

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2004

6 By: Fetgatter

7 COMMITTEE SUBSTITUTE

8 An Act relating to medical marijuana; amending  
9 Section 1, State Question No. 788, Initiative  
10 Petition No. 412, as last amended by Section 44,  
11 Chapter 161, O.S.L. 2020 (63 O.S. Supp. 2020, Section  
12 420), which relates to medical marijuana patient and  
13 caregiver licensing requirements; specifying  
14 marijuana amounts in grams; allowing for the  
15 possession of additional mature plants; deleting  
16 seedling plants from list of allowable marijuana  
17 products; clarifying elements of certain offense;  
18 specifying biannual payment of application fees for  
19 patient licenses; providing discounted patient  
20 license fee for certain veterans; providing for  
21 license reprints; stating fee; broadening eligibility  
22 requirements for temporary license; extending license  
23 period of temporary license; providing physician  
24 recommendation requirements for renewal applications;  
authorizing the Oklahoma Medical Marijuana Authority  
to promulgate certain rules; authorizing the  
Authority to deny patient license applications;  
removing recordkeeping requirement related to  
approved medical marijuana licenses; clarifying types  
of records and information the Authority shall seal  
to protect privacy; prohibiting the Authority from  
sharing records with other state agencies or  
political subdivisions; providing cultivation  
restrictions for caregiver licensees; requiring  
applications to be signed by certain physicians who  
are licensed and in good standing with their  
respective boards; prohibiting the assessment of fee  
by counties, cities or political subdivisions;  
amending Section 2, State Question No. 788,  
Initiative Petition No. 412 (63 O.S. Supp. 2020,

1 Section 421), which relates to dispensary licensing  
2 requirements; increasing time limitation for  
3 reviewing medical marijuana dispensary license  
4 applications; authorizing the Authority to deny  
5 dispensary license applications; increasing  
6 percentage amount for nonresident ownership; deleting  
7 penalties for gross discrepancy and fraudulent  
8 reporting and fraudulent sales; authorizing the sale  
9 of pre-rolled marijuana; providing specifications for  
10 pre-rolled products; requiring certain testing,  
11 packaging and labeling; amending Section 3, State  
12 Question No. 788, Initiative Petition No. 412 (63  
13 O.S. Supp. 2020, Section 422), which relates to  
14 commercial grower licensing requirements; increasing  
15 time limitation for reviewing medical marijuana  
16 commercial grower license applications; authorizing  
17 the Authority to deny commercial grower license  
18 applications; authorizing commercial growers to  
19 package and sell pre-rolled marijuana; providing  
20 specifications for pre-rolled products; directing the  
21 Authority to promulgate rules to govern sales across  
22 state lines; deleting penalties for gross discrepancy  
23 and fraudulent reporting and fraudulent sales;  
24 amending Section 4, State Question No. 788,  
Initiative Petition No. 412 (63 O.S. Supp. 2020,  
Section 423), which relates to medical marijuana  
processor licensing requirements; increasing time  
limitation for reviewing medical marijuana processing  
license applications; authorizing the Authority to  
deny processing license applications; providing for  
twice yearly inspections; exempting processors from  
obtaining sales tax permit for licensure; providing  
sales and excise tax exemption; deleting penalties  
for gross discrepancy and fraudulent reporting;  
specifying entity that oversees inspection and  
compliance of processors; amending Section 6, State  
Question No. 788, Initiative Petition No. 412, as  
last amended by Section 46, Chapter 161, O.S.L. 2020  
(63 O.S. Supp. 2020, Section 425), which relates to  
protections for medical marijuana patient licensees;  
clarifying certain protections for patient licensees  
and business licensees; providing standard related to  
child endangerment; providing certain exception;  
clarifying zoning restrictions; establishing distance  
requirement after certain date; deleting definition;  
specifying manner by which distances between certain  
properties shall be measured; conforming language;

1 amending Section 7, State Question 788, Initiative  
2 Petition No. 412 (63 O.S. Supp. 2020, Section 426),  
3 which relates to taxes on retail sales of medical  
4 marijuana; authorizing certain veterans to apply for  
5 an excise tax waiver; providing procedures for waiver  
6 requests; modifying manner by which certain funds are  
7 apportioned; amending Section 4, Chapter 509, O.S.L.  
8 2019 (63 O.S. Supp. 2020, Section 426.1), which  
9 relates to licensure revocation and hearings;  
10 removing certain exception; directing the Authority  
11 to make certain information available through an  
12 online verification system; directing the Authority  
13 to make list of marijuana-licensed premises available  
14 to state agencies; requiring certain marijuana-  
15 licensed premises and businesses to submit certain  
16 documentation when requesting a location change;  
17 allowing single certificate of compliance except  
18 under certain conditions; amending Section 2, Chapter  
19 11, O.S.L. 2019, as last amended by Section 48,  
20 Chapter 161, O.S.L. 2020, Section 3, Chapter 11,  
21 O.S.L. 2019, as amended by Section 6, Chapter 477,  
22 O.S.L. 2019, Section 4, Chapter 11, O.S.L. 2019,  
23 Section 6, Chapter 11, O.S.L. 2019, as amended by  
24 Section 7, Chapter 477, O.S.L. 2019, Section 7,  
Chapter 11, O.S.L. 2019, as amended by Section 5,  
Chapter 509, O.S.L. 2019, Section 9, Chapter 11,  
O.S.L. 2019, Section 10, Chapter 11, O.S.L. 2019, as  
amended by Section 2, Chapter 390, O.S.L. 2019,  
Section 11, Chapter 11, O.S.L. 2019, Section 13,  
Chapter 11, O.S.L. 2019, Section 14, Chapter 11,  
O.S.L. 2019, as last amended by Section 51, Chapter  
161, O.S.L. 2020, Section 16, Chapter 11, O.S.L.  
2019, Section 17, Chapter 11, O.S.L. 2019, as amended  
by Section 4, Chapter 312, O.S.L. 2019, Section 18,  
Chapter 11, O.S.L. 2019, Section 19, Chapter 11,  
O.S.L. 2019, Section 20, Chapter 11, O.S.L. 2019,  
Section 22, Chapter 11, O.S.L. 2019 and Section 23,  
Chapter 11, O.S.L. 2019, as amended by Section 11,  
Chapter 477, O.S.L. 2019 (63 O.S. Supp. 2020,  
Sections 427.2, 427.3, 427.4, 427.6, 427.7, 427.9,  
427.10, 427.11, 427.13, 427.14, 427.16, 427.17,  
427.18, 427.19, 427.20, 427.22 and 427.23), which  
relate to the Oklahoma Medical Marijuana and Patient  
Protection Act; replacing references to the State  
Department of Health with the Oklahoma Medical  
Marijuana Authority; modifying scope of certain  
definitions; deleting and adding certain definitions;

1 updating references to certain named act; adding and  
2 clarifying duties and functions of the Authority;  
3 requiring licensees to submit certain information;  
4 requiring licensees to submit samples or units to  
5 testing laboratories under certain circumstances;  
6 authorizing on-site inspections or investigations of  
7 medical marijuana businesses and certain facilities;  
8 authorizing the Authority to enter licensed premises  
9 and certain facilities; providing for post-licensure  
10 inspections; deleting notice requirement; providing  
11 for investigations and additional inspections under  
12 certain circumstances; authorizing the Executive  
13 Director of the Authority to prescribe certain  
14 penalties; defining term; authorizing the review of  
15 licensed medical marijuana waste disposal facility  
16 records; removing provision that allows licensees to  
17 secure legal representation prior to interviews  
18 conducted by the Authority; authorizing the  
19 suspension or revocation of business license for  
20 nonpayment of monetary penalties; providing penalties  
21 for grossly inaccurate or fraudulent reports;  
22 providing procedures for issuing certain written  
23 orders; authorizing the Authority to issue orders  
24 without notice or hearing under certain  
circumstances; requiring compliance with provisions  
of order; providing for the assessment of monetary  
penalties; affording opportunity to apply for a  
hearing after issuance of order; clarifying privacy  
requirements for handling records of licensed  
patients and caregivers; deleting references to  
certain federal act; authorizing the Authority to  
contact recommending physicians of applicants or  
licensees; expanding certain protections to  
podiatrists; providing for patient license  
revocation; allowing patients to request the  
withdrawal of a caregiver license; directing  
withdrawal of caregiver license without a hearing  
under certain circumstances; directing certain  
facilities to keep transaction records and utilize  
seed-to-sale tracking system; deleting inventory  
tracking recordkeeping requirement; adding medical  
marijuana wholesaler license; providing certain  
exception related to fees; modifying certain business  
licensing requirements by including medical marijuana  
research facility, education facility and waste  
disposal facility applicants and licensees; requiring  
criminal history background checks for license

1 renewals; modifying documentation requirement for  
2 proof of residency; providing exemption from  
3 residency requirement for certain medical marijuana  
4 business license applicants; modifying and deleting  
5 certain identification requirements; providing for  
6 the denial of business applications; prohibiting the  
7 issuance of medical marijuana research facility,  
8 education facility and waste disposal facility  
9 licenses to certain persons; removing requirement to  
10 consider additional information when considering  
11 criminal histories of business license applicants;  
12 clarifying manner by which the Authority may seek  
13 administrative action against applicants or  
14 licensees; modifying exemption to certain compliance  
15 requirement; requiring medical marijuana research  
16 facility, education facility and waste disposal  
17 facility licensees to pay licensure fees prior to  
18 receiving license; providing late renewal fee for  
19 reinstatement of licenses; making fee nonrefundable;  
20 prohibiting reinstatement of certain expired  
21 licenses; prohibiting medical marijuana businesses,  
22 medical marijuana research facilities, education  
23 facilities and waste disposal facilities from  
24 operating without a valid, unexpired license;  
providing for the issuance of transporter licenses to  
certain entities; providing construing provision;  
providing for the issuance of medical marijuana  
wholesaler licenses; modifying certain transporter  
and wholesaler requirements for contracting with  
other businesses, security, seed-to-sale tracking and  
warehousing products; deleting certain transporting  
requirements; prohibiting delivery to certain  
locations; reducing transporter agent license fee;  
providing for the reprint of licenses without charge;  
stating fee for subsequent license reprints;  
modifying and deleting certain qualifications for  
issuing transporter agent registry identification  
cards; deleting certain inventory manifest  
prohibition; increasing amount of time inventory  
manifests and logs shall be maintained; clarifying  
authorization of the Authority to develop certain  
practices and methods; removing requirement that  
prohibits indirect beneficial owners from owning a  
laboratory; narrowing scope of testing laboratory  
licenses; allowing laboratory licensees to conduct  
certain research; requiring laboratory licensees to  
comply with application requirements; authorizing

1 testing laboratories to accept samples from licensed  
2 medical marijuana research facilities and education  
3 facilities; allowing the testing of product to be  
4 conducted at testing laboratories for quality  
5 assurance purposes; directing the Authority to  
6 develop standards and policies for validation  
7 procedures; specifying type of batches and samples  
8 that must be identified and tracked by an inventory  
9 tracking system; providing for the immediate recall  
10 of certain products; increasing amount of time  
11 required for testing laboratories to retain test  
12 results; removing test batch weight limitation;  
13 removing harvest batch and production batch weight  
14 limitations; directing the Authority to establish  
15 regulations for determining batch sizes; increasing  
16 number of inspections required for testing  
17 laboratories after licensure; authorizing  
18 investigations and additional inspections under  
19 certain circumstances; modifying certain date;  
20 authorizing commercial growers to transfer certain  
21 product to processors under certain conditions;  
22 directing the Authority to establish process  
23 validation requirements; deleting and modifying  
24 certain labeling and packaging requirements; making  
payment of research license and education license  
fees annual; clarifying application process  
requirements for medical marijuana education facility  
licenses; authorizing revocation of licenses for  
violations of applicable laws, rules and regulations;  
specifying the type of records and information that  
are considered confidential and exempt from the  
Oklahoma Open Records Act; authorizing the Authority  
to share certain information with the Oklahoma Tax  
Commission; modifying name of entity that recommends  
rules to the Executive Director of the Authority;  
authorizing the Authority to appoint additional  
members to the Medical Marijuana Advisory Council;  
authorizing the Authority to tag or mark medical  
marijuana, medical marijuana concentrate and medical  
marijuana product under certain conditions;  
authorizing the Authority to embargo medical  
marijuana, medical marijuana concentrate and medical  
marijuana product; making the removal or disposal of  
embargoed medical marijuana, medical marijuana  
concentrate and medical marijuana product without  
permission unlawful; allowing the Executive Director  
of the Authority to institute actions in district

1 court for the condemnation and destruction of  
2 embargoed medical marijuana, medical marijuana  
3 concentrate and medical marijuana product that fails  
4 to meet certain requirements; providing for the  
5 removal of embargo after certain determination by the  
6 Executive Director; providing exemption from  
7 liability; providing for the destruction of medical  
8 marijuana, medical marijuana concentrate and medical  
9 marijuana product upon findings made by the court;  
10 requiring expenses associated with destruction, court  
11 costs and fees to be paid by owner or defendant;  
12 authorizing courts to order delivery of medical  
13 marijuana, medical marijuana concentrate and medical  
14 marijuana product to owner or defendant under certain  
15 circumstances; directing expenses for supervision be  
16 paid to the Authority by certain person; amending  
17 Sections 2, 3 and 4, Chapter 337, O.S.L. 2019 (63  
18 O.S. Supp. 2020, Sections 428.1, 429 and 430), which  
19 relate to the Oklahoma Medical Marijuana Waste  
20 Management Act; modifying scope of certain  
21 definitions; authorizing the destruction of marijuana  
22 roots and stalks; eliminating limit on number of  
23 licenses; deleting documentation requirements for  
24 entities that engage in the disposal of medical  
marijuana waste; removing requirement for entities to  
maintain disposal records for certain period of time;  
providing for the unlimited issuance of medical  
marijuana waste disposal licenses; clarifying manner  
by which distance requirements shall be measured for  
waste disposal facilities; removing alternative  
financial assurance option; providing for the annual  
issuance of permits; directing deposits into  
different fund; updating statutory citations;  
clarifying language; providing for codification; and  
declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, State Question No. 788,  
Initiative Petition No. 412, as last amended by Section 44, Chapter  
161, O.S.L. 2020 (63 O.S. Supp. 2020, 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~~ his or her person;

6 3. Legally possess ~~six~~ twelve mature marijuana plants;

7 4. ~~Legally possess six seedling plants;~~

8 ~~5.~~ Legally possess one (1) ounce or twenty-eight and three-  
9 tenths (28.3) grams of concentrated marijuana;

10 ~~6.~~ 5. Legally possess seventy-two (72) ounces or two thousand  
11 thirty-seven and six-tenths (2,037.6) grams of edible marijuana; and

12 ~~7.~~ 6. Legally possess up to eight (8) ounces or two hundred  
13 twenty-six and four-tenths (226.4) grams of marijuana in ~~their~~ his  
14 or her residence.

15 B. Possession of up to one and one-half (1.5) ounces or forty-  
16 two and forty-five one-hundredths (42.45) grams of marijuana by  
17 persons ~~who can state a medical condition, but are not in possession~~  
18 ~~of a state-issued~~ without a medical marijuana patient license, shall  
19 constitute a ~~misdemeanor~~ an offense not subject to imprisonment,  
20 punishable by a fine and court costs not to exceed Four Hundred  
21 Dollars (\$400.00) ~~and shall not be subject to imprisonment for the~~  
22 ~~offense.~~ Any law enforcement officer who comes in contact with a  
23 person in violation of this subsection ~~and who is satisfied as to~~  
24 shall verify the identity of the person, as well as any other



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

9 C. A regulatory office, to be known as the Oklahoma Medical  
10 Marijuana Authority, shall be established under the State Department  
11 of Health which shall receive applications for medical marijuana  
12 patient and caregiver license recipients, dispensaries, growers, and  
13 ~~packagers~~ processors within sixty (60) days of the passage of this  
14 initiative.

15 D. The ~~State~~ Department ~~of Health~~ shall, within thirty (30)  
16 days of passage of this initiative, make available on ~~its~~ the  
17 website, of the Oklahoma Medical Marijuana Authority in an easy-to-  
18 find location, an application for a medical marijuana patient  
19 license. The license shall be ~~good~~ valid for two (2) years. The  
20 biannual application fee shall be One Hundred Dollars (\$100.00), or  
21 Twenty Dollars (\$20.00) for veterans, as defined in Section 2 of  
22 Title 72 of the Oklahoma Statutes, with a disability rating at or in  
23 excess of fifty percent (50%) and individuals on Medicaid, Medicare  
24 or SoonerCare. The methods of payment shall be provided on the

1 ~~website of the Department.~~ Reprints of the medical marijuana  
2 patient license shall incur a fee of Twenty Dollars (\$20.00).

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

15 F. A temporary medical marijuana patient license application  
16 shall also be made available on the website of the ~~Department~~  
17 Authority for residents of other states. A temporary medical  
18 marijuana patient license shall be granted to ~~any medical marijuana~~  
19 ~~license holder from other states, provided that the state has a~~  
20 ~~state-regulated medical marijuana program, and the applicant can~~  
21 ~~prove he or she is a member of such program~~ applicants who meet all  
22 requirements applicable to medical marijuana patient license  
23 applicants prescribed by law or rule, except the residency  
24 requirement provided for in subsection G of this section. Temporary

1 medical marijuana patient licenses issued pursuant to this  
2 subsection shall be issued valid for thirty (30) one hundred twenty  
3 (120) days. The cost for a temporary medical marijuana patient  
4 license issued pursuant to this subsection shall be One Hundred  
5 Dollars (\$100.00). Renewal of the license shall be granted with  
6 resubmission of a new renewal application. Such renewal application  
7 shall not require a new physician recommendation unless:

8 1. One (1) year has elapsed from the date of the original  
9 physician recommendation; or

10 2. The originally submitted physician recommendation limited  
11 the recommendation to a specified time period of less than one (1)  
12 year.

13 No additional criteria shall be required. The Authority shall be  
14 authorized to promulgate rules related to the manner in which the  
15 Authority will extend a temporary medical marijuana patient license  
16 issued upon a renewal application as authorized by this subsection.

17 G. Medical marijuana patient license applicants shall submit  
18 ~~his or her~~ their applications to the ~~State Department of Health~~  
19 Authority for approval. The applicant shall be an Oklahoma state  
20 resident and shall prove residency by a valid driver license,  
21 utility bills, or ~~other accepted methods~~ by such other method as  
22 authorized by the Authority to verify residency.

23 H. The ~~State Department of Health~~ Authority shall review the  
24 medical marijuana patient license application; approve ~~or~~ reject

1 or deny the application~~7;~~ and mail the approval ~~or,~~ rejection or  
2 denial letter stating ~~any~~ the reasons for rejection or denial to the  
3 applicant within fourteen (14) business days of receipt of the  
4 application. Approved applicants shall be issued a medical  
5 marijuana patient license which shall act as proof of his or her  
6 approved status. Applications may only be rejected or denied based  
7 on the applicant not meeting stated criteria or improper completion  
8 of the application.

9 I. ~~The State Department of Health shall only keep the following~~  
10 ~~records for each approved medical marijuana license:~~

11 1. ~~A digital photograph of the license holder;~~

12 2. ~~The expiration date of the license;~~

13 3. ~~The county where the card was issued; and~~

14 4. ~~A unique 24-character identification number assigned to the~~  
15 ~~license.~~

16 J. ~~The State Department of Health~~ Authority shall make  
17 available, both on its website and through a telephone verification  
18 system, an easy method to validate the authenticity of the medical  
19 marijuana patient license by the unique ~~24-character~~ ten- to twenty-  
20 four-character identification number.

