

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1717 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: TJ Marti

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 1717

By: Marti

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to marijuana; amending 63 O.S. 2021, Section 421, as amended by Section 1, Chapter 332, O.S.L. 2022 (63 O.S. Supp. 2022, Section 421), which relates to licensing for medical marijuana dispensaries; updating name of agency; providing applications for adult use marijuana dispensary licenses; modifying procedures and guidelines to allow for adult use marijuana dispensary licenses; amending 63 O.S. 2021, Section 422, as amended by Section 2, Chapter 332, O.S.L. 2022 (63 O.S. Supp. 2022, Section 422), which relates to licensing for medical marijuana commercial growers; updating name of agency; providing applications for adult use marijuana commercial grower licenses; modifying procedures and guidelines to allow for adult use marijuana commercial grower licenses; amending 63 O.S. 2021, Section 423, as amended by Section 3, Chapter 332, O.S.L. 2022 (63 O.S. Supp. 2022, Section 423), which relates to licensing for medical marijuana processors; updating name of agency; providing applications for adult use marijuana processor licenses; modifying procedures and guidelines to allow for adult use marijuana processor licenses; amending 63 O.S. 2021, Section 424, which relates to marijuana transportation licenses; providing for the issuance of adult use marijuana transportation licenses; modifying procedures and guidelines to allow for adult use marijuana transportation licenses; amending 63 O.S. 2021,

1 Section 425, as amended by Section 2, Chapter 317,  
2 O.S.L. 2022 (63 O.S. Supp. 2022, Section 425), which  
3 relates to license holder protections; updating city  
4 and local municipality restrictions to include adult  
5 use marijuana dispensaries; prohibiting adult use  
6 marijuana dispensaries from being located near public  
7 or private schools; deleting references to the State  
8 Department of Health; updating name of agency;  
9 amending 63 O.S. 2021, Section 426.1, as amended by  
10 Section 6, Chapter 251, O.S.L. 2022 (63 O.S. Supp.  
11 2022, Section 426.1), which relates to licensure  
12 revocation hearings; updating name of agency;  
13 directing the Oklahoma Medical Marijuana Authority to  
14 provide list of adult use marijuana businesses to  
15 state agencies and political subdivisions; requiring  
16 adult use marijuana businesses to obtain a  
17 certificate of compliance; amending 63 O.S. 2021,  
18 Sections 427.2, as amended by Section 1, Chapter 317,  
19 O.S.L. 2022, 427.3, as amended by Section 8, Chapter  
20 251, O.S.L. 2022, Section 1, Chapter 236, O.S.L.  
21 2022, 427.4, as amended by Section 9, Chapter 251,  
22 O.S.L. 2022, 427.6, as last amended by Section 1,  
23 Chapter 328, O.S.L. 2022, 427.13, as amended by  
24 Section 14, Chapter 251, O.S.L. 2022, 427.14, as  
amended by Section 4, Chapter 332, O.S.L. 2022,  
Section 3, Chapter 328, O.S.L. 2022, 427.15, 427.16,  
as amended by Section 16, Chapter 251, O.S.L. 2022,  
427.17, as last amended by Section 1, Chapter 353,  
O.S.L. 2022, 427.18, as amended by Section 18,  
Chapter 251, O.S.L. 2022, 427.19, as amended by  
Section 19, Chapter 251, O.S.L. 2022, 427.20, as  
amended by Section 20, Chapter 251, O.S.L. 2022,  
427.21, as amended by Section 2, Chapter 329, O.S.L.  
2022, 427.22, as amended by Section 21, Chapter 251,  
O.S.L. 2022, 427.24, as amended by Section 23,  
Chapter 251, O.S.L. 2022, and Section 1, Chapter 352,  
O.S.L. 2022 (63 O.S. Supp. 2022, Section 427.2,  
427.3, 427.3a, 427.4, 427.6, 427.13, 427.14, 427.14b,  
427.16, 427.17, 427.18, 427.19, 427.20, 427.21,  
427.22, 427.24, and 427.25), which relate to the  
Oklahoma Medical Marijuana and Patient Protection  
Act; updating name of agency; adding definitions and  
modifying certain definitions; modifying scope of  
duties and functions of the Authority to include  
adult use marijuana business licensees; updating  
language; updating references to medical marijuana,  
medical marijuana products, and medical marijuana

