



1 (5) Tier 5: Twenty (20) acres up to thirty (30)  
2 acres, the fee shall be Thirty Thousand Dollars  
3 (\$30,000.00),

4 (6) Tier 6: Thirty (30) acres up to forty (40)  
5 acres, the fee shall be Forty Thousand Dollars  
6 (\$40,000.00),

7 (7) Tier 7: Forty (40) acres up to fifty (50) acres,  
8 the fee shall be Fifty Thousand Dollars  
9 (\$50,000.00), and

10 (8) Tier 8: If the amount of acreage exceeds fifty  
11 (50) acres, the fee shall be Fifty Thousand  
12 Dollars (\$50,000.00) plus an additional Two  
13 Hundred Fifty Dollars (\$250.00) per acre in  
14 excess of fifty (50) acres.

15 c. For a medical marijuana commercial grower that has a  
16 combination of both indoor and outdoor growing  
17 facilities at one location, the medical marijuana  
18 commercial grower shall be required to obtain a  
19 separate license from the Authority for each type of  
20 grow operation and shall be subject to the licensing  
21 fees provided for in subparagraphs a and b of this  
22 paragraph.

23 d. As used in this paragraph:  
24

1 (1) "canopy" means the total surface area within a  
2 cultivation area that is dedicated to the  
3 cultivation of flowering marijuana plants. The  
4 surface area of the plant canopy must be  
5 calculated in square feet and measured and must  
6 include all of the area within the boundaries  
7 where the cultivation of the flowering marijuana  
8 plants occurs. If the surface of the plant  
9 canopy consists of noncontiguous areas, each  
10 component area must be separated by identifiable  
11 boundaries. If a tiered or shelving system is  
12 used in the cultivation area, the surface area of  
13 each tier or shelf must be included in  
14 calculating the area of the plant canopy.  
15 Calculation of the area of the plant canopy may  
16 not include the areas within the cultivation area  
17 that are used to cultivate immature marijuana  
18 plants and seedlings, prior to flowering, and  
19 that are not used at any time to cultivate mature  
20 marijuana plants. If the flowering plants are  
21 vertically grown in cylinders, the square footage  
22 of the canopy shall be measured by the  
23 circumference of the cylinder multiplied by the  
24 total length of the cylinder,

1 (2) "greenhouse" means a structure located outdoors  
2 that is completely covered by a material that  
3 allows a controlled level of light transmission,  
4 and

5 (3) "light deprivation" means a structure that has  
6 concrete floors and the ability to manipulate  
7 natural light.

8 3. ~~The~~ In addition to the nonrefundable application fee for a  
9 temporary medical marijuana business license, the annual,  
10 nonrefundable license fee for a medical marijuana processor license  
11 shall be determined as follows after November 1, 2025:

12 a. Tier 1: Zero (0) to ten thousand (10,000) pounds of  
13 biomass or production or use of up to one hundred  
14 (100) liters of cannabis concentrate, the annual fee  
15 shall be Two Thousand Five Hundred Dollars  
16 (\$2,500.00),

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

22 c. Tier 3: Fifty thousand one (50,001) pounds to one  
23 hundred fifty thousand (150,000) pounds of biomass or  
24 production or use from three hundred fifty-one (351)

1 to six hundred fifty (650) liters of cannabis  
2 concentrate, the annual fee shall be Ten Thousand  
3 Dollars (\$10,000.00),

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

10 e. Tier 5: More than three hundred thousand one  
11 (300,001) pounds of biomass or production or use in  
12 excess of one thousand one (1,001) liters of cannabis  
13 concentrate, the annual fee shall be Twenty Thousand  
14 Dollars (\$20,000.00).

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

19 4. The Minus the fee of One Thousand Dollars (\$1,000.00) for a  
20 temporary medical marijuana business license, the initial fee for a  
21 medical marijuana dispensary license shall be Two Thousand Five  
22 Hundred Dollars (\$2,500.00). ~~The~~ After November 1, 2025, the  
23 annual, nonrefundable license fee for a medical marijuana dispensary  
24 license shall be calculated at ten percent (10%) of the sum of

1 twelve (12) calendar months of the combined annual state sales tax  
2 and state excise tax of the dispensary. The minimum fee shall be  
3 not less than Two Thousand Five Hundred Dollars (\$2,500.00) and the  
4 maximum fee shall not exceed Ten Thousand Dollars (\$10,000.00).