21 K. ~~J.~~ J. ~~The State Department of Health~~ Authority shall ensure  
22 that all ~~application~~ medical marijuana patient and caregiver records  
23 and information are sealed to protect the privacy of medical  
24 marijuana license applicants and such records shall not be shared

1 with any other state agency or political subdivision without a  
2 warrant issued by a court of competent jurisdiction.

3 ~~H.~~ K. A caregiver license shall be made available for qualified  
4 caregivers of a medical marijuana ~~license holder~~ patient licensee  
5 who is homebound. As provided in Section ~~11 of Enrolled House Bill~~  
6 ~~No. 2612~~ 427.11 of the ~~1st Session of the 57th Oklahoma Legislature~~  
7 this title, the caregiver license shall provide the caregiver the  
8 same rights as the medical marijuana patient licensee, including the  
9 ability to possess medical marijuana, medical marijuana products and  
10 mature and immature plants or cultivate medical marijuana pursuant  
11 to the Oklahoma Medical Marijuana and Patient Protection Act, but  
12 excluding the ability to use medical marijuana or medical marijuana  
13 products unless the caregiver has a medical marijuana patient  
14 license. ~~An applicant~~ All applicants for a caregiver license shall  
15 submit proof of the license status ~~and homebound status~~ of the  
16 medical marijuana patient and proof that the applicant is the  
17 designee of the medical marijuana patient. The applicant shall also  
18 submit proof that he or she is eighteen (18) years of age or older  
19 and proof of his or her Oklahoma residency. ~~This shall be the only~~  
20 ~~criteria for a caregiver license.~~ A licensed caregiver shall not  
21 cultivate medical marijuana for more than five medical marijuana  
22 patient licensees and shall not charge a medical marijuana patient  
23 licensee for cultivating medical marijuana in excess of the actual  
24 costs incurred in cultivating said medical marijuana.

1 ~~M.~~ L. All applicants for a medical marijuana patient license  
2 shall be eighteen (18) years of age or older. A special exception  
3 shall be granted to an applicant under the age of eighteen (18);  
4 however, these applications shall be signed by two physicians and  
5 the parent or legal guardian of the applicant.

6 ~~N.~~ M. All applications for a medical marijuana patient license  
7 shall be signed by an Oklahoma physician licensed by and in good  
8 standing with the State Board of Medical Licensure, the State Board  
9 of Osteopathic Examiners or the Board of Podiatric Medical  
10 Examiners. There are no qualifying conditions. A medical marijuana  
11 patient license ~~must~~ shall be recommended according to the accepted  
12 standards a reasonable and prudent physician would follow when  
13 recommending or approving any medication. No physician may be  
14 unduly stigmatized, penalized, subjected to discipline, sanctioned,  
15 reprimanded or harassed for signing a medical marijuana patient  
16 license application; provided, that the physician acted in  
17 accordance with the provisions of this subsection and all other  
18 rules governing the medical license of the physician in this state.

19 ~~O.~~ N. Counties ~~and,~~ cities and other political subdivisions in  
20 this state may enact medical marijuana guidelines allowing medical  
21 marijuana ~~license holders~~ patient licensees or ~~caregivers~~ caregiver  
22 licensees to exceed the state limits set forth in subsection A of  
23 this section. No county, city or other political subdivision in  
24 this state shall have the authority to charge any fee to a medical

1 marijuana patient licensee residing in its jurisdiction for the use  
2 of medical marijuana or for the cultivation of medical marijuana by  
3 a medical marijuana patient licensee or caregiver licensee as  
4 authorized herein.

5 SECTION 2. AMENDATORY Section 2, State Question No. 788,  
6 Initiative Petition No. 412 (63 O.S. Supp. 2020, Section 421), is  
7 amended to read as follows:

8 Section 421. A. The ~~Oklahoma~~ State Department of Health shall,  
9 within thirty (30) days of passage of this initiative, make  
10 available~~r~~ on ~~their~~ the website~~r~~ of the Oklahoma Medical Marijuana  
11 Authority in an easy-to-find location~~r~~ an application for a medical  
12 marijuana dispensary license. The application fee shall be Two  
13 Thousand Five Hundred Dollars (\$2,500.00) ~~and a.~~ A method of  
14 payment ~~will~~ shall be provided on the website of the Authority.  
15 ~~Retail~~ Dispensary applicants must all be ~~Oklahoma state~~ residents of  
16 Oklahoma. Any entity applying for a ~~retail~~ dispensary license must  
17 be owned by an Oklahoma ~~state~~ resident and must be registered to do  
18 business in Oklahoma. The ~~Oklahoma State Department of Health~~  
19 Authority shall have ~~two (2) weeks~~ ninety (90) business days to  
20 review the application~~r~~; approve ~~or~~ reject or deny the  
21 application~~r~~; and mail the ~~approval/rejection~~ approval, rejection or  
22 denial letter ~~(if rejected, stating the reasons for rejection)~~ or  
23 denial to the applicant.

24

1 B. ~~The Oklahoma State Department of Health must~~ Authority shall  
2 approve all applications which meet the following criteria:

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

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

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

9 4. An applying entity may show ownership of non-Oklahoma  
10 residents, but that percentage ownership may not exceed ~~twenty-five~~  
11 ~~percent (25%)~~ forty-nine percent (49%);

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

14 6. All applicants must disclose all ownership ~~+~~ interests in the  
15 dispensary.

16 7. ~~Applicant(s)~~ Applicants with ~~only~~ a nonviolent felony  
17 ~~conviction(s)~~ conviction in the last two (2) years, any other felony  
18 conviction in ~~5 (years)~~ the last five (5) years, inmates in the  
19 custody of the Department of Corrections, or any person currently  
20 incarcerated ~~may~~ shall not qualify for a medical marijuana  
21 dispensary license.

22 C. ~~Retailers will~~ Licensed medical marijuana dispensaries  
23 shall, in the manner and form prescribed by the Authority, be  
24 required to complete a monthly sales report to the ~~Oklahoma~~



1 ~~Department of Health Authority.~~ This report ~~will~~ shall be due on  
2 the ~~15th~~ fifteenth of each month and provide reporting on the  
3 previous month. This report ~~will~~ shall detail the weight of  
4 marijuana purchased at wholesale and the weight of marijuana sold to  
5 ~~card holders,~~ licensed medical marijuana patients and licensed  
6 medical marijuana caregivers and account for any waste. The report  
7 ~~will~~ shall show total sales in dollars, tax collected in dollars,  
8 and tax due in dollars. The ~~Oklahoma State Department of Health~~  
9 ~~will~~ Authority shall have oversight and auditing responsibilities to  
10 ensure that all marijuana being ~~grown~~ sold is accounted for.—A  
11 ~~retailer will only be subject to a penalty if a gross discrepancy~~  
12 ~~exists and cannot be explained. Penalties for fraudulent reporting~~  
13 ~~occurring within any 2 year time period will be an initial fine of~~  
14 ~~Five Thousand Dollars (\$5,000.00) (first) and revocation of~~  
15 ~~licensing (second).~~

16 D. Only a licensed medical marijuana ~~retailer may~~ dispensary  
17 shall conduct retail sales of marijuana, or marijuana derivatives in  
18 the form provided by licensed processors, and these products ~~can~~  
19 shall only be sold to a medical marijuana ~~license holder~~ patient  
20 licensees or ~~their caregiver.~~ ~~Penalties for fraudulent sales~~  
21 ~~occurring within any 2 year time period will be an initial fine of~~  
22 ~~Five Thousand Dollars (\$5,000.00) (first) and revocation of~~  
23 ~~licensing (second)~~ caregiver licensees. Beginning on the effective  
24 date of this act, licensed medical marijuana dispensaries shall be

1 authorized to package and sell pre-rolled marijuana to medical  
2 marijuana patient licensees and caregiver licensees. The products  
3 described in this subsection shall contain only the ground parts of  
4 the marijuana plant and shall not include concentrates, hash or  
5 derivatives. These products shall be tested, packaged and labeled  
6 in accordance with Oklahoma law and rules promulgated by the  
7 Authority.

8 SECTION 3. AMENDATORY Section 3, State Question No. 788,  
9 Initiative Petition No. 412 (63 O.S. Supp. 2020, Section 422), is  
10 amended to read as follows:

11 Section 422. A. The ~~Oklahoma~~ State Department of Health ~~will~~  
12 shall, within thirty (30) days of passage of this initiative, make  
13 ~~available,~~ on their the website, of the Oklahoma Medical Marijuana  
14 Authority in an easy-to-find location, ~~an application for a~~  
15 commercial grower license. The application fee ~~will~~ shall be Two  
16 Thousand Five Hundred Dollars (\$2,500.00) ~~and methods.~~ A method of  
17 payment ~~will~~ shall be provided on the website of the Authority. The  
18 ~~Oklahoma State Department of Health has two (2) weeks~~ Authority  
19 shall have ninety (90) business days to review the application,  
20 ~~approve or,~~ reject or deny the application, ~~and mail the~~  
21 ~~approval/rejection~~ approval, rejection or denial letter ~~(if~~  
22 ~~rejected, stating reasons for rejection)~~ stating the reasons for  
23 rejection or denial to the applicant.

1 B. ~~The Oklahoma State Department of Health must~~ Authority shall  
2 approve all applications which meet the following criteria:

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

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

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

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

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

14 6. All applicants must disclose all ownership ~~interests~~ interests in the  
15 commercial grower operation.

16 7. ~~Applicant(s)~~ Applicants with ~~only~~ a nonviolent felony  
17 ~~conviction(s)~~ conviction in the last two (2) years, any other felony  
18 conviction in ~~5 (years)~~ the last five (5) years, inmates in the  
19 custody of the Department of Corrections, or any person currently  
20 incarcerated ~~may~~ shall not qualify for a commercial grower license.

21 C. 1. A licensed commercial grower may sell marijuana to a  
22 licensed ~~retailer,~~ commercial grower, licensed dispensary or a  
23 licensed ~~packager~~ processor.

1        2. Beginning on the effective date of this act, licensed  
2 commercial growers shall be authorized to package and sell pre-  
3 rolled marijuana containing only ground parts of the marijuana  
4 plant, excluding any concentrates, hash or derivatives, to licensed  
5 medical marijuana dispensaries. Further, these

6        3. All sales will by a licensed commercial grower shall be  
7 considered wholesale sales and shall not be subject to taxation.

8        4. Under no circumstances may a licensed commercial grower sell  
9 marijuana directly to a medical marijuana license holder patient  
10 licensee or caregiver licensee. A licensed commercial grower may  
11 only sell at the wholesale level to a licensed retailer commercial  
12 grower, licensed dispensary, or a licensed processor. If the  
13 federal government lifts restrictions on buying and selling  
14 marijuana between states, then a licensed commercial grower would  
15 shall be allowed to sell and buy marijuana wholesale from, or to, an  
16 out-of-state wholesale provider. The Authority shall promulgate  
17 rules to govern the sale of medical marijuana across state lines  
18 within thirty (30) days of becoming federally legal to do so.

19        5. A licensed Licensed commercial grower will be required to  
20 growers shall, in the manner and form prescribed by the Authority,  
21 complete a monthly yield and sales report to the Oklahoma Department  
22 of Health Authority. This report will shall be due on the 15th  
23 fifteenth of each month and provide reporting on the previous month.  
24 This The report will shall, among other items prescribed by the

1 Authority, detail the amount of marijuana harvested ~~in pounds~~, the  
2 amount of drying or dried marijuana on hand, the amount of marijuana  
3 sold ~~to processors in pounds~~, the amount of waste ~~in pounds~~, and the  
4 amount of marijuana sold to retailers in lbs. ~~Additionally, this~~  
5 ~~report will show~~ and total wholesale sales in dollars. The ~~Oklahoma~~  
6 ~~State Department of Health will~~ Authority shall have oversight and  
7 auditing responsibilities to ensure that all marijuana being grown  
8 by the licensed commercial grower is accounted for. ~~A licensed~~  
9 ~~grower will only be subject to a penalty if a gross discrepancy~~  
10 ~~exists and cannot be explained. Penalties for fraudulent reporting~~  
11 ~~or sales occurring within any 2 year time period will be an initial~~  
12 ~~fine of Five Thousand Dollars (\$5,000.00) (first) and revocation of~~  
13 ~~licensing (second).~~

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

16 SECTION 4. AMENDATORY Section 4, State Question No. 788,  
17 Initiative Petition No. 412 (63 O.S. Supp. 2020, Section 423), is  
18 amended to read as follows:

19 Section 423. A. The ~~Oklahoma~~ State Department of Health shall,  
20 within thirty (30) days of passage of this initiative, make  
21 available~~7~~ on ~~their~~ the website~~7~~, of the Oklahoma Medical Marijuana  
22 Authority in an easy-to-find location~~7~~, an application for a medical  
23 marijuana processing license. The application fee shall be Two  
24 Thousand Five Hundred Dollars (\$2,500.00) ~~and methods~~. A method of

1 payment ~~will~~ shall be provided on the website of the Authority. The  
2 ~~Oklahoma State Department of Health Authority~~ shall have ~~two (2)~~  
3 ~~weeks~~ ninety (90) business days to review the application~~;~~ approve  
4 ~~or,~~ reject or deny the application~~;~~ and mail the ~~approval/rejection~~  
5 approval, rejection or denial letter ~~(if rejected,~~ stating the  
6 ~~reasons for rejection)~~ or denial to the applicant.

7 B. The ~~Oklahoma State Department of Health~~ Authority shall  
8 approve all applications which meet the following criteria:

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

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

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

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

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

20 6. All applicants must disclose all ownership~~;~~ interests in the  
21 processing operation.

22 7. ~~Applicant(s)~~ Applicants with ~~only~~ a nonviolent felony  
23 ~~conviction(s)~~ conviction in the last two (2) years, any other felony  
24 conviction in ~~5 (years)~~ the last five (5) years, inmates in the

1 custody of the Department of Corrections, or any person currently  
2 incarcerated ~~may~~ shall not qualify for a medical marijuana  
3 processing license.

4 C. 1. A licensed processor may ~~take marijuana plants and~~  
5 distill or process ~~these~~ marijuana plants into concentrates,  
6 edibles~~,~~ and other forms for consumption.

7 2. As required by subsection D of this section, the ~~Oklahoma~~  
8 ~~State Department of Health will~~ Authority shall, within sixty (60)  
9 days of passage of this initiative, make available a set of  
10 standards which ~~will~~ shall be used by licensed processors in the  
11 preparation of edible marijuana products. This should be in line  
12 with current food preparation guidelines ~~and no.~~ No excessive or  
13 punitive rules may be established by the ~~Oklahoma State Department~~  
14 ~~of Health~~ Authority.

15 3. ~~Once a~~ Up to two times per year, the ~~Oklahoma State~~  
16 ~~Department of Health~~ Authority may inspect a processing operation  
17 and determine its compliance with the preparation standards. If any  
18 deficiencies are found, a written report of ~~deficiency will~~ the  
19 deficiencies shall be issued to the processor. The processor ~~will~~  
20 shall have ~~one (1) month~~ thirty (30) business days to correct the  
21 ~~deficiency~~ deficiencies or be subject to a fine of Five Hundred  
22 Dollars (\$500.00) for each deficiency.

23 4. A licensed medical marijuana processor may sell marijuana  
24 products it creates to a licensed ~~retailer,~~ medical marijuana

1 dispensary or any other licensed medical marijuana processor.  
2 ~~Further, these~~ All sales will by a licensed medical marijuana  
3 processor shall be considered wholesale sales and shall not be  
4 subject to taxation. A licensed medical marijuana processor shall  
5 not be required to obtain an Oklahoma sales tax permit in order to  
6 apply for or renew a medical marijuana processor license.

7 5. Under no circumstances may a licensed medical marijuana  
8 processor sell medical marijuana, or any medical marijuana product,  
9 directly to a medical marijuana license holder patient licensee or  
10 caregiver licensee. However, a licensed processor may process  
11 ~~cannabis~~ marijuana into a concentrated form, for a medical license  
12 ~~holder,~~ marijuana patient licensee or caregiver licensee for a fee  
13 and such fee shall constitute a service that shall not be subject to  
14 any sales tax or excise tax. Processors will be required to

15 6. Licensed medical marijuana processors shall, in the manner  
16 and form prescribed by the Authority, complete a monthly yield and  
17 sales report to the Oklahoma State Department of Health Authority.  
18 This report ~~will~~ shall be due on the ~~15th~~ fifteenth of each month  
19 and shall provide reporting on the previous month. ~~This~~ The report  
20 ~~will~~ shall detail the amount of medical marijuana and medical  
21 marijuana products purchased in pounds, the amount of marijuana  
22 cooked or processed in pounds, and the amount of waste in pounds.  
23 Additionally, this report ~~will~~ shall show total wholesale sales in  
24 dollars. ~~The Oklahoma State Department of Health will~~ Authority



1 shall have oversight and auditing responsibilities to ensure that  
2 all marijuana being ~~grown~~ processed is accounted for. ~~A licensed~~  
3 ~~processor will only be subject to a penalty if a gross discrepancy~~  
4 ~~exists and cannot be explained. Penalties for fraudulent reporting~~  
5 ~~occurring within any 2 year time period will be an initial fine of~~  
6 ~~Five Thousand Dollars (\$5,000.00) (first) and revocation of~~  
7 ~~licensing (second).~~

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

23 E. ~~If it becomes permissible, under federal law, marijuana may~~  
24 ~~be moved across state lines.~~

1       ~~F.~~ Any device used for the processing or consumption of medical  
2 marijuana shall be considered legal to be sold, manufactured,  
3 distributed, and possessed. No merchant, wholesaler, manufacturer,  
4 or individual may ~~unduly~~ be unduly harassed, cited or prosecuted for  
5 selling, manufacturing, or ~~possession of medical~~ possessing  
6 marijuana paraphernalia.

7       SECTION 5.       AMENDATORY       Section 6, State Question No. 788,  
8 Initiative Petition No. 412, as last amended by Section 46, Chapter  
9 161, O.S.L. 2020 (63 O.S. Supp. 2020, Section 425), is amended to  
10 read as follows:

11       Section 425. A. No school or landlord may refuse to enroll or  
12 lease to and may not otherwise penalize a person solely for his or  
13 her status as a medical marijuana ~~license holder~~ patient licensee,  
14 unless failing to do so would cause the school or landlord the  
15 potential to lose a monetary or licensing-related benefit under  
16 federal law or regulations.

17       B. Unless a failure to do so would cause an employer the  
18 potential to lose a monetary or licensing-related benefit under  
19 federal law or regulations, an employer may not discriminate against  
20 a person in hiring, termination or imposing any term or condition of  
21 employment or otherwise penalize a person based upon ~~either:~~

22       1. ~~The~~ the status of the person as a medical marijuana ~~license~~  
23 ~~holder~~ patient licensee; ~~or~~

24

1       2. ~~Employers~~ provided, however, employers may take action  
2 against a ~~holder of a~~ medical marijuana ~~license~~ patient licensee if  
3 the ~~holder~~ licensee uses or possesses marijuana while in his or her  
4 place of employment or during the hours of employment. Employers  
5 may not take action against the ~~holder of a~~ medical marijuana  
6 ~~license~~ patient licensee solely based upon the status of an employee  
7 as a medical marijuana ~~license holder~~ patient licensee or the  
8 results of a drug test showing positive for marijuana or its  
9 components.

10       C. For the purposes of medical care, including organ  
11 transplants, the authorized use of marijuana by a medical marijuana  
12 ~~license holder~~ patient licensee shall be considered the equivalent  
13 of the use of any other medication under the direction of a  
14 physician and does not constitute the use of an illicit substance or  
15 otherwise disqualify a registered qualifying patient from medical  
16 care.

17       D. No medical marijuana ~~license holder~~ patient licensee may be  
18 denied custody of ~~or~~ visitation or parenting time with a minor  
19 child, and there is no presumption of neglect or child endangerment  
20 for conduct allowed under this law, unless, by clear and convincing  
21 evidence, it is established that the behavior of the ~~person~~ medical  
22 marijuana patient licensee creates ~~an unreasonable danger~~ a risk of  
23 irreparable harm to the ~~safety of the~~ minor child.

1 E. No person ~~holding~~ who possesses a medical marijuana patient  
2 license may ~~unduly be withheld from holding~~ be denied or restricted  
3 from holding a state-issued license by virtue of their being a  
4 licensed medical marijuana ~~license holder~~ patient including, but not  
5 limited to, a concealed carry permit.

6 F. 1. No city or ~~local municipality~~ political subdivision in  
7 this state may unduly change or restrict zoning laws to prevent the  
8 opening of a ~~retail marijuana establishment~~ medical marijuana  
9 business. Any city or political subdivision in this state enacting  
10 zoning requirements related to a medical marijuana business shall  
11 treat such business as it does other businesses lawfully engaged in  
12 similar business activities; provided, however, the city or  
13 political subdivision may restrict medical marijuana dispensaries  
14 opening after September 1, 2021, from being located within one  
15 thousand (1,000) feet of an existing medical marijuana dispensary.

16 2. ~~For purposes of this subsection, an undue change or~~  
17 ~~restriction of municipal zoning laws means an act which entirely~~  
18 ~~prevents retail marijuana establishments from operating within~~  
19 ~~municipal boundaries as a matter of law. Municipalities~~ Except as  
20 provided in paragraph 1 of this subsection, cities and political  
21 subdivisions may follow their standard planning and zoning  
22 procedures to determine if certain zones or districts would be  
23 appropriate for locating marijuana-licensed premises, medical  
24 marijuana businesses or any other premises where marijuana or its

1 by-products are cultivated, grown, processed, stored or  
2 manufactured.

3 ~~3. For purposes of this section, "retail marijuana~~  
4 ~~establishment" means an entity licensed by the State Department of~~  
5 ~~Health as a medical marijuana dispensary. Retail marijuana~~  
6 ~~establishment does not include those other entities licensed by the~~  
7 ~~Department as marijuana licensed premises, medical marijuana~~  
8 ~~businesses or other facilities or locations where marijuana or any~~  
9 ~~product containing marijuana or its by-products are cultivated,~~  
10 ~~grown, processed, stored or manufactured.~~

11 G. The location of any ~~retail marijuana establishment~~ medical  
12 marijuana dispensary is specifically prohibited within one thousand  
13 (1,000) feet of any public or private school ~~entrance~~ unless the  
14 dispensary was granted a medical marijuana dispensary license by the  
15 Oklahoma Medical Marijuana Authority for that location prior to the  
16 effective date of this act. Upon the effective date of this act,  
17 the distance indicated in this subsection shall be measured from the  
18 nearest property line of the public or private school to the nearest  
19 property line of the dispensary. If a public or private school is  
20 established within one thousand (1,000) feet of a medical marijuana  
21 dispensary after such dispensary has been licensed, the provisions  
22 of this section shall not be a deterrent to the renewal of such  
23 license or warrant revocation of the license.

24

1 H. Research shall be provided for under this law. A researcher  
2 may apply to the ~~State Department of Health~~ Authority for a special  
3 research license. The research license shall be granted, provided  
4 the applicant meets the criteria ~~listed under subsection B of~~  
5 ~~Section 421 of this title~~ provided for in the Oklahoma Medical  
6 Marijuana and Patient Protection Act. Research ~~license holders~~  
7 licensees shall be required to file monthly consumption reports to  
8 the ~~State Department of Health~~ Authority with amounts of marijuana  
9 used for research. Biomedical and clinical research which is  
10 subject to federal regulations and institutional oversight shall not  
11 be subject to ~~State Department of Health~~ oversight by the Authority.

12 SECTION 6. AMENDATORY Section 7, State Question No. 788,  
13 Initiative Petition No. 412 (63 O.S. Supp. 2020, Section 426), is  
14 amended to read as follows:

15 Section 426. A. 1. The tax on retail medical marijuana sales  
16 ~~will~~ shall be established at seven percent (7%) of the gross amount  
17 received by the seller.

18 2. All veterans, as defined in Section 2 of Title 72 of the  
19 Oklahoma Statutes, with a disability rating of twenty-five percent  
20 (25%) or more may apply to the Oklahoma Tax Commission for a medical  
21 marijuana excise tax waiver. Upon receipt of the application and  
22 verification of the disability status of the veteran, the Oklahoma  
23 Tax Commission shall issue an exception authorization to the  
24 Oklahoma Medical Marijuana Authority which shall note on the license

1 of the medical marijuana patient that he or she is not required to  
2 pay any excise tax on the purchase of medical marijuana. The  
3 Oklahoma Tax Commission and Oklahoma Medical Marijuana Authority are  
4 hereby authorized to promulgate any rules necessary to implement the  
5 provisions of this paragraph.

6 B. ~~This~~ The excise tax ~~will~~ shall be collected at the point of  
7 sale. ~~Tax proceeds will be applied primarily to finance the~~  
8 ~~regulatory office.~~

9 C. If proceeds from the levy authorized by subsection A of this  
10 section exceed the budgeted amount for running the ~~regulatory office~~  
11 Oklahoma Medical Marijuana Authority, any surplus shall be  
12 apportioned with seventy-five percent (75%) going to the General  
13 Revenue Fund ~~and may only be expended for common education. Twenty-~~  
14 ~~five percent (25%) shall be apportioned to the Oklahoma State~~  
15 ~~Department of Health and earmarked for drug and alcohol~~  
16 ~~rehabilitation and prevention.~~

17 SECTION 7. AMENDATORY Section 4, Chapter 509, O.S.L.  
18 2019 (63 O.S. Supp. 2020, Section 426.1), is amended to read as  
19 follows:

20 Section 426.1 A. ~~Except for revocation hearings concerning~~  
21 ~~licensed patients, as defined in Section 2 of Enrolled House Bill~~  
22 ~~No. 2612 of the 1st Session of the 57th Oklahoma Legislature, all~~  
23 All licensure revocation hearings conducted pursuant to marijuana  
24 licenses established in the Oklahoma Statutes shall be recorded. A

1 party may request a copy of the recording of the proceedings.  
2 Copies shall be provided to local law enforcement if the revocation  
3 was based on alleged criminal activity.

4 B. ~~The State Department of Health~~ Oklahoma Medical Marijuana  
5 Authority shall assist any law enforcement officer in the  
6 performance of his or her duties upon such request by the law  
7 enforcement officer or the request of other local officials having  
8 jurisdiction. Except for license information concerning ~~licensed~~  
9 medical marijuana patients and caregivers, as defined in Section ~~2~~  
10 427.2 of ~~Enrolled House Bill No. 2612 of the 1st Session of the 57th~~  
11 ~~Oklahoma Legislature~~ this title, the ~~Department~~ Authority shall  
12 share information with law enforcement agencies upon request without  
13 a subpoena or search warrant.

14 C. ~~The State Department of Health~~ Authority shall make  
15 available all information displayed on a medical marijuana licenses  
16 business license and medical marijuana transporter agent license, as  
17 well as whether or not the business or transporter agent license is  
18 valid, to law enforcement electronically through ~~the Oklahoma Law~~  
19 ~~Enforcement Telecommunications System~~ an online verification system.

20 D. The ~~Department~~ Authority shall make available to Oklahoma  
21 state agencies and political subdivisions a list of marijuana-  
22 licensed premises, medical marijuana businesses or any other  
23 premises where marijuana or its by-products are licensed to be  
24 cultivated, grown, processed, stored or manufactured by a medical



1 marijuana business to aid ~~county and municipal governments~~ Oklahoma  
2 state agencies and political subdivisions in identifying locations  
3 within their ~~jurisdiction~~ jurisdictions and ~~ensure~~ ensuring  
4 compliance with ~~local~~ applicable laws, rules and regulations.

5 E. ~~All~~ If located within the incorporated boundaries of any  
6 municipality, all marijuana-licensed premises, medical marijuana  
7 businesses or any other premises where marijuana or its by-products  
8 are licensed to be cultivated, grown, processed, stored or  
9 manufactured shall submit with ~~their~~ the application or request to  
10 change location, after notifying the ~~political subdivision~~  
11 municipality of their intent, a certificate of compliance from the  
12 ~~political subdivision~~ municipality where the facility of the  
13 applicant or ~~use~~ licensee is to be located, and its intended use,  
14 certifying compliance with zoning classifications, applicable  
15 municipal ordinances and all applicable safety, electrical, fire,  
16 plumbing, waste, construction and building specification codes.  
17 Once a certificate of compliance has been submitted to the Oklahoma  
18 Medical Marijuana Authority showing full compliance as outlined in  
19 this section, no additional certificate of compliance shall be  
20 required for license renewal unless a change of use or occupancy  
21 occurs, or there is any change concerning the facility or location  
22 that would by law require additional inspection, licensure or  
23 permitting by the state or municipality.

24

1 SECTION 8. AMENDATORY Section 2, Chapter 11, O.S.L.  
2 2019, as last amended by Section 48, Chapter 161, O.S.L. 2020 (63  
3 O.S. Supp. 2020, Section 427.2), is amended to read as follows:

4 Section 427.2 As used in ~~this act~~ the Oklahoma Medical  
5 Marijuana and Patient Protection Act:

6 1. "Advertising" means the act of providing consideration for  
7 the publication, dissemination, solicitation, or circulation<sup>7</sup> of  
8 visual, oral, or written communication to induce directly or  
9 indirectly any person to patronize a particular medical marijuana  
10 business, or to purchase particular medical marijuana or a medical  
11 marijuana product. Advertising includes marketing, but does not  
12 include packaging and labeling;

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

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

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

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

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

23 a. designed or constructed to be significantly difficult  
24 for children under five (5) years of age to open and

1 not difficult for normal adults to use properly as  
2 defined by 16 C.F.R. 1700.15 (1995) and 16 C.F.R.  
3 1700.20 (1995),

4 b. opaque so that the outermost packaging does not allow  
5 the product to be seen without opening the packaging  
6 material, and

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

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

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

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

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

22 11. "Director" means the Executive Director of the Oklahoma  
23 Medical Marijuana Authority;

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

6 13. "Dispensary" means a medical marijuana dispensary, an  
7 entity that has been licensed by the ~~Department~~ Authority pursuant  
8 to ~~this act~~ the Oklahoma Medical Marijuana and Patient Protection  
9 Act to purchase medical marijuana or medical marijuana products from  
10 a licensed medical marijuana commercial grower or licensed medical  
11 marijuana processor, to prepare and package pre-rolls, and to sell  
12 medical marijuana or medical marijuana products to licensed patients  
13 and caregivers as defined ~~under~~ in this act section, or sell or  
14 transfer products to another licensed dispensary;

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

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

22 16. "Flower" means the reproductive organs of the marijuana or  
23 cannabis plant referred to as the bud or parts of the plant that are  
24

1 harvested and used ~~to consume~~ for consumption in a variety of  
2 medical marijuana products;

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

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

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

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

24

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

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

11 ~~21.~~ 20. "Harvested marijuana" means post-flowering medical  
12 marijuana not including trim, concentrate or waste;

13 ~~22.~~ 21. "Heat- or pressure-based medical marijuana concentrate"  
14 means a medical marijuana concentrate that was produced by  
15 extracting cannabinoids from medical marijuana through the use of  
16 heat or pressure;

17 ~~23.~~ 22. "Immature plant" means a nonflowering marijuana plant  
18 that has not demonstrated signs of flowering;

19 ~~24.~~ 23. "Inventory tracking system" means the required tracking  
20 system that accounts for the entire life span of medical marijuana  
21 ~~from either the seed or immature plant stage until the medical~~  
22 ~~marijuana or~~ and ~~medical marijuana product is sold to a patient at a~~  
23 ~~medical marijuana dispensary, transferred to a medical marijuana~~  
24 ~~research facility, destroyed by a medical marijuana business or used~~

1 ~~in a research project by a medical marijuana research facility~~  
2 products, including any testing samples thereof and medical  
3 marijuana waste;

4 ~~25.~~ 24. "Licensed patient" or "patient" means a person who has  
5 been issued a medical marijuana patient license by the ~~State~~  
6 ~~Department of Health or~~ Oklahoma Medical Marijuana Authority;

7 ~~26.~~ 25. "Licensed premises" means the premises specified in an  
8 application for a medical marijuana business license, medical  
9 marijuana research facility license or medical marijuana education  
10 facility license pursuant to ~~this act~~ the Oklahoma Medical Marijuana  
11 and Patient Protection Act that are owned or in possession of the  
12 licensee and within which the licensee is authorized to cultivate,  
13 manufacture, distribute, sell, store, transport, test or research  
14 medical marijuana or medical marijuana products in accordance with  
15 the provisions of ~~this act~~ the Oklahoma Medical Marijuana and  
16 Patient Protection Act and rules promulgated pursuant thereto;

17 ~~27.~~ 26. "Manufacture" means the production, propagation,  
18 compounding or processing of a medical marijuana product, excluding  
19 marijuana plants, either directly or indirectly by extraction from  
20 substances of natural or synthetic origin, or independently by means  
21 of chemical synthesis, or by a combination of extraction and  
22 chemical synthesis;

23 ~~28.~~ 27. "Marijuana" shall not include seeds but shall otherwise  
24 have the same meaning as such term is defined in Section 2-101 of

1 ~~Title 63 of the Oklahoma Statutes~~ this title and shall also include  
2 any plant or material containing delta-8 or delta-10  
3 tetrahydrocannabinol which is not grown, processed or sold pursuant  
4 to the provisions of the Oklahoma Industrial Hemp Program;

5 ~~29.~~ 28. "Material change" means any change that would ~~require a~~  
6 ~~substantive revision to the standard operating procedures of a~~  
7 affect the qualifications for licensure of an applicant or licensee  
8 ~~for the cultivation or production of medical marijuana, medical~~  
9 ~~marijuana concentrate or medical marijuana products;~~

10 ~~30.~~ 29. "Mature plant" means a harvestable female marijuana  
11 plant that is flowering;

12 ~~31.~~ 30. "Medical marijuana business (MMB)" means a licensed  
13 medical marijuana dispensary, medical marijuana processor, medical  
14 marijuana commercial grower, medical marijuana laboratory, medical  
15 marijuana business operator, medical marijuana wholesaler or a  
16 medical marijuana transporter;

17 ~~32.~~ 31. "Medical marijuana concentrate" or "concentrate" means  
18 a specific subset of medical marijuana that was produced by  
19 extracting cannabinoids from medical marijuana. Categories of  
20 medical marijuana concentrate include water-based medical marijuana  
21 concentrate, food-based medical marijuana concentrate, solvent-based  
22 medical marijuana concentrate, and heat- or pressure-based medical  
23 marijuana concentrate;

24



1       ~~33.~~ 32. "Medical marijuana commercial grower" or "commercial  
2 grower" means an entity licensed to cultivate, prepare and package  
3 medical marijuana, package pre-rolled marijuana, and transfer or  
4 contract for the transfer of medical marijuana and pre-rolled  
5 marijuana to a medical marijuana dispensary, medical marijuana  
6 processor, any other medical marijuana commercial grower, medical  
7 marijuana research facility, or medical marijuana education facility  
8 ~~and pesticide manufacturers.~~ A commercial grower may sell seeds,  
9 flower or clones to commercial growers pursuant to ~~this act~~ the  
10 Oklahoma Medical Marijuana and Patient Protection Act;

11       ~~34.~~ 33. "Medical marijuana education facility" or "education  
12 facility" means a person or entity approved pursuant to ~~this act~~ the  
13 Oklahoma Medical Marijuana and Patient Protection Act to operate a  
14 facility providing training and education to individuals involving  
15 the cultivation, growing, harvesting, curing, preparing, packaging  
16 or testing of medical marijuana, or the production, manufacture,  
17 extraction, processing, packaging or creation of medical-marijuana-  
18 infused products or medical marijuana products as described in ~~this~~  
19 ~~act~~ the Oklahoma Medical Marijuana and Patient Protection Act;

20       ~~35.~~ 34. "Medical-marijuana-infused product" means a product  
21 infused with medical marijuana including, but not limited to, edible  
22 products, ointments and tinctures, except pre-rolled marijuana that  
23 does not contain medical marijuana concentrate shall not constitute  
24 a medical-marijuana-infused product;

1       ~~36.~~ 35. "Medical marijuana product" or "product" means a  
2 product that contains cannabinoids that have been extracted from  
3 plant material or the resin therefrom by physical or chemical means  
4 and is intended for administration to a qualified patient including,  
5 but not limited to, oils, tinctures, edibles, pills, topical forms,  
6 gels, creams, vapors, patches, liquids, and forms administered by a  
7 nebulizer, excluding live plant forms which are considered medical  
8 marijuana;

9       ~~37.~~ 36. "Medical marijuana processor" means a person or entity  
10 licensed pursuant to ~~this act~~ the Oklahoma Medical Marijuana and  
11 Patient Protection Act to operate a business including the  
12 production, manufacture, extraction, processing, packaging or  
13 creation of concentrate, medical-marijuana-infused products or  
14 medical marijuana products as described in ~~this act~~ the Oklahoma  
15 Medical Marijuana and Patient Protection Act;

16       ~~38.~~ 37. "Medical marijuana research facility" or "research  
17 facility" means a person or entity approved pursuant to ~~this act~~ the  
18 Oklahoma Medical Marijuana and Patient Protection Act to conduct  
19 medical marijuana research. A medical marijuana research facility  
20 is not a medical marijuana business;

21       ~~39.~~ 38. "Medical marijuana testing laboratory" or "laboratory"  
22 means a public or private laboratory licensed pursuant to ~~this act~~,  
23 the Oklahoma Medical Marijuana and Patient Protection Act to conduct  
24

1 testing and research on medical marijuana and medical marijuana  
2 products;

3 ~~40.~~ 39. "Medical marijuana transporter" or "transporter" means  
4 a person or entity that is licensed pursuant to ~~this act~~ the  
5 Oklahoma Medical Marijuana and Patient Protection Act. A medical  
6 marijuana transporter does not include a medical marijuana business  
7 that transports its own medical marijuana, medical marijuana  
8 concentrate or medical marijuana products to a property or facility  
9 adjacent to or connected to the licensed premises if the property is  
10 another licensed premises of the same medical marijuana business;

11 ~~41.~~ 40. "Medical marijuana waste" or "waste" means unused,  
12 surplus, returned or out-of-date marijuana, plant debris of the  
13 plant of the genus Cannabis, including dead plants and all unused  
14 plant parts and roots, except the term shall not include roots,  
15 stems, stalks and fan leaves;

16 41. "Medical marijuana wholesaler" or "wholesaler" means an  
17 entity licensed by the Oklahoma Medical Marijuana Authority to  
18 acquire, possess, sell and distribute medical marijuana or medical  
19 marijuana products on behalf of another licensed medical marijuana  
20 business in the State of Oklahoma. A medical marijuana wholesaler  
21 does not include a medical marijuana business which grows, produces  
22 and sells its own medical marijuana, medical marijuana concentrate  
23 or medical marijuana products;

24

1       42. "Medical use" means the acquisition, possession, use,  
2 delivery, transfer or transportation of medical marijuana, medical  
3 marijuana products, medical marijuana devices or paraphernalia  
4 relating to the administration of medical marijuana to treat a  
5 licensed patient;

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

10       44. "Oklahoma physician" or "physician" means a physician  
11 licensed by and in good standing with the State Board of Medical  
12 Licensure and Supervision, the State Board of Osteopathic Examiners  
13 or the Board of Podiatric Medical Examiners;