5 5. ~~The~~ Minus the fee of One Thousand Dollars (\$1,000.00) for a  
6 temporary medical marijuana business license, the annual,  
7 nonrefundable license fee for a medical marijuana testing laboratory  
8 shall be Twenty Thousand Dollars (\$20,000.00) after November 1,  
9 2025.

10 ~~E.~~ F. All applicants seeking licensure or licensure renewal as  
11 a medical marijuana business shall comply with the following general  
12 requirements:

13 1. All applications for licenses and registrations authorized  
14 pursuant to this section shall be made upon forms prescribed by the  
15 Authority;

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

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

21 4. All applications shall be complete and accurate in every  
22 detail;

23

24

1       5. All applications shall include all attachments or  
2 supplemental information required by the forms supplied by the  
3 Authority;

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

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

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

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

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

18          d. if applying as an individual or entity, proof that the  
19 individual or entity is registered to conduct business  
20 in the State of Oklahoma,

21          e. disclosure of all ownership interests pursuant to the  
22 Oklahoma Medical Marijuana and Patient Protection Act,  
23 ~~and~~

24

1 f. proof that the medical marijuana business, medical  
2 marijuana research facility, medical marijuana  
3 education facility and medical marijuana waste  
4 disposal facility applicant or licensee has not been  
5 convicted of a nonviolent felony in the last two (2)  
6 years, or any other felony conviction within the last  
7 five (5) years, is not a current inmate in the custody  
8 of the Department of Corrections, or currently  
9 incarcerated in a jail or corrections facility, and  
10 g. proof that the applicant has possessory right to the  
11 real estate where the business will operate by  
12 submission of a copy of an executed deed of conveyance  
13 or a signed lease for the property;

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

1 location pursuant to the licensing requirements of this section or a  
2 licensed medical marijuana processor after the effective date of  
3 this act;

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

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

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

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



1 documentation of proof of residency shall include a combination of  
2 the following:

- 3 a. an unexpired Oklahoma-issued driver license,
- 4 b. an Oklahoma identification card,
- 5 c. a utility bill preceding the date of application,  
6 excluding cellular telephone and Internet bills,
- 7 d. a residential property deed to property in the State  
8 of Oklahoma, and
- 9 e. a rental agreement preceding the date of application  
10 for residential property located in the State of  
11 Oklahoma.

12 Applicants that were issued a medical marijuana business license  
13 prior to August 30, 2019, are hereby exempt from the two-year or  
14 five-year Oklahoma residence requirement mentioned above;

15 12. All license applicants shall be required to submit a  
16 registration with the Oklahoma State Bureau of Narcotics and  
17 Dangerous Drugs Control as provided in Sections 2-302 through 2-304  
18 of this title;

19 13. All applicants shall establish their identity through  
20 submission of a color copy or digital image of one of the following  
21 unexpired documents:

- 22 a. front of an Oklahoma driver license,
- 23 b. front of an Oklahoma identification card,

24

- 1 c. a United States passport or other photo identification  
2 issued by the United States government, or  
3 d. a tribal identification card approved for  
4 identification purposes by the Oklahoma Department of  
5 Public Safety; and

6 14. All applicants shall submit an applicant photograph.

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

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

21 2. Approved applicants shall be issued a an annual medical  
22 marijuana business license for the specific category applied under,  
23 which shall act as proof of their approved status. Rejection and  
24 denial letters shall provide a reason for the rejection or denial.

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

22 3. Status-update letters shall provide a reason for delay in  
23 either approval, rejection or denial should a situation arise in  
24

1 which an application was submitted properly but a delay in  
2 processing the application occurred.

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

19 a. unlawful sales or purchases,

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

24 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.

~~I.~~ 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.

~~J.~~ 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.

~~K.~~ 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 investigation of the applicant. This type of conduct may be grounds

1 for administrative action against the applicant or licensee. Typos  
2 and scrivener errors shall not be grounds for denial.

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

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

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

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



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

3 ~~P. No more than one medical marijuana commercial grower license~~  
4 ~~shall be issued for any one property.~~

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

12 SECTION 10. AMENDATORY Section 3, Chapter 328, O.S.L.  
13 2022 (63 O.S. Supp. 2022, Section 427.14b), is amended to read as  
14 follows:

15 Section 427.14b. A. 1. Beginning January 1, 2024, the  
16 Oklahoma Medical Marijuana Authority shall require employees of a  
17 medical marijuana business licensee to apply for and receive a  
18 credential authorizing the employee to work in a licensed medical  
19 marijuana business.

20 2. Beginning January 1, 2025, to be eligible for such  
21 credential, employees of medical marijuana dispensaries shall comply  
22 with the education and continuing education requirements described  
23 in subsection G of this section and shall meet all other  
24

1 requirements established by law or rule for employees of a medical  
2 marijuana business licensee.

3 B. The Authority may contract with one or more third-party  
4 vendors to provide the credentialing services necessary to carry out  
5 the provisions of this section.

6 C. The Authority shall determine the services to be provided by  
7 such third-party vendor and shall establish costs and prices. If  
8 contracted for credentialing services, a third-party vendor shall on  
9 behalf of the Authority conduct the background checks and verify  
10 eligibility and suitability for any employees of a medical marijuana  
11 business license holder to obtain a credential.

12 D. Upon successful completion by the third-party vendor of the  
13 statutorily required background checks and verification of  
14 eligibility and suitability for an employee, the third-party vendor  
15 shall issue a credential to the employee. The results of background  
16 checks and verifications shall be provided to the Authority by the  
17 third-party vendor.

18 E. If the third-party vendor determines that an employee of a  
19 medical marijuana business holder does not meet the minimum  
20 statutory requirements for a credential, the applicant or employee  
21 shall have no recourse against the third-party vendor but may appeal  
22 such adverse determination to the Authority.

23 F. The third-party vendor shall not be civilly liable to an  
24 applicant, licensee, or employee of a licensee for any acts taken in

1 good-faith compliance with the provisions of Section 420 et seq. of  
2 ~~Title 63 of the Oklahoma Statutes~~ this title and the Oklahoma  
3 Medical Marijuana and Patient Protection Act and the rules  
4 promulgated by the Oklahoma Medical Marijuana Authority.

5 G. The Executive Director of the Authority may promulgate rules  
6 to implement the provisions of this section. Such rules shall  
7 include, but not be limited to, education and continuing education  
8 requirements for employees of medical marijuana dispensaries.

9 SECTION 11. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 427.14c of Title 63, unless  
11 there is created a duplication in numbering, reads as follows:

12 A. After the effective date of this act, no medical marijuana  
13 business license ownership shall be transferred without written  
14 approval of an application to transfer ownership by the Oklahoma  
15 Medical Marijuana Authority.

16 B. For purposes of this act, the "application to transfer"  
17 shall include all information disclosing the ownership and other  
18 documentary requirements required of a new business license  
19 application to be submitted on behalf of the new owners of the  
20 license including, but not limited to, a detailed inventory of all  
21 seeds, plant tissue, clones, plants, usable marijuana or trim,  
22 leaves and other plant matter, batches of extract, and marijuana  
23 concentrates that are to be transferred. Any attempt to transfer  
24 the medical marijuana business license, the ownership of the

1 business license, or substantially all of the listed medical  
2 marijuana, medical marijuana concentrate, or medical marijuana  
3 products of a medical marijuana business outside of the normal  
4 course of business without approval from the Authority shall be  
5 grounds for revocation or nonrenewal of the license and denial,  
6 revocation, or nonrenewal of current or future licenses or license  
7 applications with ownership held by any such person involved in the  
8 unlawful ownership transfer.

9 C. The nonrefundable application fee for the application to  
10 transfer shall be Five Hundred Dollars (\$500.00).

11 D. The Authority shall promulgate rules regarding the approval  
12 and denial of transfers of licenses. Transfers shall not be allowed  
13 for any licensee who is under investigation by the Authority or any  
14 other law enforcement agency. No business license shall be  
15 transferred more than once in a calendar year.