14       45. "Oklahoma resident" means an individual who can provide  
15 proof of residency as required by ~~this act~~ the Oklahoma Medical  
16 Marijuana and Patient Protection Act;

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

- 20           a. all shareholders owning an interest of a corporate  
21           entity and all officers of a corporate entity,
- 22           b. all partners of a general partnership,
- 23           c. all general partners and all limited partners that own  
24           an interest in a limited partnership,

- 1 d. all members that own an interest in a limited  
2 liability company,
- 3 e. all beneficiaries that hold a beneficial interest in a  
4 trust and all trustees of a trust,
- 5 f. all persons or entities that own an interest in a  
6 joint venture,
- 7 g. all persons or entities that own an interest in an  
8 association,
- 9 h. the owners of any other type of legal entity, and
- 10 i. any other person ~~holding an interest or convertible~~  
11 ~~note in any entity which owns, operates or manages a~~  
12 ~~licensed facility~~ or entity which contracts for or  
13 receives more than ten percent (10%) of the gross  
14 monthly income or profit of the medical marijuana  
15 business or which is compensated, in whole or in part,  
16 based on an allocation of a percentage of sales,  
17 income or profit of the medical marijuana business if  
18 such allocation exceeds ten percent (10%) of the gross  
19 monthly sales or income of the medical marijuana  
20 business. For purposes of this subparagraph, any  
21 person or entity who receives such compensation from a  
22 medical marijuana business that was issued a license  
23 prior to the effective date of this act shall not be  
24 considered an owner of that medical marijuana business

1           but shall disclose such financial interest in the  
2           medical marijuana business to the Oklahoma Medical  
3           Marijuana Authority upon request or otherwise as  
4           prescribed by the Authority. This exception applies  
5           only to persons or entities who received such  
6           compensation or entered into contracts for such  
7           compensation prior to the effective date of this act;

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

11           48. "Person" means a natural person, partnership, association,  
12 business trust, company, corporation, estate, limited liability  
13 company, trust or any other legal entity or organization, or a  
14 manager, agent, owner, director, servant, officer or employee  
15 thereof, except that "person" does not include any governmental  
16 organization;

17           49. "Pesticide" means any substance or mixture of substances  
18 intended for preventing, destroying, repelling or mitigating any  
19 pest or any substance or mixture of substances intended for use as a  
20 plant regulator, defoliant or desiccant, except that the term  
21 "pesticide" shall not include any article that is a "new animal  
22 drug" as designated by the United States Food and Drug  
23 Administration;

24           50. "Production batch" means:

- 1 a. any amount of medical marijuana concentrate of the  
2 same category ~~and,~~ produced using the same extraction  
3 methods, and standard operating procedures ~~and an~~  
4 ~~identical group of harvest batch of medical marijuana,~~  
5 or  
6 b. any amount of medical marijuana product of the same  
7 ~~exact~~ type, produced using the same ingredients,  
8 standard operating procedures and the same production  
9 batch of medical marijuana concentrate;

10 51. "Public institution" means any entity established or  
11 controlled by the federal government, state government, or a local  
12 government or municipality including, but not limited to,  
13 institutions of higher education or related research institutions;

14 52. "Public money" means any funds or money obtained by the  
15 license holder from any governmental entity including, but not  
16 limited to, research grants;

17 53. "Recommendation" means a document that is signed or  
18 electronically submitted by a physician on behalf of a patient for  
19 the use of medical marijuana pursuant to ~~this act~~ the Oklahoma  
20 Medical Marijuana and Patient Protection Act;

21 54. "Registered to conduct business" means a person that has  
22 provided proof that the business applicant or business licensee is  
23 in good standing with the Oklahoma Secretary of State, if such  
24 registration is required under Oklahoma law and, if the business is

1 a medical marijuana dispensary proof that the medical marijuana  
2 dispensary is in good standing with the Oklahoma Tax Commission. In  
3 the event the medical marijuana dispensary is not in good standing  
4 with the Oklahoma Tax Commission, the business applicant or business  
5 licensee shall provide proof that it has entered into a mutually  
6 agreeable payment plan with the Oklahoma Tax Commission;

7 55. "Remediation" means the process by which ~~the medical~~  
8 ~~marijuana flower or trim, which has failed microbial testing, is~~  
9 ~~processed into solvent-based medical marijuana concentrate and a~~  
10 harvest batch, production batch or other medical marijuana or  
11 medical marijuana product produced pursuant to the Oklahoma Medical  
12 Marijuana and Patient Protection Act undergoes a procedure, prior to  
13 laboratory testing or after the medical marijuana or medical  
14 marijuana product has failed laboratory testing for any reason, to  
15 remedy any deficiencies or failures and is retested as required by  
16 this act in accordance with Oklahoma laws, rules and regulations;

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



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

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

10 58. "School" means a state-licensed public or private ~~preschool~~  
11 ~~or a public or private elementary, middle or secondary high school~~  
12 which is primarily used for school classes and classroom  
13 instruction. A ~~An athletic field,~~ homeschool, daycare or child-care  
14 facility shall not be considered a "school" as used in ~~this act~~ the  
15 Oklahoma Medical Marijuana and Patient Protection Act;

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

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

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

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~~ name given to a  
7 particular variety of medical marijuana ~~or cannabis plants in either~~  
8 ~~pure sativa, indica, afghanica, ruderalis or hybrid varieties that~~  
9 is based on a combination of factors which may include, but are not  
10 limited to, botanical lineage, appearance, chemical profile and  
11 accompanying effects. An example of a strain of medical marijuana  
12 would be "OG Kush" or "Pineapple Express";

13 63. "THC" means tetrahydrocannabinol, which is the primary  
14 psychotropic cannabinoid in marijuana formed by decarboxylation of  
15 naturally tetrahydrocannabinolic acid, which generally occurs by  
16 exposure to heat;

17 64. ~~"Test batch" means with regard to usable marijuana, a~~  
18 ~~homogenous, identified quantity of usable marijuana by strain, no~~  
19 ~~greater than ten (10) pounds, that is harvested during a seven day~~  
20 ~~period from a specified cultivation area, and with regard to oils,~~  
21 ~~vapors and waxes derived from usable marijuana, means an identified~~  
22 ~~quantity that is uniform, that is intended to meet specifications~~  
23 ~~for identity, strength and composition, and that is manufactured,~~

24

1 ~~packaged and labeled during a specified time period according to a~~  
2 ~~single manufacturing, packaging and labeling protocol;~~

3 ~~65.~~ "Transporter agent" means a person who transports medical  
4 marijuana or medical marijuana products ~~for~~ as an employee of a  
5 licensed ~~transporter~~ medical marijuana business and holds a  
6 transporter agent license specific to that business pursuant to ~~this~~  
7 ~~act~~ the Oklahoma Medical Marijuana and Patient Protection Act;

8 ~~66.~~ 65. "Universal symbol" means the image established by the  
9 ~~State Department of Health or~~ Oklahoma Medical Marijuana Authority  
10 and made available to licensees through its website indicating that  
11 the medical marijuana or the medical marijuana product contains THC;

12 ~~67.~~ 66. "Usable marijuana" means the dried leaves, flowers,  
13 oils, vapors, waxes and other portions of the marijuana plant and  
14 any mixture or preparation thereof, excluding ~~seed~~ seeds, roots,  
15 stems, stalks and fan leaves; and

16 ~~68.~~ 67. "Water-based medical marijuana concentrate" means a  
17 concentrate that was produced by extracting cannabinoids from  
18 medical marijuana through the use of only water, ice, or dry ice.

19 SECTION 9. AMENDATORY Section 3, Chapter 11, O.S.L.  
20 2019, as amended by Section 6, Chapter 477, O.S.L. 2019 (63 O.S.  
21 Supp. 2020, Section 427.3), is amended to read as follows:

22 Section 427.3 A. There is hereby created the Oklahoma Medical  
23 Marijuana Authority within the State Department of Health which  
24 shall address issues related to the medical marijuana program in

1 Oklahoma including, but not limited to, the issuance of patient and  
2 caregiver licenses and medical marijuana business licenses, and the  
3 dispensing, cultivating, processing, testing, transporting, storage,  
4 research, and the use of and sale of medical marijuana pursuant to  
5 ~~this act~~ the Oklahoma Medical Marijuana and Patient Protection Act.

6 B. The Department shall provide support staff to perform  
7 designated duties of the Authority. The Department shall also  
8 provide office space for meetings of the Authority.

9 C. ~~The Department~~ Authority shall implement the provisions of  
10 ~~this act~~ the Oklahoma Medical Marijuana and Patient Protection Act  
11 consistently with the voter-approved State Question No. 788,  
12 Initiative Petition No. 412, subject to the provisions of ~~this act~~  
13 the Oklahoma Medical Marijuana and Patient Protection Act.

14 D. ~~The Department~~ Authority shall exercise its respective  
15 powers and perform its respective duties and functions as specified  
16 in ~~this act~~ the Oklahoma Medical Marijuana and Patient Protection  
17 Act and ~~Title 63 of the Oklahoma Statutes~~ this title including, but  
18 not limited to, the following:

19 1. Determine steps the state shall take, whether administrative  
20 or legislative in nature, to ensure that research on medical  
21 marijuana and medical marijuana products is being conducted for  
22 public purposes, including the advancement of:

- 23 a. public health policy and public safety policy,  
24 b. agronomic and horticultural best practices, and

1 c. medical and pharmacopoeia best practices;

2 2. Contract with third-party vendors and other governmental  
3 entities in order to carry out the respective duties and functions  
4 as specified in ~~this act~~ the Oklahoma Medical Marijuana and Patient  
5 Protection Act;

6 3. Upon complaint or upon its own motion and upon a completed  
7 investigation, levy fines as prescribed in ~~this act~~ applicable laws,  
8 rules and regulations and suspend ~~or,~~ revoke or not renew licenses  
9 pursuant to ~~this act~~ applicable laws, rules and regulations;

10 4. Issue subpoenas for the appearance or production of persons,  
11 records and things in connection with disciplinary or contested  
12 cases considered by the ~~Department~~ Authority;

13 5. Apply for injunctive or declaratory relief to enforce the  
14 provisions of ~~this section and any~~ applicable laws, rules  
15 ~~promulgated pursuant to this section and regulations~~;

16 6. Inspect and examine, ~~with notice provided in accordance with~~  
17 ~~this act,~~ all licensed premises of medical marijuana businesses,  
18 medical marijuana research facilities ~~and,~~ medical marijuana  
19 education facilities and medical marijuana waste disposal facilities  
20 in which medical marijuana is cultivated, manufactured, sold,  
21 stored, transported, tested ~~or,~~ distributed or disposed;

22 7. Upon action by the federal government by which the  
23 production, sale and use of marijuana in Oklahoma does not violate  
24 federal law, work with the Oklahoma State Banking Department and the

1 State Treasurer to develop good practices and standards for banking  
2 and finance for medical marijuana businesses;

3 8. Establish internal control procedures for licenses including  
4 accounting procedures, reporting procedures and personnel policies;

5 9. Establish a fee schedule and collect fees for performing  
6 background checks as the ~~Commissioner~~ Executive Director deems  
7 appropriate. The fees charged pursuant to this paragraph shall not  
8 exceed the actual cost incurred for each background check; ~~and~~

9 10. ~~Require verification for sources of finance for medical~~  
10 ~~marijuana businesses~~ Establish a fee schedule and collect fees for  
11 material changes requested by the licensee; and

12 11. Establish regulations which require a medical marijuana  
13 business to submit information to the Oklahoma Medical Marijuana  
14 Authority deemed reasonably necessary to assist the Authority in the  
15 prevention of diversion of medical marijuana by a licensed medical  
16 marijuana business. Such information required by the Authority may  
17 include, but is not limited to:

18 a. the square footage of a licensed premises,

19 b. a diagram of a licensed premises,

20 c. the number and type of lights at a licensed medical  
21 marijuana commercial grower business,

22 d. the number, type, and production capacity of equipment  
23 located at a medical marijuana processing facility,

24

- 1           e. the names, addresses and telephone numbers of  
2           employees or agents of a medical marijuana business,  
3           f. employment manuals and standard operating procedures  
4           for a medical marijuana business, and  
5           g. such other information as the Authority reasonably  
6           deems necessary.

7 The disclosure of this information shall not constitute a  
8 prerequisite of licensure, and the Authority shall not require  
9 disclosure of the financial information of any owner for any purpose  
10 related to obtaining or renewing a medical marijuana business  
11 license.

12           SECTION 10.           AMENDATORY           Section 4, Chapter 11, O.S.L.  
13 2019 (63 O.S. Supp. 2020, Section 427.4), is amended to read as  
14 follows:

15           Section 427.4 A. The Oklahoma Medical Marijuana Authority, in  
16 conjunction with the State Department of Health, shall employ an  
17 Executive Director and other personnel as necessary to assist the  
18 Authority in carrying out its duties.

19           B. The Authority shall not employ an individual if any of the  
20 following circumstances exist:

21           1. The individual has a direct or indirect interest in a  
22 licensed medical marijuana business; or

23           2. The individual or his or her spouse, parent, child, spouse  
24 of a child, sibling, or spouse of a sibling has an application for a

1 medical marijuana business license pending before the ~~Department~~  
2 Authority or is a member of the board of directors of a medical  
3 marijuana business, or is an individual financially interested in  
4 any licensee or medical marijuana business.

5 C. All officers and employees of the Authority shall be in the  
6 exempt unclassified service as provided for in Section 840-5.5 of  
7 Title 74 of the Oklahoma Statutes.

8 D. The Commissioner may delegate to any officer or employee of  
9 the Department any of the powers of the Executive Director and may  
10 designate any officer or employee of the Department to perform any  
11 of the duties of the Executive Director.

12 E. The Executive Director shall be authorized to suggest rules  
13 governing the oversight and implementation of ~~this act~~ the Oklahoma  
14 Medical Marijuana and Patient Protection Act.

15 F. The Department is hereby authorized to create employment  
16 positions necessary for the implementation of its obligations  
17 pursuant to ~~this act~~, the Oklahoma Medical Marijuana and Patient  
18 Protection Act including, but not limited to, Authority  
19 investigators and a senior director of enforcement. The Department  
20 and the Authority, the senior director of enforcement, the Executive  
21 Director, and Department investigators shall have all the powers of  
22 any peace officer to:  
23  
24



1 1. Investigate violations or suspected violations of ~~this act~~  
2 the Oklahoma Medical Marijuana and Patient Protection Act and any  
3 rules promulgated pursuant thereto;

4 2. Serve all warrants, summonses, subpoenas, administrative  
5 citations, notices or other processes relating to the enforcement of  
6 laws regulating medical marijuana, medical marijuana concentrate,  
7 and medical marijuana product;

8 3. Assist or aid any law enforcement officer in the performance  
9 of his or her duties upon such law enforcement officer's request or  
10 the request of other local officials having jurisdiction;

11 4. ~~Require~~ As provided in Section 427.6 of this title, require  
12 any business applicant or licensee, ~~upon twenty-four (24) hours~~  
13 ~~notice or upon a showing of necessity~~, to permit an inspection of  
14 licensed premises, during business hours or at any time of apparent  
15 operation, marijuana equipment, ~~and~~ marijuana accessories, ~~or~~ books  
16 and records or any other information required by the Oklahoma  
17 Medical Marijuana and Patient Protection Act or regulation of the  
18 Authority required to be on-site of the medical marijuana business;  
19 and to permit the testing ~~of~~ or examination of medical marijuana,  
20 medical marijuana concentrate, or medical marijuana product; ~~and~~

21 5. Require applicants and licensees to submit complete and  
22 current applications, submit information and fees required by ~~this~~  
23 ~~act and fees~~, the Oklahoma Medical Marijuana and Patient Protection  
24

1 Act and the Oklahoma Medical Marijuana Waste Management Act, and  
2 approve material changes made by the applicant or licensee;

3 6. Require medical marijuana business licensees to submit  
4 samples or units of medical marijuana or medical marijuana products  
5 to the medical marijuana testing laboratory when the Authority has  
6 reason to believe the medical marijuana or medical marijuana  
7 products may be unsafe for patient consumption or inhalation or have  
8 not been tested in accordance with the provisions of the Oklahoma  
9 Medical Marijuana and Patient Protection Act and the rules and  
10 regulations of the Authority. The licensee shall provide the  
11 samples or units of medical marijuana or medical marijuana products  
12 at its own expense but shall not be responsible for the costs of  
13 testing; and

14 7. Require medical marijuana business licensees to periodically  
15 submit samples or units of medical marijuana or medical marijuana  
16 products to the testing laboratory for quality assurance purposes.  
17 Licensed medical marijuana commercial growers, medical marijuana  
18 processors, medical marijuana dispensaries and medical marijuana  
19 transporters shall not be required to submit samples or units of  
20 medical marijuana or medical marijuana products more than twice a  
21 year. The medical marijuana business licensee shall provide the  
22 samples or units of medical marijuana or medical marijuana products  
23 at its own expense but shall not be responsible for the costs of  
24 testing.

1 SECTION 11. AMENDATORY Section 6, Chapter 11, O.S.L.  
2 2019, as amended by Section 7, Chapter 477, O.S.L. 2019 (63 O.S.  
3 Supp. 2020, Section 427.6), is amended to read as follows:

4 Section 427.6 A. The ~~State Department of Health~~ Oklahoma  
5 Medical Marijuana Authority shall address issues related to the  
6 medical marijuana program in Oklahoma including, but not limited to,  
7 monitoring and disciplinary actions as they relate to the medical  
8 marijuana program.

9 B. 1. The ~~Department~~ Authority or its designee may perform on-  
10 site ~~assessments~~ inspections or investigations of a licensee or  
11 applicant for any medical marijuana business ~~license issued pursuant~~  
12 ~~to this act~~, medical marijuana research facility, medical marijuana  
13 education facility or medical marijuana waste disposal facility to  
14 determine compliance with ~~this act~~ applicable laws, rules and  
15 regulations or submissions made pursuant to this section. The  
16 ~~Department~~ Authority may enter the licensed premises of a medical  
17 marijuana business ~~licensee or applicant~~, medical marijuana research  
18 facility, medical marijuana education facility or medical marijuana  
19 waste disposal facility to assess or monitor compliance or ensure  
20 qualifications for licensure.

21 2. ~~Inspections~~ Post-licensure inspections shall be limited to  
22 twice per calendar year ~~and twenty-four (24) hours of notice shall~~  
23 ~~be provided to a medical marijuana business applicant or licensee~~  
24 ~~prior to an on-site assessment~~. However, investigations and

1 additional inspections may occur when the ~~Department~~ shows that  
2 Authority believes an investigation or additional inspection is  
3 necessary due to a possible violation of ~~this act.~~ ~~Such inspection~~  
4 ~~may be without notice if the Department believes that such notice~~  
5 ~~will result in the destruction of evidence~~ applicable laws, rules or  
6 regulations. The Executive Director of the Authority may adopt  
7 rules imposing penalties including, but not limited to, monetary  
8 penalties and revocation of license, for failure to allow the  
9 Authority reasonable access to the licensed premises for purposes of  
10 conducting an inspection. As used in this paragraph, "reasonable  
11 access" shall include, but not be limited to, access during normal  
12 business hours of operation after twenty-four (24) hours of notice  
13 has been provided or, for investigations or additional inspections,  
14 access during normal business hours of operation.