16 SECTION 12. AMENDATORY 63 O.S. 2021, Section 427.16, as  
17 last amended by Section 7 of Enrolled House Bill No. 2095 of the 1st  
18 Session of the 59th Oklahoma Legislature (63 O.S. Supp. 2022,  
19 Section 427.16), is amended to read as follows:

20 Section 427.16. A. There is hereby created a medical marijuana  
21 transporter license as a category of the medical marijuana business  
22 license.

23 B. Pursuant to Section 424 of this title, the Oklahoma Medical  
24 Marijuana Authority shall issue a temporary and an annual medical

1 marijuana transporter license to licensed medical marijuana  
2 commercial growers, licensed medical marijuana processors, and  
3 licensed medical marijuana dispensaries upon issuance of such  
4 licenses and upon each renewal. Medical marijuana transporter  
5 licenses shall also be issued to licensed medical marijuana research  
6 facilities, licensed medical marijuana education facilities and  
7 licensed medical marijuana testing laboratories upon issuance of  
8 such licenses and upon each renewal.

9 C. A temporary or annual medical marijuana transporter license  
10 may also be issued to qualifying applicants who are registered with  
11 the Secretary of State and otherwise meet the requirements for a  
12 medical marijuana business license set forth in Section 427.14 of  
13 this title, the Oklahoma Medical Marijuana and Patient Protection  
14 Act, and the requirements set forth in this section to provide  
15 logistics, distribution and storage of medical marijuana, medical  
16 marijuana concentrate and medical marijuana products.

17 D. A medical marijuana transporter license shall be valid for  
18 one (1) year and shall not be transferred with a change of  
19 ownership. A licensed medical marijuana transporter shall be  
20 responsible for all medical marijuana, medical marijuana concentrate  
21 and medical marijuana products once the transporter takes control of  
22 the product.

23 E. A transporter license shall be required for any person or  
24 entity to transport or transfer medical marijuana, medical marijuana

1 concentrate or medical marijuana products from a licensed medical  
2 marijuana business to another medical marijuana business, or from a  
3 medical marijuana business to a medical marijuana research facility  
4 or medical marijuana education facility.

5 F. A medical marijuana transporter licensee may contract with  
6 multiple licensed medical marijuana businesses.

7 G. A medical marijuana transporter may maintain a licensed  
8 premises to temporarily store medical marijuana, medical marijuana  
9 concentrate and medical marijuana products and to use as a  
10 centralized distribution point. A medical marijuana transporter may  
11 store and distribute medical marijuana, medical marijuana  
12 concentrate and medical marijuana products from the licensed  
13 premises. The licensed premises shall meet all security  
14 requirements applicable to a medical marijuana business.

15 H. A medical marijuana transporter licensee shall use the seed-  
16 to-sale tracking system developed pursuant to the Oklahoma Medical  
17 Marijuana and Patient Protection Act to create shipping manifests  
18 documenting the transport of medical marijuana, medical marijuana  
19 concentrate and medical marijuana products throughout the state.

20 I. A licensed medical marijuana transporter may maintain and  
21 operate one or more warehouses in the state to handle medical  
22 marijuana, medical marijuana concentrate and medical marijuana  
23 products. Each location shall be registered and inspected by the  
24 Authority prior to its use.

1 J. With the exception of a lawful transfer between medical  
2 marijuana businesses who are licensed to operate at the same  
3 physical address, all medical marijuana, medical marijuana  
4 concentrate and medical marijuana products shall be transported:

5 1. In vehicles equipped with Global Positioning System (GPS)  
6 trackers;

7 2. In a locked container and clearly labeled "Medical Marijuana  
8 or Derivative"; and

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

11 K. A transporter agent may possess marijuana at any location  
12 while the transporter agent is transferring marijuana to or from a  
13 licensed medical marijuana business, licensed medical marijuana  
14 research facility or licensed medical marijuana education facility.  
15 The Authority shall administer the provisions of this section and  
16 the Authority, the Oklahoma State Bureau of Narcotics and Dangerous  
17 Drugs Control, the Oklahoma State Bureau of Investigation, and the  
18 Attorney General shall have the authority to enforce the provisions  
19 of this section concerning transportation.

20 L. The Authority shall issue a transporter agent license to  
21 individual agents, employees, officers or owners of a transporter  
22 license in order for the individual to qualify to transport medical  
23 marijuana, medical marijuana concentrate or medical marijuana  
24 products.