15 3. The ~~Department~~ Authority may review relevant records of a  
16 licensed medical marijuana business, licensed medical marijuana  
17 research facility ~~or,~~ licensed medical marijuana education facility  
18 or licensed medical marijuana waste disposal facility, and may  
19 require and conduct interviews with such persons or entities and  
20 persons affiliated with such entities, for the purpose of  
21 determining compliance with ~~Department~~ Authority requirements and  
22 applicable laws. ~~However, prior to conducting any interviews with~~  
23 ~~the medical marijuana business, research facility or education~~  
24 ~~facility, the licensee shall be afforded sufficient time to secure~~

1 ~~legal representation during such questioning if requested by the~~  
2 ~~business or facility or any of its agents or employees or~~  
3 ~~contractors, rules and regulations.~~

4 4. The ~~Department shall~~ Authority may refer complaints alleging  
5 criminal activity that are made against a licensee to appropriate  
6 Oklahoma state or local law enforcement authorities.

7 C. Disciplinary action may be taken against an applicant or  
8 licensee ~~under this act~~ for not adhering to ~~the law~~ applicable laws,  
9 rules and regulations pursuant to the terms, conditions and  
10 guidelines set forth in ~~this act~~ the Oklahoma Medical Marijuana and  
11 Patient Protection Act.

12 D. Disciplinary actions may include revocation, suspension or  
13 denial of an application, license or final authorization and other  
14 action deemed appropriate by the ~~Department~~ Authority.

15 E. Disciplinary actions may be imposed upon a medical marijuana  
16 business licensee for:

17 1. Failure to comply with or satisfy any provision of ~~this~~  
18 ~~section~~ applicable laws, rules or regulations;

19 2. Falsification or misrepresentation of any material or  
20 information submitted to the ~~Department~~ Authority;

21 3. Failing to allow or impeding a ~~monitoring visit~~ entry by  
22 authorized representatives of the ~~Department~~ Authority;

23 4. Failure to adhere to any acknowledgement, verification or  
24 other representation made to the ~~Department~~ Authority;

1 5. Failure to submit or disclose information required by ~~this~~  
2 ~~section~~ applicable laws, rules or regulations or as otherwise  
3 requested by the ~~Department~~ Authority;

4 6. Failure to correct any violation of this section cited as a  
5 result of a review or audit of financial records or other materials;

6 7. Failure to comply with requested access by the ~~Department~~  
7 Authority to the licensed premises or materials;

8 8. Failure to pay a required monetary penalty;

9 9. Diversion of medical marijuana or any medical marijuana  
10 product, as determined by the ~~Department~~ Authority;

11 10. Threatening or harming a medical marijuana patient  
12 licensee, caregiver licensee, a medical practitioner or an employee  
13 of the ~~Department~~ Authority; and

14 11. Any other basis indicating a violation of the applicable  
15 laws, rules and regulations as identified by the ~~Department~~  
16 Authority.

17 F. Disciplinary actions against a licensee may include the  
18 imposition of monetary penalties, which may be assessed by the  
19 ~~Department~~ Authority. The Authority may suspend or revoke a medical  
20 marijuana business license for failure to pay any monetary penalty  
21 lawfully assessed by the Authority against a medical marijuana  
22 business licensee.

23 G. Penalties for sales or purchases by a medical marijuana  
24 business to persons other than those allowed by law occurring within

1 any two-year time period may include an initial fine of up to One  
2 Thousand Dollars (\$1,000.00) for a first violation and a fine of up  
3 to Five Thousand Dollars (\$5,000.00) for any subsequent violation.  
4 Penalties for grossly inaccurate or fraudulent reporting occurring  
5 within any two-year time period may include an initial fine of One  
6 Thousand Dollars (\$1,000.00) for a first violation and a fine of  
7 Five Thousand Dollars (\$5,000.00) for any subsequent violation. The  
8 medical marijuana business may be subject to a revocation of any  
9 license granted pursuant to ~~this act~~ the Oklahoma Medical Marijuana  
10 and Patient Protection Act upon a showing that the violation was  
11 willful or grossly negligent.

12 H. 1. ~~First~~ The first offense for intentional and  
13 impermissible diversion of medical marijuana, medical marijuana  
14 concentrate, or medical marijuana products by a patient or caregiver  
15 licensee to an unauthorized person shall not be punished under a  
16 criminal statute but may be subject to a fine of Two Hundred Dollars  
17 (\$200.00).

18 2. The second offense for impermissible diversion of medical  
19 marijuana, medical marijuana concentrate, or medical marijuana  
20 products by a patient or caregiver licensee to an unauthorized  
21 person shall not be punished under a criminal statute but may be  
22 subject to a fine of ~~not up to exceed~~ Five Hundred Dollars (\$500.00)  
23 and may result in revocation of the license upon a showing that the  
24 violation was willful or grossly negligent.

1 I. ~~The following persons or entities may request a hearing~~ In  
2 addition to contest an action or proposed action of any other  
3 remedies provided by law, the Department: Authority, pursuant to its  
4 rules and regulations, may issue a written order to any medical  
5 marijuana business licensee the Authority has reason to believe has  
6 violated the Oklahoma Medical Marijuana and Patient Protection Act,  
7 the Oklahoma Medical Marijuana Waste Management Act, or any rules  
8 promulgated by the Executive Director of the Authority and to whom  
9 the Authority has served, not less than thirty (30) days previously,  
10 a written notice of violation of such statutes or rules.

11 1. ~~A medical marijuana business, research facility or education~~  
12 ~~facility licensee whose license has been summarily suspended or who~~  
13 ~~has received a notice of contemplated action to suspend or revoke a~~  
14 ~~license or take other~~ The written order shall state with specificity  
15 the nature of the violation. The Authority may impose any  
16 disciplinary action; and authorized under the provisions of this  
17 section including, but not limited to, the assessment of monetary  
18 penalties.

19 2. ~~A patient or caregiver licensee whose license has been~~  
20 ~~summarily suspended or who has received notice of contemplated~~  
21 ~~action to suspend or revoke a license or take other disciplinary~~  
22 ~~action~~ Any order issued pursuant to the provisions of this section  
23 shall become a final order unless, not more than thirty (30) days  
24 after the order is served to the medical marijuana business



1 licensee, the licensee requests an administrative hearing in  
2 accordance with the rules and regulations of the Authority. Upon  
3 such request, the Authority shall promptly initiate administrative  
4 proceedings.

5 J. Whenever the Authority finds, upon clear and convincing  
6 evidence, that an emergency exists requiring immediate action in  
7 order to protect the public health or welfare, the Authority may  
8 issue an order, without notice or hearing, stating the existence of  
9 the emergency and requiring that action be taken as the Authority  
10 deems necessary to meet the emergency. The order shall be effective  
11 immediately upon issuance. Any licensee to whom the order is  
12 directed shall comply immediately with the provisions of the order.  
13 The Authority may assess a penalty not to exceed Ten Thousand  
14 Dollars (\$10,000.00) per day for noncompliance with the order. In  
15 assessing such a penalty, the Authority shall consider the  
16 seriousness of the violation and any efforts to comply with  
17 applicable requirements. Upon application to the Authority, the  
18 licensee shall be offered a hearing within ten (10) days of the  
19 issuance of the order. No order issued pursuant to this subsection  
20 may prohibit a licensed medical marijuana commercial grower from  
21 continuing to care for, grow, cure or store medical marijuana plants  
22 or medical marijuana until such time as a hearing occurs. On the  
23 basis of the hearing, the Authority shall continue the order in  
24 effect or revoke or modify the order.

1        ~~J. K.~~ All hearings held pursuant to this section shall be in  
2 accordance with the Oklahoma Administrative Procedures Act, ~~Section~~  
3 ~~250 et seq. of Title 75 of the Oklahoma Statutes.~~

4        SECTION 12.        AMENDATORY        Section 7, Chapter 11, O.S.L.  
5 2019, as amended by Section 5, Chapter 509, O.S.L. 2019 (63 O.S.  
6 Supp. 2020, Section 427.7), is amended to read as follows:

7        Section 427.7 A. The Oklahoma Medical Marijuana Authority  
8 shall create a medical marijuana use registry of licensed patients  
9 and caregivers as provided under this section. The handling of any  
10 records maintained in the registry shall comply with all ~~relevant~~  
11 applicable state and federal privacy laws ~~including, but not limited~~  
12 ~~to, the Health Insurance Portability and Accountability Act of 1996~~  
13 ~~(HIPAA).~~

14        B. The medical marijuana use registry shall be accessible to:

15        1. Oklahoma-licensed medical marijuana dispensaries to verify  
16 the license of a patient or caregiver by the ten- to twenty-four-  
17 character identifier; and

18        2. Any court in this state.

19        C. All other records regarding a medical marijuana patient or  
20 caregiver licensee shall be maintained by the Authority and shall be  
21 deemed confidential. The handling of any records maintained by the  
22 Authority shall comply with all ~~relevant~~ applicable state and  
23 federal privacy laws ~~including, but not limited to, the Health~~  
24 ~~Insurance Portability and Accountability Act of 1996 (HIPAA).~~ Such

1 records shall be marked as confidential, shall not be made available  
2 to the public, and shall only be made available to the licensee,  
3 designee of the licensee, any physician of the licensee or the  
4 caregiver of the licensee.

5 D. A log shall be kept with the file of the licensee to record  
6 any event in which the records of the licensee were made available  
7 and to whom the records were provided.

8 E. The ~~Department~~ Authority shall ensure that all ~~application~~  
9 medical marijuana patient and caregiver records and information are  
10 sealed to protect the privacy of medical marijuana patient and  
11 caregiver license applicants and licensees.

12 SECTION 13. AMENDATORY Section 9, Chapter 11, O.S.L.  
13 2019 (63 O.S. Supp. 2020, Section 427.9), is amended to read as  
14 follows:

15 Section 427.9 A. The Oklahoma Medical Marijuana Authority may  
16 contact the recommending physician of an applicant for a medical  
17 marijuana patient license or current medical marijuana patient  
18 licensee to verify the need of the applicant or licensee for the  
19 license and the information submitted with the application.

20 B. An applicant for a medical marijuana patient license who can  
21 demonstrate his or her status as a ~~one-hundred-percent-disabled~~  
22 twenty-five-percent-disabled veteran as determined by the U.S.  
23 Department of Veterans Affairs and codified at 38 C.F.R., Section  
24 3.340(a) (2013) shall pay a reduced biannual application fee of

1 Twenty Dollars (\$20.00). The methods of payment, as determined by  
2 the Authority, shall be provided on the website. However, the  
3 Authority shall ensure that all applicants have an option to submit  
4 the license application and payment by means other than solely by  
5 submission of the application and fee online.

6 C. The medical marijuana patient license shall be valid for up  
7 to two (2) years from the date of issuance, unless the  
8 recommendation of the physician is terminated pursuant to ~~this act~~  
9 Section 427.10 of this title or revoked by the ~~Department~~ Authority.

10 SECTION 14. AMENDATORY Section 10, Chapter 11, O.S.L.  
11 2019, as amended by Section 2, Chapter 390, O.S.L. 2019 (63 O.S.  
12 Supp. 2020, Section 427.10), is amended to read as follows:

13 Section 427.10 A. Only licensed Oklahoma allopathic,  
14 osteopathic and podiatric physicians may provide a medical marijuana  
15 recommendation for a medical marijuana patient license under ~~this~~  
16 ~~act~~ the Oklahoma Medical Marijuana and Patient Protection Act.

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

21 C. No physician shall be subject to arrest, prosecution or  
22 penalty in any manner or denied any right or privilege under  
23 Oklahoma state, municipal or county statute, ordinance or  
24 resolution, including without limitation a civil penalty or

1 disciplinary action by the State Board of Medical Licensure and  
2 Supervision ~~or~~, the State Board of Osteopathic Examiners or the  
3 Board of Podiatric Medical Examiners or by any other business,  
4 occupation or professional licensing board or bureau, solely for  
5 providing a medical marijuana recommendation for a patient or for  
6 monitoring, treating or prescribing scheduled medication to patients  
7 who are medical marijuana patient licensees. The provisions of this  
8 subsection shall not prevent the relevant professional licensing  
9 boards from sanctioning a physician for failing to properly evaluate  
10 the medical condition of a patient or for otherwise violating the  
11 applicable physician-patient standard of care.

12 D. A physician who recommends use of medical marijuana shall  
13 not be located at the same physical address as a medical marijuana  
14 dispensary.

15 E. If the physician determines the continued use of medical  
16 marijuana by the patient no longer meets the requirements set forth  
17 in ~~this act~~ the Oklahoma Medical Marijuana and Patient Protection  
18 Act, the physician shall notify the ~~Department~~ Authority and the  
19 Authority shall ~~immediately~~ notify the patient  
20 of the revocation and provide the patient thirty (30) days to submit  
21 a new recommendation. If the patient fails to supply the Authority  
22 with a new physician recommendation within thirty (30) days, the  
23 patient license shall be immediately voided without a right to an  
24 individual hearing.

1 SECTION 15. AMENDATORY Section 11, Chapter 11, O.S.L.  
2 2019 (63 O.S. Supp. 2020, Section 427.11), is amended to read as  
3 follows:

4 Section 427.11 A. The caregiver license shall provide the  
5 caregiver licensee the same rights as the medical marijuana patient  
6 licensee, including the ability to possess medical marijuana,  
7 medical marijuana products, and mature and immature plants pursuant  
8 to ~~this act~~ the Oklahoma Medical Marijuana and Patient Protection  
9 Act, but excluding the ability to use medical marijuana or medical  
10 marijuana products unless the caregiver licensee has a medical  
11 marijuana patient license. ~~Caregivers~~ Licensed caregivers shall be  
12 authorized to deliver medical marijuana and medical marijuana  
13 products to their authorized patients. ~~Caregivers~~ Licensed  
14 caregivers shall be authorized to possess medical marijuana and  
15 medical marijuana products up to the sum of the possession limits  
16 for the patients under ~~his or her~~ their care pursuant to ~~this act~~  
17 the Oklahoma Medical Marijuana and Patient Protection Act.

18 B. An individual caregiver licensee shall be limited to  
19 exercising the marijuana cultivation rights of no more than five  
20 licensed medical marijuana patients as prescribed by ~~this act~~ the  
21 Oklahoma Medical Marijuana and Patient Protection Act.

22 C. The license of a caregiver shall not extend beyond the  
23 expiration date of the underlying patient license regardless of the  
24 issue date.

1        D. A medical marijuana patient licensee may request, at any  
2 time, to withdraw the license of his or her caregiver. In the event  
3 that such a request is made or upon the expiration of the license of  
4 the patient, the caregiver license shall be immediately withdrawn by  
5 the Authority without a right to a hearing.

6        SECTION 16.        AMENDATORY        Section 13, Chapter 11, O.S.L.  
7 2019 (63 O.S. Supp. 2020, Section 427.13), is amended to read as  
8 follows:

9        Section 427.13 A. All medical marijuana and medical marijuana  
10 products shall be purchased solely from an Oklahoma-licensed medical  
11 marijuana business, and shall not be purchased from any out-of-state  
12 providers.

13        B. 1. The Oklahoma Medical Marijuana Authority shall have  
14 oversight and auditing responsibilities to ensure that all marijuana  
15 being grown in Oklahoma is accounted for and shall implement an  
16 inventory tracking system. Pursuant to these duties, the Authority  
17 shall require that each licensed medical marijuana business, medical  
18 marijuana research facility, medical marijuana education facility  
19 and medical marijuana waste disposal facility keep records for every  
20 transaction with another licensed medical marijuana business,  
21 medical marijuana patient or medical marijuana caregiver licensee.  
22 Inventory shall be tracked and updated after each individual sale  
23 and reported to the Authority.

1           2. The inventory tracking system licensees use shall allow for  
2 integration of other seed-to-sale systems and, at a minimum, shall  
3 include the following:

4           a. notification of when marijuana seeds are planted,

5           b. notification of when marijuana plants are harvested  
6 and destroyed,

7           c. notification of when marijuana is transported, sold,  
8 stolen, diverted or lost,

9           d. a complete inventory of all marijuana, ~~seeds, plant~~  
10 ~~tissue, clones, marijuana plants, usable marijuana or~~  
11 ~~trim, leaves and other plant matter, batches of~~  
12 ~~extract, products~~ and marijuana concentrates,

13           e. all samples of marijuana or marijuana products sent to  
14 a testing laboratory, an unused portion of a sample  
15 returned to a licensee, all samples utilized by  
16 licensee for purposes of negotiating a sale, and

17           f. all samples used for quality testing by a licensee.

18           3. Each medical marijuana business, medical marijuana research  
19 facility, medical marijuana education facility and medical marijuana  
20 waste disposal facility shall develop written standard operating  
21 procedures outlining the manner in which they operate as prescribed  
22 by the Authority and shall use a seed-to-sale tracking system or  
23 integrate its own seed-to-sale tracking system with the seed-to-sale  
24



1 tracking system established by the Authority in accordance with the  
2 limitations set forth herein.

3 4. These records shall include, but not be limited to, the  
4 following:

- 5 a. the name and license number of the medical marijuana  
6 business that cultivated, manufactured or sold the  
7 medical marijuana or medical marijuana product,
- 8 b. the address and phone number of the medical marijuana  
9 business that cultivated, manufactured or sold the  
10 medical marijuana or medical marijuana product,
- 11 c. the type of product received during the transaction,
- 12 d. the batch number of the marijuana plant used,
- 13 e. the date of the transaction,
- 14 f. the total spent in dollars,
- 15 g. all point-of-sale records,
- 16 h. marijuana excise tax records, and
- 17 i. any additional information as may be reasonably  
18 required by the ~~Department~~ Authority.

19 ~~5. All inventory tracking records containing patient~~  
20 ~~information shall comply with all relevant state and federal laws~~  
21 ~~including, but not limited to, the Health Insurance Portability and~~  
22 ~~Accountability Act of 1996 (HIPAA), and shall not be retained by any~~  
23 ~~medical marijuana business for more than sixty (60) days.~~

24

1 SECTION 17. AMENDATORY Section 14, Chapter 11, O.S.L.  
2 2019, as last amended by Section 51, Chapter 161, O.S.L. 2020 (63  
3 O.S. Supp. 2020, Section 427.14), is amended to read as follows:

4 Section 427.14 A. There is hereby created the medical  
5 marijuana business license, which shall include the following  
6 categories:

- 7 1. Medical marijuana commercial grower;
- 8 2. Medical marijuana processor;
- 9 3. Medical marijuana dispensary;
- 10 4. Medical marijuana transporter; ~~and~~
- 11 5. Medical marijuana testing laboratory; and
- 12 6. Medical marijuana wholesaler.

13 B. The Oklahoma Medical Marijuana Authority, with the aid of  
14 the Office of Management and Enterprise Services, shall develop a  
15 website for medical marijuana business applications.

16 C. The Authority shall make available on its website in an  
17 easy-to-find location, applications for a medical marijuana  
18 business.

19 D. The annual nonrefundable application fee for a medical  
20 marijuana business license shall be Two Thousand Five Hundred  
21 Dollars (\$2,500.00).

22 E. All applicants seeking licensure or licensure renewal as a  
23 medical marijuana business shall comply with the following general  
24 requirements:

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

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

7 3. Applicants shall submit a complete application to the  
8 ~~Department~~ Authority before the application may be accepted or  
9 considered;

10 4. All applications shall be complete and accurate in every  
11 detail;

12 5. All applications shall include all attachments or  
13 supplemental information required by the forms supplied by the  
14 Authority;

15 6. All applications shall be accompanied by a full remittance  
16 for the whole amount of the application fees. Application fees,  
17 unless otherwise prescribed by the Authority, are nonrefundable;

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

20 a. ~~all applicants shall be age~~ twenty-five (25) years of  
21 age or older,

22 b. ~~any applicant~~ if applying as an individual ~~shall show,~~  
23 proof that the applicant is an Oklahoma resident  
24 pursuant to paragraph 11 of this subsection,

- 1 c. ~~any applicant~~ if applying as an entity ~~shall show,~~  
2 proof that seventy-five percent (75%) of all members,  
3 managers, executive officers, partners, board members  
4 or any other form of business ownership are Oklahoma  
5 residents pursuant to paragraph 11 of this subsection,
- 6 d. ~~all if~~ applying ~~individuals or entities shall be~~ as an  
7 individual or entity, proof that the individual or  
8 entity is registered to conduct business in the State  
9 of Oklahoma,
- 10 e. ~~all applicants shall disclose~~ disclosure of all  
11 ownership interests pursuant to ~~this act~~ the Oklahoma  
12 Medical Marijuana and Patient Protection Act, and
- 13 f. ~~applicants shall~~ proof that the medical marijuana  
14 business, medical marijuana research facility, medical  
15 marijuana education facility and medical marijuana  
16 waste disposal facility applicant or licensee has not  
17 ~~have~~ been convicted of a nonviolent felony in the last  
18 two (2) years, ~~and~~ or any other felony conviction  
19 within the last five (5) years, ~~shall is not be a~~  
20 current ~~inmates~~ inmate in the custody of the  
21 Department of Corrections, or currently incarcerated  
22 in a jail or corrections facility;

23 8. There shall be no limit to the number of medical marijuana  
24 business licenses or categories that an individual or entity can

1 apply for or receive, although each application and each category  
2 shall require a separate application and application fee. A  
3 licensed medical marijuana commercial grower, processor and  
4 dispensary, or any combination thereof, are authorized to share the  
5 same address or physical location, subject to the restrictions set  
6 forth in ~~this act~~ the Oklahoma Medical Marijuana and Patient  
7 Protection Act;

8 9. All applicants for a medical marijuana business license,  
9 medical marijuana research facility license or medical marijuana  
10 education facility license ~~authorized by this act~~ or the renewal of  
11 such license shall undergo an Oklahoma criminal history background  
12 check conducted by the Oklahoma State Bureau of Investigation (OSBI)  
13 within thirty (30) days prior to the application for the license or  
14 renewal of such license, including:

- 15 a. individual applicants applying on their own behalf,
- 16 b. individuals applying on behalf of an entity,
- 17 c. all principal officers of an entity, and
- 18 d. all owners of an entity as defined by ~~this act~~ the  
19 Oklahoma Medical Marijuana and Patient Protection Act;

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

23 11. In order to be considered an Oklahoma resident for purposes  
24 of a medical marijuana business license application, all applicants

1 shall provide proof of Oklahoma residency for at least two (2) years  
2 immediately preceding the date of application or five (5) years of  
3 continuous Oklahoma residency during the preceding twenty-five (25)  
4 years immediately preceding the date of application. Sufficient  
5 documentation of proof of residency shall include a combination of  
6 the following:

- 7 a. an unexpired Oklahoma-issued driver license,
- 8 ~~b. an Oklahoma voter identification card,~~
- 9 ~~c. a utility bill preceding the date of application,~~  
10 excluding cellular telephone and Internet bills,
- 11 ~~d.~~
- 12 c. a residential property deed to property in the State  
13 of Oklahoma, and
- 14 ~~e.~~
- 15 d. a rental agreement preceding the date of application  
16 for residential property located in the State of  
17 Oklahoma.

18 Applicants that were issued a medical marijuana business license  
19 prior to ~~the enactment of the Oklahoma Medical Marijuana and Patient~~  
20 ~~Protection Act~~ August 30, 2019; applicants who submitted a complete  
21 medical marijuana business license application to the Authority  
22 prior to August 30, 2019, and were granted a medical marijuana  
23 business license after August 30, 2019; and medical marijuana  
24 testing laboratories that were licensed by the Oklahoma State Bureau

1 of Narcotics and Dangerous Drugs Control prior to August 30, 2019,  
2 are hereby exempt from the two-year or five-year Oklahoma ~~residence~~  
3 residency requirement mentioned above provided by this paragraph.  
4 Upon the effective date of this act, an applicant for a medical  
5 marijuana transporter agent license shall be exempt from the two-  
6 year or five-year Oklahoma residency requirement provided by this  
7 paragraph;

8 12. All license applicants shall be required to submit a  
9 registration with the Oklahoma State Bureau of Narcotics and  
10 Dangerous Drugs Control as provided in Sections 2-302 through 2-304  
11 of ~~Title 63 of the Oklahoma Statutes~~ this title;

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

- 15 a. ~~front and back of an Oklahoma~~ a state-issued driver  
16 license,
- 17 b. ~~front and back of an Oklahoma~~ a state-issued  
18 identification card,
- 19 c. a United States passport or other photo identification  
20 issued by the United States government, or
- 21 d. ~~certified copy of the applicant's birth certificate~~  
22 ~~for minor applicants who do not possess a document~~  
23 ~~listed in this section, or~~

24

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

4           14. All applicants shall submit an applicant photograph.

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

9           G. 1. The Authority shall review the medical marijuana  
10 business ~~applications~~ application and conduct all investigations,  
11 inspections and interviews before approving the application.

12           2. Approved applicants shall be issued a medical marijuana  
13 business license for the specific category applied under which shall  
14 act as proof of their approved status. Rejection and denial letters  
15 shall provide a reason for the rejection or denial. Applications  
16 may only be rejected or denied based on the applicant not meeting  
17 the standards set forth in the provisions of ~~this section~~ the  
18 Oklahoma Medical Marijuana and Patient Protection Act and Sections  
19 420 through 426.1 of this title, improper completion of the  
20 application, or for a reason provided for in ~~this act~~ the Oklahoma  
21 Medical Marijuana and Patient Protection Act and Sections 420  
22 through 426.1 of this title. If an application is rejected or  
23 denied for failure to provide required information, the applicant  
24 shall have thirty (30) days to submit the required information for



1 reconsideration. No additional application fee shall be charged for  
2 such reconsideration. Unless the Authority determines otherwise, an  
3 application that has been resubmitted but is still incomplete or  
4 contains errors that are not clerical or typographical in nature  
5 shall be denied and the application fee refunded.

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

10 4. Approval, rejection, denial or status-update letters shall  
11 be sent to the applicant in the same method the application was  
12 submitted to the ~~Department~~ Authority.

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

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

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

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

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

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

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

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

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

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

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

22 a. unlawful sales or purchases,

23 b. any fraudulent acts, falsification of records or

24 misrepresentation to the Authority, medical marijuana

1 patient or caregiver licensees or medical marijuana  
2 business licensees,

3 c. any grossly inaccurate or fraudulent reporting,

4 d. threatening or harming any medical marijuana patient  
5 licensee, caregiver licensee, medical practitioner or  
6 employee of the Authority,

7 e. knowingly or intentionally refusing to permit the  
8 Authority access to the premises or records,

9 f. using a prohibited, hazardous substance for processing  
10 in a residential area,

11 g. criminal acts relating to the operation of a medical  
12 marijuana business, or

13 h. any violations that endanger public health and safety  
14 or product safety.

15 I. In investigating the qualifications of an applicant or a  
16 licensee, the ~~Department,~~ Authority and municipalities may have  
17 access to criminal history record information furnished by a  
18 criminal justice agency subject to any restrictions imposed by such  
19 an agency. ~~In the event the Department considers the criminal~~  
20 ~~history record of the applicant, the Department shall also consider~~  
21 ~~any information provided by the applicant regarding such criminal~~  
22 ~~history record, including but not limited to evidence of~~  
23 ~~rehabilitation, character references and educational achievements,~~  
24 ~~especially those items pertaining to the period of time between the~~

1 ~~last criminal conviction of the applicant and the consideration of~~  
2 ~~the application for a state license.~~

3 J. The failure of an applicant or licensee to provide the  
4 requested information by the Authority deadline may be grounds for  
5 denial of the application.

6 K. All applicants and licensees shall submit information to the  
7 ~~Department and~~ Authority in a full, faithful, truthful and fair  
8 manner. The ~~Department and~~ Authority may recommend denial of an  
9 application where the applicant or licensee made material  
10 misstatements, omissions, misrepresentations or untruths in the  
11 application or in connection with the background investigation of  
12 the applicant. This type of conduct may be ~~considered as the basis~~  
13 grounds for ~~additional~~ administrative action against the applicant  
14 or licensee. Typos and scrivener errors shall not be grounds for  
15 denial.

16 L. A licensed medical marijuana business premises shall be  
17 subject to and responsible for compliance with applicable provisions  
18 for medical marijuana business facilities as described in the most  
19 recent versions of the Oklahoma Uniform Building Code, the  
20 International Building Code and the International Fire Code, unless  
21 granted an exemption by the ~~Authority or municipality~~ entity  
22 responsible for enforcement of the applicable code.

23 M. All medical marijuana business, medical marijuana research  
24 facility, medical marijuana education facility and medical marijuana

1 waste disposal facility licensees shall pay the relevant licensure  
2 fees prior to receiving licensure to operate a ~~medical marijuana~~  
3 ~~business, as defined in this act for each class of license.~~

4 N. A medical marijuana business, medical marijuana research  
5 facility, medical marijuana education facility or medical marijuana  
6 waste disposal facility that attempts to renew its license more than  
7 thirty (30) days after expiration of the license shall pay a late  
8 renewal fee in an amount to be determined by the Authority to  
9 reinstate the license. Late renewal fees are nonrefundable. A  
10 license that has been expired for more than ninety (90) days shall  
11 not be reinstated.

12 O. No medical marijuana business, medical marijuana research  
13 facility, medical marijuana education facility or medical marijuana  
14 waste disposal facility shall possess, sell or transfer medical  
15 marijuana, medical marijuana concentrate or medical marijuana  
16 products without a valid, unexpired license issued by the Authority,  
17 unless a renewal application has been submitted to the Authority.

18 SECTION 18. AMENDATORY Section 16, Chapter 11, O.S.L.  
19 2019 (63 O.S. Supp. 2020, Section 427.16), is amended to read as  
20 follows:

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

24

1 B. Pursuant to Section 424 of ~~Title 63 of the Oklahoma Statutes~~  
2 this title, the Oklahoma Medical Marijuana Authority shall issue a  
3 medical marijuana transporter license to licensed medical marijuana  
4 commercial growers, processors and dispensaries upon issuance of  
5 such licenses and upon each renewal. Transporter licenses shall  
6 also be issued to licensed medical marijuana research facilities,  
7 medical marijuana education facilities and medical marijuana testing  
8 laboratories upon issuance of such licenses and upon each renewal.  
9 Nothing in this section shall be construed as prohibiting or  
10 otherwise limiting a medical marijuana business from selling,  
11 storing, marketing or otherwise engaging in the transportation of  
12 any medical marijuana, medical marijuana concentrate or medical  
13 marijuana products it produces pursuant to any valid license issued  
14 by the Authority.

15 C. ~~A~~ Aside from the medical marijuana transporter license  
16 issued to a licensed medical marijuana dispensary, medical marijuana  
17 commercial grower, medical marijuana processor, medical marijuana  
18 research facility or medical marijuana education facility in  
19 conjunction with its business license, a medical marijuana  
20 transporter license may also be issued to qualifying applicants who  
21 are registered with the Oklahoma Secretary of State and otherwise  
22 meet the requirements for a medical marijuana business license set  
23 forth in ~~this act~~ the Oklahoma Medical Marijuana and Patient  
24 Protection Act and the requirements set forth in this section to

1 provide logistics, distribution and storage of medical marijuana,  
2 medical marijuana concentrate and medical marijuana products. The  
3 license, when not issued in conjunction with a medical marijuana  
4 dispensary, medical marijuana commercial grower, medical marijuana  
5 processor, medical marijuana research facility or medical marijuana  
6 education facility license, shall be known as a "medical marijuana  
7 wholesaler license" or "wholesaler license".

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

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

20 1. A licensed medical marijuana business to another licensed  
21 medical marijuana business; or

22 2. A licensed medical marijuana business to a licensed medical  
23 marijuana research facility or licensed medical marijuana education  
24 facility.

1 F. ~~A~~ Only a medical marijuana transporter wholesaler licensee  
2 may contract with multiple licensed medical marijuana businesses to  
3 package, store and transport medical marijuana, medical marijuana  
4 concentrate and medical marijuana products on its behalf in the  
5 State of Oklahoma.

6 G. A medical marijuana ~~transporter~~ wholesaler may maintain a  
7 licensed premises to ~~temporarily~~ store medical marijuana, medical  
8 marijuana concentrate and medical marijuana products and to use as a  
9 centralized packaging and distribution point. ~~A~~ Except for a  
10 medical marijuana business using its own owners or employees, only a  
11 medical marijuana transporter wholesaler and its employees may  
12 broker, package, store, market and distribute medical marijuana,  
13 medical marijuana concentrate and medical marijuana products from  
14 the licensed premises in the State of Oklahoma on behalf of another  
15 medical marijuana business licensee. The licensed wholesaler  
16 premises shall meet all security requirements applicable to a  
17 medical marijuana business.

18 H. A medical marijuana ~~transporter~~ wholesaler licensee shall  
19 use the seed-to-sale tracking system developed pursuant to ~~this act~~  
20 the Oklahoma Medical Marijuana and Patient Protection Act to track  
21 all medical marijuana, medical marijuana concentrate and medical  
22 marijuana products received, packaged, stored and distributed by a  
23 wholesaler and to create shipping manifests documenting the  
24



1 transport of medical marijuana, medical marijuana concentrate and  
2 medical marijuana products throughout the state.

3 I. A licensed medical marijuana ~~transporter~~ wholesaler may  
4 maintain and operate one or more warehouses in the state to handle  
5 medical marijuana, medical marijuana concentrate and medical  
6 marijuana products. Each location shall be registered and inspected  
7 by the Authority prior to its use.

8 J. All medical marijuana, medical marijuana concentrate and  
9 ~~product~~ medical marijuana products shall be transported:

10 1. ~~In vehicles equipped with Global Positioning System (GPS)~~  
11 ~~trackers;~~

12 2. ~~In a locked container and clearly labeled "Medical Marijuana~~  
13 ~~or Derivative"; and~~

14 3. ~~In a secured area of the vehicle that is not accessible by~~  
15 ~~the driver during transit~~ in a manner prescribed by the Authority.

16 K. 1. A transporter agent may possess marijuana at any  
17 location while the transporter agent is transferring marijuana to or  
18 from a licensed medical marijuana business, licensed medical  
19 marijuana research facility or licensed medical marijuana education  
20 facility.

21 2. The delivery of medical marijuana, medical marijuana  
22 concentrate or medical marijuana products to a public or private  
23 elementary, middle or high school, the campus of any institution of  
24 higher education or any other public property is hereby prohibited.

1 The ~~Department~~ Authority shall administer and enforce the  
2 provisions of this section concerning transportation.

3 L. The Authority shall issue a transporter agent license to  
4 individual ~~agents~~, employees, officers or owners of a transporter or  
5 wholesaler license in order for the ~~individual~~ employees, officers  
6 or owners to qualify to transport medical marijuana, medical  
7 marijuana concentrate, or ~~product~~ medical marijuana products.

8 M. The annual fee for a transporter agent license shall be ~~One~~  
9 ~~Hundred Dollars (\$100.00)~~ Twenty-five Dollars (\$25.00) and shall be  
10 paid by the transporter ~~license holder~~ or wholesaler licensee or the  
11 individual applicant. One license reprint within the licensure  
12 period shall be granted free of charge. All subsequent license  
13 reprints shall incur a fee of Twenty Dollars (\$20.00).

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

- 16 1. The name, address and date of birth of the person;  
17 2. ~~Proof of residency as required for a medical marijuana~~  
18 ~~business license;~~

19 ~~3.~~ Proof of identity as required for a medical marijuana  
20 business license;

21 ~~4.~~ 3. Possession of a valid ~~Oklahoma~~ state-issued driver  
22 license;

23 ~~5.~~ 4. Verification of employment with a licensed transporter;  
24 and

1       ~~6.~~ 5. The application and affiliated fee; and

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

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

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

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

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

21       S. Vehicles used in the transport of medical marijuana, medical  
22 marijuana concentrate or medical marijuana ~~product~~ products shall  
23 be:

24       1. Insured at or above the legal requirements in Oklahoma;

1        2. Capable of securing medical marijuana, medical marijuana  
2 concentrate or medical marijuana products during transport; and

3        3. In possession of a shipping container, as defined in ~~this~~  
4 act Section 427.2 of this title, capable of securing all transported  
5 product products. However, for purposes of this subsection,  
6 products shall not include plants or clones.

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

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

- 18        2. For the end recipient license holder of the medical  
19 marijuana:
- 20            a. the license number for the medical marijuana
  - 21                    dispensary, medical marijuana commercial grower,
  - 22                    medical marijuana processor, medical marijuana
  - 23                    research facility or medical marijuana education
  - 24                    facility destination,

1           b.    address of the destination, and

2           c.    name and contact information for the destination  
3                licensee;

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

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

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

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

11          7.    Notation of the transporting licensee.

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

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

18          3.    ~~An inventory manifest shall not be altered after departing~~  
19 ~~the originating premises other than in cases where the printed name~~  
20 ~~and signature of receipt by the receiving licensee is necessary.~~

21          4.    A receiving licensee shall refuse to accept any medical  
22 marijuana, medical marijuana concentrate or medical marijuana  
23 product that is not accompanied by an inventory manifest.

1        ~~5.~~ 4. Originating and receiving licensees shall maintain copies  
2 of inventory manifests and logs of quantities of medical marijuana  
3 received for ~~three (3)~~ seven (7) years from date of receipt.

4        SECTION 19.        AMENDATORY        Section 17, Chapter 11, O.S.L.  
5 2019, as amended by Section 4, Chapter 312, O.S.L. 2019 (63 O.S.  
6 Supp. 2020, Section 427.17), is amended to read as follows:

7        Section 427.17 A. There is hereby created a medical marijuana  
8 testing laboratory license as a category of the medical marijuana  
9 business license. The Oklahoma Medical Marijuana Authority is  
10 hereby enabled to monitor, inspect and audit a licensed testing  
11 laboratory under ~~this act~~ the Oklahoma Medical Marijuana and Patient  
12 Protection Act.

13        B. The Authority is hereby authorized to contract with a  
14 private laboratory for the purpose of conducting compliance testing  
15 of medical marijuana testing laboratories licensed in this state.  
16 Any such laboratory under contract for compliance testing shall be  
17 prohibited from conducting any other commercial medical marijuana  
18 testing in this state.

19        C. The Authority shall ~~have the authority~~ be authorized to  
20 develop acceptable testing ~~and research~~ practices, including, but  
21 not limited to, testing, standards, quality control analysis,  
22 equipment certification and calibration, and chemical and substance  
23 identification ~~and substances used in bona fide research methods so~~  
24 ~~long as it complies with this act.~~

1 D. A person who is a direct beneficial owner ~~or an indirect~~  
2 ~~beneficial owner~~ of a medical marijuana dispensary, medical  
3 marijuana commercial grower, or medical marijuana processor shall  
4 not be an owner of a laboratory.

5 E. A laboratory and a laboratory applicant shall comply with  
6 all applicable local ordinances, including but not limited to  
7 zoning, occupancy, licensing and building codes.

8 F. A separate license shall be required for each specific  
9 laboratory.

10 G. A medical marijuana testing laboratory license may be issued  
11 to a person who performs testing ~~and research~~ on medical marijuana  
12 and medical marijuana products for medical marijuana businesses,  
13 medical marijuana research facilities, medical marijuana education  
14 facilities, and testing ~~and research~~ on marijuana and marijuana  
15 products grown or produced by a patient or caregiver on behalf of a  
16 patient, upon verification of registration. A medical marijuana  
17 testing laboratory may also conduct research related to the  
18 development and improvement of its testing practices and procedures.

19 No state-approved medical marijuana testing facility shall operate  
20 unless a medical laboratory director is on site during operational  
21 hours.