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

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

- 7 1. The name, address and date of birth of the person;
- 8 2. Proof of current state residency;
- 9 3. Proof of identity as required for a medical marijuana  
10 business license;
- 11 4. Possession of a valid state-issued driver license;
- 12 5. Verification of employment with a licensed transporter;
- 13 6. The application and affiliated fee; and
- 14 7. A copy of the criminal background check conducted by the  
15 Oklahoma State Bureau of Investigation, paid for by the applicant.

16 O. If the transporter agent application is denied, the  
17 Authority shall notify the transporter in writing of the reason for  
18 denying the registry identification card.

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

23 Q. The Authority may revoke the registry identification card of  
24 a transporter agent who knowingly violates any provision of this



1 section, and the transporter is subject to any other penalties  
2 established by law for the violation.

3 R. The Authority may revoke or suspend the transporter license  
4 of a transporter that the Authority determines knowingly aided or  
5 facilitated a violation of any provision of this section, and the  
6 license holder is subject to any other penalties established in law  
7 for the violation.

8 S. ~~Vehicles used in the transport of~~ Any vehicle used in the  
9 duties of a licensed medical marijuana business transporting medical  
10 marijuana or medical marijuana product shall be:

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

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

14 3. In possession of a shipping container as defined in Section  
15 427.2 of this title capable of securing all transported products.

16 T. Prior to the transport of any medical marijuana, medical  
17 marijuana concentrate or medical marijuana products, an inventory  
18 manifest shall be prepared at the origination point of the medical  
19 marijuana. The inventory manifest shall include the following  
20 information:

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

22 a. the licensee number for the commercial grower,  
23 processor or dispensary,

24 b. address of origination of transport, and

1           c.    name and contact information for the originating  
2                    licensee;

3           2.    For the end recipient license holder of the medical  
4 marijuana:

5           a.    the license number for the dispensary, commercial  
6                    grower, processor, research facility or education  
7                    facility destination,

8           b.    address of the destination, and

9           c.    name and contact information for the destination  
10                   licensee;

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

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

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

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

18           7.    Notation of the transporting licensee.

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

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

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

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

7 V. Upon written approval by the Authority, a medical marijuana  
8 business license holder may be exempt from the provisions of this  
9 section for the purpose of transporting medical marijuana waste  
10 between licensed facilities; provided, the facilities are licensed  
11 under the same license holder. The Authority may, at any time,  
12 revoke this provision if the medical marijuana business license  
13 holder violates any provisions of Section 420 et seq. of this title.

14 SECTION 13. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 427.18a of Title 63, unless  
16 there is created a duplication in numbering, reads as follows:

17 A. The Executive Director of the Oklahoma Medical Marijuana  
18 Authority shall promulgate rules to limit the tetrahydrocannabinol  
19 (THC) serving size of edible medical marijuana products sold in  
20 medical marijuana dispensaries. The serving sizes imposed by such  
21 rules shall be at the discretion of the Executive Director;  
22 provided, that the limits do not exceed One thousand milligrams  
23 (1,000 mg) delta-9 tetrahydrocannabinol per package for edible  
24 medical marijuana products.

1 B. A licensed medical marijuana dispensary shall not sell any  
2 edible medical marijuana product that exceeds the THC per package  
3 limits imposed in this section.

4 C. For medical marijuana patients under eighteen (18) years of  
5 age, the Executive Director may impose further limits on THC per  
6 serving in edible medical marijuana products. No dispensaries shall  
7 be allowed to sell any medical marijuana product for the use of  
8 vaping to any medical marijuana patient under eighteen (18) years of  
9 age.

10 D. The Executive Director shall establish rules that require  
11 dispensaries to provide educational efforts to patients regarding  
12 potency, dosing, and pharmacological impacts pertaining to usage and  
13 consumption of medical marijuana and medical marijuana products.

14 E. The Executive Director shall promulgate the rules for the  
15 use and limits of any other tetrahydrocannabinol isomer or analogue  
16 that occurs naturally in cannabis for edible medical marijuana  
17 products not defined herein or in Section 427.2 of Title 63 of the  
18 Oklahoma Statutes.