22 H. ~~A laboratory applicant~~ Laboratory applicants and licensees  
23 shall comply with the application requirements of this section and  
24 shall submit such other information as required for a medical

1 marijuana business applicant, in addition to any information the  
2 Authority may request for initial approval and periodic evaluations  
3 during the approval period.

4 I. A medical marijuana testing laboratory may accept samples of  
5 medical marijuana, medical marijuana concentrate or medical  
6 marijuana product from a medical marijuana business, medical  
7 marijuana research facility or medical marijuana education facility  
8 for testing ~~and research~~ purposes only, which purposes may include  
9 the provision of testing services for samples submitted by a medical  
10 marijuana business for product development. The ~~Department~~  
11 Authority may require a medical marijuana business to submit a  
12 sample of medical marijuana, medical marijuana concentrate or  
13 medical marijuana product to a medical marijuana testing laboratory  
14 upon demand.

15 J. A medical marijuana testing laboratory may accept samples of  
16 medical marijuana, medical marijuana concentrate or medical  
17 marijuana product from an individual person for testing only under  
18 the following conditions:

19 1. The individual person is a medical marijuana patient  
20 licensee or caregiver licensee pursuant to ~~this act~~ the Oklahoma  
21 Medical Marijuana and Patient Protection Act or is a participant in  
22 an approved clinical or observational study conducted by a research  
23 facility; and

24



1           2. The medical marijuana testing laboratory shall require the  
2 medical marijuana patient licensee or caregiver licensee to produce  
3 a valid patient or caregiver license and current and valid photo  
4 identification.

5           K. A medical marijuana testing laboratory may transfer samples  
6 to another medical marijuana testing laboratory for testing. All  
7 laboratory reports provided to or by a medical marijuana business or  
8 to a patient or caregiver shall identify the medical marijuana  
9 testing laboratory that actually conducted the test.

10          L. A medical marijuana testing laboratory may utilize a  
11 licensed medical marijuana transporter or wholesaler to transport  
12 samples of medical marijuana, medical marijuana concentrate and  
13 medical marijuana product for testing, in accordance with ~~this act~~  
14 the Oklahoma Medical Marijuana and Patient Protection Act and the  
15 rules adopted pursuant thereto, between the originating medical  
16 marijuana business requesting testing services and the destination  
17 laboratory performing testing services.

18          M. The medical marijuana testing laboratory shall establish  
19 policies to prevent the existence of or appearance of undue  
20 commercial, financial or other influences that may diminish the  
21 competency, impartiality and integrity of the testing processes or  
22 results of the laboratory, or that may diminish public confidence in  
23 the competency, impartiality and integrity of the testing processes  
24 or results of the laboratory. At a minimum, employees, owners or

1 agents of a medical marijuana testing laboratory who participate in  
2 any aspect of the analysis and results of a sample are prohibited  
3 from improperly influencing the testing process, improperly  
4 manipulating data, or improperly benefiting from any ongoing  
5 financial, employment, personal or business relationship with the  
6 medical marijuana business that provided the sample.

7 N. The ~~Department~~ Authority, pursuant to rules promulgated by  
8 the ~~State Commissioner of Health~~ Executive Director, shall develop  
9 standards, policies and procedures as necessary for:

10 1. The cleanliness and orderliness of a laboratory premises and  
11 the location of the laboratory in a secure location, and inspection,  
12 cleaning and maintenance of any equipment or utensils used for the  
13 analysis of test samples;

14 2. Testing procedures, testing standards for cannabinoid and  
15 terpenoid potency and safe levels of contaminants, ~~and~~ remediation  
16 procedures and validation procedures;

17 3. Controlled access areas for storage of medical marijuana and  
18 medical marijuana product test samples, waste and reference  
19 standards;

20 4. Records to be retained and computer systems to be utilized  
21 by the laboratory;

22 5. The possession, storage and use by the laboratory of  
23 reagents, solutions and reference standards;

24

1           6. A certificate of analysis (COA) for each lot of reference  
2 standard;

3           7. The transport and disposal of unused marijuana, marijuana  
4 products and waste;

5           8. The mandatory use by a laboratory of an inventory tracking  
6 system to ensure all ~~test~~ harvest and production batches or samples  
7 containing medical marijuana, medical marijuana concentrate or  
8 medical marijuana products are identified and tracked from the point  
9 they are transferred from a medical marijuana business, a patient or  
10 a caregiver through the point of transfer, destruction or disposal.  
11 The inventory tracking system reporting shall include the results of  
12 any tests that are conducted on medical marijuana, medical marijuana  
13 concentrate or medical marijuana product;

14           9. Standards of performance;

15           10. The employment of laboratory personnel;

16           11. A written standard operating procedure manual to be  
17 maintained and updated by the laboratory;

18           12. The successful participation in a ~~Department-approved~~ an  
19 Authority-approved proficiency testing program for each testing  
20 category listed in this section, in order to obtain and maintain  
21 certification;

22           13. The establishment of and adherence to a quality assurance  
23 and quality control program to ensure sufficient monitoring of  
24 laboratory processes and quality of results reported;

1 14. The establishment by the laboratory of a system to document  
2 the complete chain of custody for samples from receipt through  
3 disposal;

4 15. The establishment by the laboratory of a system to retain  
5 and maintain all required records, including business records, and  
6 processes to ensure results are reported in a timely and accurate  
7 manner; ~~and~~

8 16. Any other aspect of laboratory testing of medical marijuana  
9 or medical marijuana product deemed necessary by the ~~Department~~  
10 Authority; and

11 17. The immediate recall of medical marijuana or medical  
12 marijuana products that test above allowable thresholds or are  
13 otherwise determined to be unsafe.

14 O. A medical marijuana testing laboratory shall promptly  
15 provide the ~~Department~~ Authority or designee of the ~~Department~~  
16 Authority access to a report of a test and any underlying data that  
17 is conducted on a sample at the request of a medical marijuana  
18 business or qualified patient. A medical marijuana testing  
19 laboratory shall also provide access to the ~~Department~~ Authority or  
20 designee of the ~~Department~~ Authority to laboratory premises and to  
21 any material or information requested by the ~~Department~~ Authority to  
22 determine compliance with the requirements of this section.

23 P. A medical marijuana testing laboratory shall retain all  
24 results of laboratory tests conducted on marijuana or products for a

1 period of at least ~~two (2)~~ seven (7) years and shall make them  
2 available to the ~~Department~~ Authority upon request.

3 Q. A medical marijuana testing laboratory shall test samples  
4 from each harvest batch or product batch, as appropriate, of medical  
5 marijuana, medical marijuana concentrate and medical marijuana  
6 product for each of the following categories of testing, consistent  
7 with standards developed by the ~~Commissioner~~ Authority:

- 8 1. Microbials;
- 9 2. Mycotoxins;
- 10 3. Residual solvents;
- 11 4. Pesticides;
- 12 5. Tetrahydrocannabinol (THC) and other cannabinoid potency;
- 13 6. Terpenoid potency; and
- 14 7. Heavy metals.

15 R. ~~A test batch shall not exceed ten (10) pounds of usable~~  
16 ~~marijuana or medical marijuana product, as appropriate. A grower~~  
17 ~~shall separate each harvest lot of usable marijuana into harvest~~  
18 ~~batches containing no more than ten (10) pounds. A processor shall~~  
19 ~~separate each medical marijuana production lot into production~~  
20 ~~batches containing no more than ten (10) pounds~~ The Authority shall  
21 establish reasonable regulations, after consultation with and input  
22 from medical marijuana businesses, specifying what shall constitute  
23 a batch size for testing purposes for all types of medical  
24

1 marijuana, medical marijuana concentrate and medical marijuana  
2 products.

3 S. Medical marijuana testing laboratory licensure shall be  
4 contingent upon successful on-site inspection, successful  
5 participation in proficiency testing and ongoing compliance with the  
6 applicable requirements in this section.

7 T. A medical marijuana testing laboratory shall be inspected  
8 prior to initial licensure and annually up to two times per year  
9 thereafter by an inspector approved by the Authority. The Authority  
10 may enter the licensed premises of a testing laboratory to conduct  
11 investigations and additional inspections when the Authority  
12 believes an investigation or additional inspection is necessary due  
13 to a possible violation of applicable laws, rules or regulations.

14 U. Beginning on a date determined by the ~~Commissioner~~ Executive  
15 Director, not later than January 1, ~~2020~~ 2022, medical marijuana  
16 testing laboratory licensure shall be contingent upon accreditation  
17 by the NELAC Institute (TNI), ~~ANSI/ASQ~~ ANSI National Accreditation  
18 Board (ANAB) or another accrediting body approved by the  
19 ~~Commissioner~~ Executive Director, and any applicable standards as  
20 determined by the ~~Department~~ Authority.

21 V. A 1. Unless otherwise authorized by this section, a  
22 commercial grower shall not transfer or sell medical marijuana and a  
23 processor shall not transfer, sell or process into a concentrate or  
24 product any medical marijuana, medical marijuana concentrate or

1 medical marijuana product unless samples from each harvest batch or  
2 production batch from which that medical marijuana, medical  
3 marijuana concentrate or medical marijuana product was derived has  
4 been tested by a medical marijuana testing facility ~~for contaminants~~  
5 and passed all ~~contaminant~~ tests required by ~~this act~~ the Oklahoma  
6 Medical Marijuana and Patient Protection Act and applicable laws,  
7 rules and regulations.

8 2. A licensed medical marijuana commercial grower may transfer  
9 medical marijuana that has failed testing to a licensed medical  
10 marijuana processor only for the purposes of remediation and only in  
11 accordance with the Oklahoma Medical Marijuana and Patient  
12 Protection Act and the rules and regulations of the Authority.

13 3. The Authority shall establish process validation  
14 requirements related to testing, and all growers and processors who  
15 achieve process validation under the rules and regulations set forth  
16 by the Authority may transfer, sell or process medical marijuana,  
17 medical marijuana concentrate and medical marijuana products in  
18 accordance with those rules and regulations related to batch  
19 testing.

20 SECTION 20. AMENDATORY Section 18, Chapter 11, O.S.L.  
21 2019 (63 O.S. Supp. 2020, Section 427.18), is amended to read as  
22 follows:

23 Section 427.18 A. An Oklahoma medical marijuana business shall  
24 not sell, transfer or otherwise distribute medical marijuana,

1 medical marijuana concentrate or medical marijuana product that has  
2 not been packaged and labeled in accordance with this section and  
3 rules promulgated by the ~~State Commissioner of Health~~ Oklahoma  
4 Medical Marijuana Authority.

5 B. A medical marijuana dispensary shall return medical  
6 marijuana, medical marijuana concentrate and medical marijuana  
7 ~~product~~ products that ~~does~~ do not meet packaging or labeling  
8 requirements in this section or rules promulgated pursuant thereto  
9 to the entity who transferred it to the dispensary. The medical  
10 marijuana dispensary shall document to whom the item was returned,  
11 what was returned and the date of the return or dispose of any  
12 usable marijuana that does not meet these requirements in accordance  
13 with ~~this act~~ the Oklahoma Medical Marijuana and Patient Protection  
14 Act.

15 C. 1. Medical marijuana packaging shall be packaged to  
16 minimize its appeal to children and shall not depict images other  
17 than the business name logo of the medical marijuana producer and  
18 image of the product.

19 2. A medical marijuana business shall not place any content on  
20 a container in a manner that reasonably appears to target  
21 individuals under the age of twenty-one (21), including but not  
22 limited to cartoon characters or similar images.

23 3. Labels on a container shall not include any false or  
24 misleading statements.



1 4. No container shall be intentionally or knowingly labeled so  
2 as to cause a reasonable patient confusion as to whether the medical  
3 marijuana, medical marijuana concentrate or medical marijuana  
4 product is a trademarked product or labeled in a manner that  
5 violates any federal trademark law or regulation.

6 5. The label on the container shall not make any claims  
7 regarding health or physical benefits to the medical marijuana  
8 patient licensee.

9 6. All medical marijuana, medical marijuana concentrate and  
10 medical marijuana products sold at a licensed medical marijuana  
11 dispensary shall be packaged in a child-resistant container ~~at the~~  
12 ~~point of transfer to the patient or caregiver.~~

13 D. ~~The State Department of Health~~ Oklahoma Medical Marijuana  
14 Authority shall develop minimum standards for packaging and labeling  
15 of medical marijuana, medical marijuana concentrate and medical  
16 marijuana products. Such standards shall include, but not be  
17 limited to, the required contents of labels to be affixed to all  
18 medical marijuana, medical marijuana concentrate and medical  
19 marijuana products prior to transfer to a ~~licensed~~ medical marijuana  
20 patient licensee or caregiver licensee, which shall include, at a  
21 minimum:

22 1. ~~A universal symbol indicating that the product contains~~  
23 ~~tetrahydrocannabinol (THC);~~

24 ~~2.~~ THC and other cannabinoid potency, and terpenoid potency;

1       ~~3.~~ 2. A statement indicating that the product has been tested  
2 for contaminants;

3       ~~4.~~ 3. One or more product warnings to be determined by the  
4 ~~Department~~ Authority; and

5       ~~5.~~ 4. Any other information the ~~Department~~ Authority deems  
6 necessary.

7       SECTION 21.       AMENDATORY       Section 19, Chapter 11, O.S.L.  
8 2019 (63 O.S. Supp. 2020, Section 427.19), is amended to read as  
9 follows:

10       Section 427.19 A. A medical marijuana research license may be  
11 issued to a person to grow, cultivate, possess and transfer, by sale  
12 or donation, marijuana pursuant to ~~this act~~ the Oklahoma Medical  
13 Marijuana and Patient Protection Act for the limited research  
14 purposes identified in this section.

15       B. The annual fee for a medical marijuana research license  
16 shall be Five Hundred Dollars (\$500.00) and shall be payable by an  
17 applicant for a medical marijuana research license upon submission  
18 of his or her application to the Oklahoma Medical Marijuana  
19 Authority.

20       C. A medical marijuana research license may be issued for the  
21 following research purposes:

- 22       1. To test chemical potency and composition levels;  
23       2. To conduct clinical investigations of marijuana-derived  
24 medicinal products;

1 3. To conduct research on the efficacy and safety of  
2 administering marijuana as part of medical treatment;

3 4. To conduct genomic, horticultural or agricultural research;  
4 and

5 5. To conduct research on marijuana-affiliated products or  
6 systems.

7 D. 1. As part of the application process for a medical  
8 marijuana research license, an applicant shall submit to the  
9 Authority a description of the research that the applicant intends  
10 to conduct and whether the research will be conducted with a public  
11 institution or using public money. If the research will not be  
12 conducted with a public institution or with public money, the  
13 Authority shall grant the application if it determines that the  
14 applicant meets the criteria in this section.

15 2. If the research will be conducted with a public institution  
16 or public money, the ~~Department~~ Authority shall review the research  
17 project of the applicant to determine if it meets the requirements  
18 of this section and to assess the following:

19 a. the quality, study design, value or impact of the  
20 project,

21 b. whether the applicant has the appropriate personnel,  
22 expertise, facilities, infrastructure, funding and  
23 human, animal or other approvals in place to  
24 successfully conduct the project, and

1 c. whether the amount of marijuana to be grown by the  
2 applicant is consistent with the scope and goals of  
3 the project.

4 3. If the Authority determines that the research project does  
5 not meet the requirements of this section or assesses the criteria  
6 to be inadequate, the application shall be denied.

7 E. A medical marijuana research licensee may only transfer, by  
8 sale or donation, marijuana grown within its operation to other  
9 medical marijuana research licensees. The ~~Department~~ Authority may  
10 revoke a medical marijuana research license for violations of this  
11 section and any other violation of ~~this act~~ the Oklahoma Medical  
12 Marijuana and Patient Protection Act.

13 F. A medical marijuana research licensee may contract to  
14 perform research in conjunction with a public higher education  
15 research institution or another medical marijuana research licensee.

16 G. The growing, cultivating, possessing or transferring, by  
17 sale or donation, of marijuana in accordance with this section and  
18 the rules promulgated pursuant thereto, by a medical marijuana  
19 research licensee shall not be a criminal or civil offense under  
20 state law. A medical marijuana research license shall be issued in  
21 the name of the applicant and shall specify the location in Oklahoma  
22 at which the medical marijuana research licensee intends to operate.  
23 A medical marijuana research licensee shall not allow any other  
24 person to exercise the privilege of the license.

1 H. If the research conducted includes a public institution or  
2 public money, the Authority shall review any reports made by medical  
3 marijuana research licensees under state licensing authority rule  
4 and provide the Authority with its determination on whether the  
5 research project continues to meet research qualifications pursuant  
6 to this section.

7 SECTION 22. AMENDATORY Section 20, Chapter 11, O.S.L.  
8 2019 (63 O.S. Supp. 2020, Section 427.20), is amended to read as  
9 follows:

10 Section 427.20 A. There is hereby created a medical marijuana  
11 education facility license.

12 B. A medical marijuana education facility license may be issued  
13 to a person to possess or cultivate marijuana for the limited  
14 education and research purposes identified in this section.

15 C. A medical marijuana education facility license may only be  
16 granted to a not-for-profit organization structured under Section  
17 501(c)(3) of the Internal Revenue Code, operating as an Oklahoma  
18 not-for-profit registered organization with the Office of the  
19 Secretary of State.

20 D. A medical marijuana education facility license may only be  
21 granted upon the submission of ~~a~~ an annual fee of Five Hundred  
22 Dollars (\$500.00) to the Oklahoma Medical Marijuana Authority.

23 E. A medical marijuana education facility license may be issued  
24 for the following education and research purposes:

1 1. To test cultivation techniques, strategies, infrastructure,  
2 mediums, lighting and other related technology;

3 2. To demonstrate cultivation techniques, strategies,  
4 infrastructure, mediums, lighting and other related technology;

5 3. To demonstrate the application and use of product  
6 manufacturing technologies;

7 4. To conduct genomic, horticultural or agricultural research;  
8 and

9 5. To conduct research on marijuana-affiliated products or  
10 systems.

11 F. As part of the application process for a medical marijuana  
12 education facility license, an applicant shall submit to the  
13 Authority a description of the project and curriculum that the  
14 applicant intends to conduct and whether the project and curriculum  
15 will be conducted with a public institution or using public money.

16 If the ~~research~~ project and curriculum will not be conducted with a  
17 public institution or with public money, the Authority shall grant  
18 the application. If the research will be conducted with a public  
19 institution or public money, the Authority shall review the research  
20 project of the applicant to determine if it meets the requirements  
21 of this section and to assess the following:

22 1. The quality, study design, value or impact of the project;  
23  
24

1 2. Whether the applicant has the appropriate personnel,  
2 expertise, facilities, infrastructure, funding, and human, animal or  
3 other approvals in place to successfully conduct the project; and

4 3. Whether the amount of marijuana to be grown by the applicant  
5 is consistent with the scope and goals of the project.

6 If the Authority determines that the education project does not meet  
7 the requirements of this section or assesses the criteria to be  
8 inadequate, the application shall be denied.

9 G. A medical marijuana education facility licensee may only  
10 transfer, by sale or donation, marijuana grown within its operation  
11 to medical marijuana research licensees. The ~~Department~~ Authority  
12 may revoke a medical marijuana education facility license for  
13 violations of this section and any other violation of ~~this act~~  
14 applicable laws, rules and regulations.

15 H. A medical marijuana education facility licensee may contract  
16 to perform research in conjunction with a public higher education  
17 research institution or another research licensee.

18 I. The growing, cultivating, possessing or transferring, by  
19 sale or donation, of marijuana in accordance with this section and  
20 the rules and regulations promulgated pursuant thereto, by a medical  
21 marijuana education facility licensee shall not be a criminal or  
22 civil offense under state law. A medical marijuana education  
23 facility license shall be issued in the name of the applicant and  
24 shall specify the location in Oklahoma at which the medical

1 marijuana education facility licensee intends to operate. A medical  
2 marijuana education facility licensee shall not allow any other  
3 person to exercise the privilege of the license.

4 SECTION 23. AMENDATORY Section 22, Chapter 11, O.S.L.  
5 2019 (63 O.S. Supp. 2020, Section 427.22), is amended to read as  
6 follows:

7 Section 427.22 A. ~~An~~ All medical marijuana patient and  
8 caregiver licensee records and information, including, without  
9 limitation, an application or renewal and supporting information  
10 submitted by a qualifying patient or designated caregiver under the  
11 provisions of ~~this act including, without limitation,~~ the Oklahoma  
12 Medical Marijuana and Patient Protection Act and information  
13 regarding the physician of the qualifying patient, shall be  
14 considered confidential medical records that are exempt from the  
15 Oklahoma Open Records Act.

16 B. The licensed medical marijuana dispensary records with  
17 patient information shall be treated as confidential records that  
18 are exempt from the Oklahoma Open Records Act.

19 C. All financial information provided by an applicant or  
20 licensee in its application to the Authority shall be treated as  
21 confidential records that are exempt from the Oklahoma Open Records  
22 Act.

23 D. All information provided by an applicant or licensee that  
24 constitutes private business information shall be treated as



1 confidential records that are exempt from the Oklahoma Open Records  
2 Act.

3 E. As used in this section, "private business information"  
4 means information that, if disclosed, would give advantage to  
5 competitors or bidders including, but not limited to, information  
6 related to the planning, ~~site location,~~ operations, strategy, or  
7 product development and marketing of an applicant or licensee,  
8 unless approval for release of those records is granted by the  
9 business.

10 F. All monthly reports, inventory tracking and seed-to-sale  
11 information, data and records submitted to the Oklahoma Medical  
12 Marijuana Authority shall be treated as confidential and are exempt  
13 from the Oklahoma Open Records Act.

14 G. Except for license information concerning licensed medical  
15 marijuana patients or licensed caregivers, the Authority may share  
16 confidential information with the Oklahoma Tax Commission to assist  
17 the Oklahoma Tax Commission in ensuring compliance with applicable  
18 laws, rules and regulations.

19 SECTION 24. AMENDATORY Section 23, Chapter 11, O.S.L.  
20 2019, as amended by Section 11, Chapter 477, O.S.L. 2019 (63 O.S.  
21 Supp. 2020, Section 427.23), is amended to read as follows:

22 Section 427.23 A. ~~The State Commissioner of Health~~ Executive  
23 Director of the Oklahoma Medical Marijuana Authority, the Oklahoma  
24 Tax Commission, the State Treasurer, the Secretary of State and the

1 Director of the Office of Management and Enterprise Services shall  
2 promulgate rules to implement the provisions of ~~this act~~ the  
3 Oklahoma Medical Marijuana and Patient Protection Act.

4 B. ~~The Food Safety Standards Board~~ Medical Marijuana Advisory  
5 Council, in addition to the powers and duties granted in Section 423  
6 of ~~Title 63 of the Oklahoma Statutes~~ this title, may recommend to  
7 the ~~State Commissioner of Health~~ Executive Director of the Authority  
8 rules relating to all aspects of the safe cultivation and  
9 ~~manufacture~~ manufacturing of medical marijuana products. In  
10 addition to the twelve members required in Section 423 of this  
11 title, the Authority may appoint up to eight additional members.  
12 The makeup of the Medical Marijuana Advisory Council shall include  
13 medical marijuana industry representation.

14 SECTION 25. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 427.24 of Title 63, unless there  
16 is created a duplication in numbering, reads as follows:

17 A. Whenever an authorized agent of the Oklahoma Medical  
18 Marijuana Authority finds, in whole or in part, that:

19 1. Any medical marijuana, medical marijuana concentrate or  
20 medical marijuana product fails to meet the requirements of Sections  
21 420 through 426.1 of Title 63 of the Oklahoma Statutes and the  
22 Oklahoma Medical Marijuana and Patient Protection Act, as it relates  
23 to health and safety;

24

1           2. The medical marijuana, medical marijuana concentrate or  
2 medical marijuana product is handled in violation of applicable laws  
3 or rules and regulations of the Authority; or

4           3. The medical marijuana, medical marijuana concentrate or  
5 medical marijuana product may be poisonous, deleterious to health or  
6 is otherwise unsafe,

7 a tag or other appropriate marking shall be affixed to the medical  
8 marijuana, medical marijuana concentrate or medical marijuana  
9 product. The tag or other appropriate marking shall give notice  
10 that the medical marijuana, medical marijuana concentrate or medical  
11 marijuana product is or is suspected of being manufactured,  
12 produced, transferred, sold or offered for sale in violation of  
13 applicable laws or rules and regulations of the Authority. The tag  
14 or other appropriate marking shall also give notice that the medical  
15 marijuana, medical marijuana concentrate or medical marijuana  
16 product is embargoed and shall provide a warning that all persons  
17 shall be prohibited from removing or disposing of the medical  
18 marijuana, medical marijuana concentrate or medical marijuana  
19 product until permission for removal or disposal is given by the  
20 Executive Director of the Authority. It shall be unlawful for any  
21 person to remove or dispose of the embargoed medical marijuana,  
22 medical marijuana concentrate or medical marijuana product without  
23 permission.

24

1 B. 1. If the Executive Director finds that the medical  
2 marijuana, medical marijuana concentrate or medical marijuana  
3 product embargoed pursuant to subsection A of this section does not  
4 meet the requirements of applicable laws or rules and regulations of  
5 the Authority, or is poisonous, deleterious to health or otherwise  
6 unsafe, the Executive Director may institute an action in the  
7 district court, in whose jurisdiction the medical marijuana, medical  
8 marijuana concentrate or medical marijuana product is embargoed, for  
9 the condemnation and destruction of the medical marijuana, medical  
10 marijuana concentrate or medical marijuana product.

11 2. If the Executive Director later finds that the embargoed  
12 medical marijuana or medical marijuana product does meet the  
13 requirements of applicable laws or rules and regulations of the  
14 Authority and is not poisonous, deleterious to health or otherwise  
15 unsafe, the Executive Director shall remove the embargo.

16 3. In any court proceeding regarding an embargo, the State  
17 Department of Health, the Oklahoma Medical Marijuana Authority, the  
18 State Commissioner of Health and the Executive Director of the  
19 Authority shall not be held liable if the court finds reasonable  
20 belief for the embargo.

21 C. If the court finds that the embargoed medical marijuana,  
22 medical marijuana concentrate or medical marijuana product, in whole  
23 or in part, is in violation of any applicable laws or rules and  
24 regulations of the Authority or is poisonous, deleterious to health,

1 or otherwise unsafe, the medical marijuana, medical marijuana  
2 concentrate or medical marijuana product shall be destroyed under  
3 the supervision of the Executive Director and at the expense of the  
4 owner or defendant. All court costs, fees, cost of storage and  
5 other proper expenses shall be paid by the owner or defendant of the  
6 medical marijuana, medical marijuana concentrate or medical  
7 marijuana product. The court may order that the medical marijuana,  
8 medical marijuana concentrate or medical marijuana product be  
9 delivered to the owner or defendant for appropriate labeling or  
10 processing under the supervision of the Executive Director if:

11 1. The violation can be corrected by proper processing of the  
12 medical marijuana, medical marijuana concentrate or medical  
13 marijuana product;

14 2. All costs, fees and expenses have been paid; and

15 3. A sufficient bond is executed and conditioned for  
16 appropriate labeling or processing as the court may require.

17 The expense of supervision shall be paid to the Authority by the  
18 person obtaining release of the medical marijuana, medical marijuana  
19 concentrate or medical marijuana product under bond.

20 SECTION 26. AMENDATORY Section 2, Chapter 337, O.S.L.  
21 2019 (63 O.S. Supp. 2020, Section 428.1), is amended to read as  
22 follows:

23 Section 428.1 As used in ~~this act~~ the Oklahoma Medical  
24 Marijuana Waste Management Act:

- 1        1. "Authority" shall mean the Oklahoma Medical Marijuana  
2 Authority, or successor agency;
- 3        2. "Commercial licensee" shall mean any person or entity issued  
4 a license by the Oklahoma Medical Marijuana Authority, or successor  
5 agency, to conduct commercial business in this state;
- 6        3. "Disposal" shall mean the ~~final~~ disposition of medical  
7 marijuana waste by ~~either~~ a process which renders the waste unusable  
8 and unrecognizable through physical destruction or a recycling  
9 process;
- 10       4. "Facility" shall mean ~~a location~~ the licensed or permitted  
11 premises where the disposal of medical marijuana waste takes place  
12 by a licensee;
- 13       5. "License" shall mean a medical marijuana waste disposal  
14 license;
- 15       6. "Licensee" shall mean the holder of a medical marijuana  
16 waste disposal license;
- 17       7. "Medical marijuana waste" shall mean:  
18        a.    unused, surplus, returned or out-of-date marijuana and  
19            plant debris of the plant of the genus Cannabis,  
20            including dead plants and all unused plant parts,  
21            except the term shall not include seeds, roots, stems,  
22            stalks and fan leaves,  
23        b.    all product which is deemed to fail laboratory testing  
24            and cannot be remediated, and

1            c. all product and inventory from commercial licensees,  
2            medical marijuana research facilities and medical  
3            marijuana education facilities that have gone out of  
4            business and are not subject to the provisions of  
5            Section 1560 of Title 12 of the Oklahoma Statutes; and

6            8. "Medical marijuana waste disposal license" shall mean a  
7 license issued by the Oklahoma Medical Marijuana Authority, or  
8 successor agency.

9            SECTION 27.            AMENDATORY            Section 3, Chapter 337, O.S.L.  
10           2019 (63 O.S. Supp. 2020, Section 429), is amended to read as  
11 follows:

12           Section 429. A. Medical marijuana waste shall be subject to  
13 the provisions of ~~this act~~ the Oklahoma Medical Marijuana Waste  
14 Management Act and shall not be subject to the provisions of the  
15 Uniform Controlled Dangerous Substances Act. Nothing in ~~this act~~  
16 the Oklahoma Medical Marijuana Waste Management Act shall alter or  
17 affect the jurisdictional areas of environmental responsibility of  
18 the Department of Environmental Quality as provided for in Title 27A  
19 of the Oklahoma Statutes.

20           B. Commercial licensees, medical marijuana research facilities  
21 and medical marijuana education facilities shall be authorized to  
22 destroy the following marijuana plant parts without being required  
23 to utilize the services of a medical marijuana waste disposal  
24 facility:

- 1 1. ~~Root balls~~ Roots;
- 2 2. Stems;
- 3 3. Fan leaves; ~~and~~
- 4 4. Seeds; ~~and~~
- 5 5. Stalks.

6 Unless restricted by local ordinance, commercial licensees,  
7 medical marijuana research facilities and medical marijuana  
8 education facilities shall be authorized to destroy the above-listed  
9 marijuana plant parts on-site by open burning, incineration,  
10 burying, mulching, composting or any other technique approved by the  
11 Department of Environmental Quality.

12 ~~C. Commercial licensees, medical marijuana research facilities~~  
13 ~~and medical marijuana education facilities engaged in the disposal~~  
14 ~~of medical marijuana waste shall create and maintain documentation~~  
15 ~~on a form prescribed by the Oklahoma Medical Marijuana Authority~~  
16 ~~that includes precise weights or counts of medical marijuana waste~~  
17 ~~and the manner in which the medical marijuana waste is disposed.~~  
18 ~~Such documentation shall contain a witness affidavit and signature~~  
19 ~~attesting to the lawful disposal of the medical marijuana waste~~  
20 ~~under penalty of perjury. All disposal records shall be maintained~~  
21 ~~by commercial licensees, medical marijuana research facilities and~~  
22 ~~medical marijuana educational facilities for a period of five (5)~~  
23 ~~years and shall be subject to inspection and auditing by the~~  
24 ~~Authority.~~



1 SECTION 28. AMENDATORY Section 4, Chapter 337, O.S.L.  
2 2019 (63 O.S. Supp. 2020, Section 430), is amended to read as  
3 follows:

4 Section 430. A. There is hereby created and authorized a  
5 medical marijuana waste disposal license. A person or entity in  
6 possession of a medical marijuana waste disposal license shall be  
7 entitled to possess, transport and dispose of medical marijuana  
8 waste. No person or entity shall possess, transport or dispose of  
9 medical marijuana waste without a valid medical marijuana waste  
10 disposal license. The Oklahoma Medical Marijuana Authority shall  
11 issue licenses upon proper application by a licensee and  
12 determination by the Authority that the proposed site and facility  
13 are physically and technically suitable. Upon a finding that a  
14 proposed medical marijuana waste disposal facility is not physically  
15 or technically suitable, the Authority shall deny the license. The  
16 Authority may, upon determining that public health or safety  
17 requires emergency action, issue a temporary license for treatment  
18 or storage of medical marijuana waste for a period not to exceed  
19 ninety (90) days. The Authority shall not, ~~for the first year of~~  
20 ~~the licensure program~~ until November 1, 2021, issue more than ten  
21 licenses. ~~Upon the conclusion of the first year, the Authority~~  
22 ~~shall assess the need for additional licenses and shall, if~~  
23 ~~demonstrated, increase~~ Beginning November 1, 2021, there shall be no  
24

1 limit to the number of medical marijuana waste disposal licenses as  
2 ~~deemed necessary~~ issued by the Authority.

3 B. Entities applying for a medical marijuana waste disposal  
4 license shall undergo the following screening process:

5 1. Complete an application form, as prescribed by the  
6 Authority, which shall include:

7 a. an attestation that the applicant is authorized to  
8 make application on behalf of the entity,

9 b. full name of the organization,

10 c. trade name, if applicable,

11 d. type of business organization,

12 e. complete mailing address,

13 f. an attestation that the commercial entity will not be  
14 located on tribal land,

15 g. telephone number and email address of the entity, and

16 h. name, residential address and date of birth of each  
17 owner and each member, manager and board member, if  
18 applicable;

19 2. The application for a medical marijuana waste disposal  
20 license made by an individual on his or her own behalf shall be on  
21 the form prescribed by the Authority and shall include, but not be  
22 limited to:

23 a. the first, middle and last name of the applicant and  
24 suffix, if applicable,

- b. the residence address and mailing address of the applicant,
- c. the date of birth of the applicant,
- d. the preferred telephone number and email address of the applicant,
- e. an attestation that the information provided by the applicant is true and correct, and
- f. a statement signed by the applicant pledging not to divert marijuana to any individual or entity that is not lawfully entitled to possess marijuana; and

3. Each application shall be accompanied by the following documentation:

- a. a list of all persons or entities that have an ownership interest in the entity,
- b. a certificate of good standing from the Oklahoma Secretary of State, if applicable,
- c. an Affidavit of Lawful Presence for each owner,
- d. proof that the proposed location of the disposal facility is at least one thousand (1,000) feet from a public or private elementary, middle or high school. The distance indicated in this subparagraph shall be measured from ~~any entrance~~ the nearest property line of the public or private elementary, middle or high school to the ~~nearest property line point~~ front

1 entrance of the disposal facility. If any public or  
2 private elementary, middle or high school is  
3 established within one thousand (1,000) feet of any  
4 disposal facility after such disposal facility has  
5 been licensed, the provisions of this subparagraph  
6 shall not be a deterrent to the renewal of such  
7 license or warrant revocation of the license, and

8 e. documents establishing the applicant, the members,  
9 managers and board members, if applicable, and  
10 seventy-five percent (75%) of the ownership interests  
11 are Oklahoma residents as established in Section 420  
12 ~~et seq. of Title 63 of the Oklahoma Statutes~~ of this  
13 title, as it relates to proof of residency.

14 C. No license shall be issued except upon proof of sufficient  
15 liability insurance and financial responsibility. Liability  
16 insurance shall be provided by the applicant and shall apply to  
17 sudden and nonsudden bodily injury or property damage on, below or  
18 above the surface, as required by the rules of the Authority. Such  
19 insurance shall be maintained for the period of operation of the  
20 facility and shall provide coverage for damages resulting from  
21 operation of the facility during operation and after closing. ~~In~~  
22 ~~lieu of liability insurance required by this subsection, an~~  
23 ~~equivalent amount of cash, securities, bond or alternate financial~~  
24 ~~assurance, of a type and in an amount acceptable to the Authority,~~

1 ~~may be substituted; provided, that such deposit shall be maintained~~  
2 ~~for a period of five (5) years after the date of last operation of~~  
3 ~~the facility.~~

4 D. Submission of an application for a medical marijuana waste  
5 disposal license shall constitute permission for entry to and  
6 inspection of the facility of the licensee during hours of operation  
7 and other reasonable times. Refusal to permit such entry of  
8 inspection shall constitute grounds for the nonrenewal, suspension  
9 or revocation of a license. The Authority may perform an annual  
10 unannounced on-site inspection of the operations and any facility of  
11 the licensee. If the Authority receives a complaint concerning  
12 noncompliance by a licensee with the provisions of ~~this act~~ the  
13 Oklahoma Medical Marijuana Waste Management Act, the Authority may  
14 conduct additional unannounced, on-site inspections beyond an annual  
15 inspection. The Authority shall refer all complaints alleging  
16 criminal activity that are made against a licensed facility to  
17 appropriate state or local law enforcement authorities.

18 E. The Authority shall issue ~~a~~ an annual permit for each  
19 medical marijuana waste disposal facility operated by a licensee. A  
20 permit shall be issued only upon proper application by a licensee  
21 and determination by the Authority that the proposed site and  
22 facility are physically and technically suitable. Upon a finding  
23 that a proposed medical marijuana waste disposal facility is not  
24 physically or technically suitable, the Authority shall deny the

1 permit. The Authority shall have the authority to revoke a permit  
2 upon a finding that the site and facility are not physically and  
3 technically suitable for processing. The Authority may, upon  
4 determining that public health or safety requires emergency action,  
5 issue a temporary permit for treatment or storage of medical  
6 marijuana waste for a period not to exceed ninety (90) days.

7 F. The cost of a medical marijuana waste disposal license shall  
8 be Five Thousand Dollars (\$5,000.00) for the initial license. The  
9 cost of a medical marijuana waste disposal facility permit shall be  
10 Five Hundred Dollars (\$500.00). A medical marijuana waste disposal  
11 facility permit that has been revoked shall be reinstated upon  
12 remittance of a reinstatement fee of Five Hundred Dollars (\$500.00)  
13 to restore the facility permit. All license and permit fees shall  
14 be deposited into the ~~Public Health Special Fund~~ Oklahoma Medical  
15 Marijuana Authority Revolving Fund as provided in Section ~~1-107~~  
16 427.5 of ~~Title 63 of the Oklahoma Statutes~~ this title.

17 G. The holder of a medical marijuana waste disposal license  
18 shall not be required to obtain a medical marijuana transporter  
19 license provided for in the Oklahoma Medical Marijuana and Patient  
20 Protection Act for purposes of transporting medical marijuana waste.

21 H. All commercial licensees, as defined in Section ~~2~~ 428.1 of  
22 this ~~act~~ title, shall utilize a licensed medical marijuana waste  
23 disposal service to process all medical marijuana waste generated by  
24 the licensee.

1 I. ~~The State Commissioner of Health~~ Oklahoma Medical Marijuana  
2 Authority shall promulgate rules for the implementation of ~~this act~~  
3 the Oklahoma Medical Marijuana Waste Management Act. Promulgated  
4 rules shall address disposal process standards, site security and  
5 any other subject matter deemed necessary by the Authority.

6 SECTION 29. It being immediately necessary for the preservation  
7 of the public peace, health or safety, an emergency is hereby  
8 declared to exist, by reason whereof this act shall take effect and  
9 be in full force from and after its passage and approval.

10

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