19 SECTION 14. AMENDATORY 63 O.S. 2021, Section 427.21, as  
20 amended by Section 2, Chapter 329, O.S.L. 2022 (63 O.S. Supp. 2022,  
21 Section 427.21), is amended to read as follows:

22 Section 427.21. A. A medical marijuana business shall not  
23 engage in advertising that is deceptive, false or misleading.

24

1 B. Medical marijuana advertising shall not contain any  
2 statement or illustration that:

3 1. Promotes overconsumption;

4 2. Represents that the use of marijuana has curative or  
5 therapeutic effects; or

6 3. Depicts a child or other person under legal age ~~to consume~~  
7 consuming marijuana, or includes:

8 a. objects such as toys or cartoon or other characters,  
9 which suggest the presence of a child, or any other  
10 depiction designed in any manner to be especially  
11 appealing to children or other persons under legal age  
12 to consume marijuana, or

13 b. any manner or design that would be especially  
14 appealing to children or other persons under eighteen  
15 (18) years of age.

16 C. ~~Upon the effective date of this act~~ Beginning on November 1,  
17 2022, all medical marijuana commercial grower licensees shall be  
18 required to post signage at the site of the commercial grow  
19 operation. Signage shall be located at the perimeter of the  
20 property with dimensions measuring no less than eighteen (18) inches  
21 by twenty-four (24) inches with a font size of no less than two (2)  
22 inches. Information required to be displayed on the sign shall be  
23 in black standardized font on a white background. The Oklahoma  
24 Medical Marijuana Authority shall promulgate rules as necessary

1 regarding the size, placement, issuance and specifications of the  
2 required signage. The following information shall be included on  
3 the required signage:

- 4 1. Business name;
- 5 2. Physical address of the licensed business;
- 6 3. Phone number of the licensed business; and
- 7 4. Medical marijuana business license number.

8 The required signage shall also comply with county regulations  
9 and local ordinances related to the real property where the  
10 commercial grow operation is located. Failure to erect the proper  
11 signage within sixty (60) days after the renewal of each application  
12 for a medical marijuana commercial grower license in accordance with  
13 the provisions of this subsection shall result in the immediate  
14 revocation of the medical marijuana commercial grower license. Upon  
15 issuance of a temporary license, all medical marijuana commercial  
16 grower licensees shall be required to comply with the provisions of  
17 this subsection prior to the prelicensure inspection conducted by  
18 the Authority.

19 D. It shall be unlawful to host or advertise medical marijuana-  
20 related events encouraging public consumption or use of medical  
21 marijuana by non-licensed participants.

22 E. The Authority shall promulgate rules to:

- 23 1. Issue or deny permits for events for medical marijuana-  
24 related events located off-site of any medical marijuana licensed

1 business and not hosted by the Authority, which shall include, but  
2 not be limited to, age restrictions for those attending;

3 2. Issue or deny permits for dispensaries hosting onsite events  
4 related to the education of patients. Onsite consumption of  
5 products shall not be permitted; and

6 3. Allow licensed medical marijuana businesses to sell products  
7 at permitted events to licensed businesses or licensed patients. A  
8 licensed dispensary shall not require a permit for onsite events at  
9 the licensed location if samples are not being dispensed.

10 SECTION 15. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 431.1 of Title 63, unless there  
12 is created a duplication in numbering, reads as follows:

13 A. Upon the effective date of this act, all medical marijuana  
14 flower, trim, shake, kief, medical marijuana product, or other  
15 flower-based product not defined as a concentrate, shall be sold by  
16 licensed medical marijuana processors and licensed medical marijuana  
17 commercial growers to licensed medical marijuana dispensaries only  
18 in pre-packaged form in package sizes weighing not less than one-  
19 half (1/2) of one (1) gram to not more than three (3) ounces.

20 B. Nonopaque materials may be used when packaging medical  
21 marijuana flower provided all other packaging and labeling  
22 requirements for medical marijuana products sold in this state are  
23 met and it is placed in an opaque container before leaving a  
24 licensed medical marijuana dispensary.

1 C. The display and smelling of medical marijuana shall be  
2 allowed pursuant to Section 421 of Title 63 of the Oklahoma  
3 Statutes.

4 D. The Oklahoma Medical Marijuana Authority shall promulgate  
5 rules necessary to allow for pre-packaged products to be returned to  
6 the licensed medical marijuana dispensary when found defective or  
7 hazardous to the health of the patient. The Authority shall further  
8 promulgate rules necessary to allow for the return of medical  
9 marijuana products from a licensed medical marijuana dispensary to a  
10 licensed medical marijuana processor or licensed medical marijuana  
11 commercial grower, from a licensed medical marijuana processor to a  
12 licensed medical marijuana commercial grower, or from any other  
13 licensed entity that transferred medical marijuana products to  
14 another licensed entity.

15 SECTION 16. AMENDATORY Section 2 of Enrolled Senate Bill  
16 No. 913 of the 1st Session of the 59th Oklahoma Legislature, is  
17 amended to read as follows:

18 Section 427.26. A. It shall be unlawful for any holder of a  
19 medical marijuana business license pursuant to Section 427.14 of  
20 ~~Title 63 of the Oklahoma Statutes~~ this title to engage in any  
21 commercial growing operations in this state without acquiring a  
22 bond. The bond shall cover that area of land within the permit area  
23 upon which the business licensee will initiate and conduct  
24 commercial growing operations.



1 B. Every applicant for a commercial grower license or  
2 commercial grower licensee shall file with the Oklahoma Medical  
3 Marijuana Authority a bond satisfactory to the Authority and in the  
4 amount no less than Fifty Thousand Dollars (\$50,000.00) for each  
5 license sought or held, with a surety company qualified to do  
6 business in this state as a surety. The bond shall be furnished to  
7 the state for the use of the state pursuant to the provisions of  
8 this act. The bond shall be conditional that the obligor will  
9 comply with the provisions of this act including, but not limited  
10 to, building codes, administrative rules, and other relevant laws,  
11 and all rules and regulations made pursuant to this act and will pay  
12 all amounts of money that may be due to the state during the time  
13 such bond is in effect.

14 C. The Authority or the Department of Environmental Quality may  
15 require a higher amount depending upon the reclamation requirements  
16 of the approved application. The amount shall reflect the probable  
17 difficulty of reclamation with consideration for such factors  
18 including, but not limited to, topography, hydrology, and  
19 revegetation potential. The amount of the bond for a commercial  
20 growing operation shall be sufficient to assure the completion of  
21 the reclamation plan if the work has to be performed by the  
22 Authority or the Department of Environmental Quality in the event of  
23 revocation of license.

24

1 D. An appropriate agency may recall the bond if the property  
2 has been abandoned, the Authority revokes the commercial growing  
3 operation's license, or in response to receiving notice of a  
4 violation of any law, regulation, policy, or ordinance necessitating  
5 remedial action. The bond shall be used to defray the cost of  
6 restoration of the property including, but not limited to, removing  
7 equipment, destruction of waste, remediation of environmental  
8 hazards, prohibiting public access, addressing improperly coded  
9 buildings, or determination of the final disposition of any seized  
10 property.

11 E. A holder of a medical marijuana business license pursuant to  
12 Section 427.14 of ~~Title 63 of the Oklahoma Statutes~~ this title  
13 engaging in a commercial growing operation may operate without  
14 obtaining a bond upon verification by the Authority that the  
15 permitted land on which the licensee operates the commercial growing  
16 operation has been owned by the licensee for at least a five-year  
17 period prior to submission of application.

18 F. The Authority shall promulgate the rules necessary to allow  
19 for a medical marijuana business licensee to engage in a commercial  
20 growing operation to fulfill the provisions of this section.

21 SECTION 17. Sections 1, 2, 3, 9, and 16 of this act shall  
22 become effective June 1, 2023.

23 SECTION 18. Sections 4, 5, 6, 7, 8, 10, 11, 12, 14, and 15 of  
24 this act shall become effective November 1, 2023.

1 SECTION 19. Section 13 of this act shall become effective  
2 January 1, 2025.

3 SECTION 20. It being immediately necessary for the preservation  
4 of the public peace, health or safety, an emergency is hereby  
5 declared to exist, by reason whereof this act shall take effect and  
6 be in full force from and after its passage and approval.

7

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