1 concentrate; modifying duties of the Executive  
2 Director of the Authority to include adult use  
3 marijuana businesses; expanding monitoring,  
4 inspection, and disciplinary actions and penalties to  
5 include adult use marijuana businesses; updating  
6 inventory tracking system procedures and guidelines  
7 to include adult use marijuana businesses; modifying  
8 tiered licensing provisions to include adult use  
9 marijuana business licensees; requiring adult use  
10 marijuana business licensees to comply with general  
11 background requirements when seeking licensure or  
12 licensure renewal; making adult use marijuana  
13 business licensees subject to licensing procedures  
14 and guidelines of the Authority; requiring employees  
15 of adult use marijuana licensees to apply for and  
16 receive certain credentials; directing adult use  
17 marijuana businesses to submit attestation regarding  
18 foreign financial interests; providing for adult use  
19 marijuana transporter licenses; expanding transporter  
20 licensing procedures and guidelines to include adult  
21 use marijuana transporter licenses; providing for  
22 adult use marijuana testing laboratory licenses;  
23 expanding testing laboratory licensing procedures and  
24 guidelines to include adult use marijuana testing  
laboratory licenses; modifying packaging and labeling  
requirements and restrictions to include adult use  
marijuana businesses; deleting all references to  
medical marijuana as it pertains to research  
licenses; deleting all references to medical  
marijuana as it pertains to education facility  
licenses; applying advertising and signage  
requirements to adult use marijuana businesses;  
making consumer information at dispensaries  
confidential and exempt from the Oklahoma Open  
Records Act; deleting all references to medical  
marijuana as it pertains to the embargoing of  
marijuana; authorizing use of secret shoppers at  
adult use marijuana dispensaries; modifying  
procedures and guidelines for secret shoppers to  
include adult use marijuana businesses; amending 63  
O.S. 2021, Section 428.1, 429, and 430, as amended by  
Section 3, Chapter 317, O.S.L. 2022 (63 O.S. Supp.  
2022, Section 430), which relate to the Oklahoma  
Medical Marijuana Waste Management Act; updating name  
of agency; modifying scope of certain definitions;  
deleting all references to medical marijuana as it  
pertains to the disposal of marijuana and the

1           licensing of marijuana waste disposal facilities; and  
2           providing an effective date.

3  
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5           SECTION 1.           AMENDATORY           63 O.S. 2021, Section 421, as  
6 amended by Section 1, Chapter 332, O.S.L. 2022 (63 O.S. Supp. 2022,  
7 Section 421), is amended to read as follows:

8           Section 421. A. The Oklahoma ~~Medical~~ Marijuana Authority shall  
9 make available on its website in an easy-to-find location an  
10 application for a medical marijuana or adult use marijuana  
11 dispensary license. The application fee to be paid by the applicant  
12 shall be in the amounts provided for in Section 427.14 of this  
13 title. A method of payment for the application fee shall be  
14 provided on the website of the Authority. Dispensary applicants  
15 must all be residents of Oklahoma. Any entity applying for a  
16 dispensary license must be owned by an Oklahoma resident and must be  
17 registered to do business in Oklahoma. The Authority shall have  
18 ninety (90) business days to review the application; approve, reject  
19 or deny the application; and mail the approval, rejection or denial  
20 letter stating reasons for the rejection or denial to the applicant.

21           B. The Authority shall approve all applications which meet the  
22 following criteria:

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

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

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

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

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

10      6. All applicants must disclose all ownership interests in the  
11 dispensary.

12      Applicants with a nonviolent felony conviction in the last two  
13 (2) years, any other felony conviction in the last five (5) years,  
14 inmates in the custody of the Department of Corrections or any  
15 person currently incarcerated shall not qualify for a medical  
16 marijuana or adult use marijuana dispensary license.

17      C. Licensed medical marijuana and licensed adult use marijuana  
18 dispensaries shall be required to complete a monthly sales report to  
19 the Authority. This report shall be due on the fifteenth of each  
20 month and provide reporting on the previous month. This report  
21 shall detail the weight of marijuana purchased at wholesale and the  
22 weight of marijuana sold to licensed medical marijuana patients and,  
23 licensed caregivers, and adult use consumers and account for any  
24 waste. The report shall show total sales in dollars, tax collected

1 in dollars, and tax due in dollars. The Authority shall have  
2 oversight and auditing responsibilities to ensure that all marijuana  
3 being grown is accounted for.

4 D. Only a licensed medical marijuana or licensed adult use  
5 marijuana dispensary may conduct retail sales of marijuana or  
6 marijuana derivatives. Beginning on the effective date of this act,  
7 licensed medical marijuana and licensed adult use marijuana  
8 dispensaries shall be authorized to package and sell pre-rolled  
9 marijuana to licensed medical marijuana patients ~~and~~, licensed  
10 caregivers, and adult use consumers. The products described in this  
11 subsection shall contain only the ground parts of the marijuana  
12 plant and shall not include marijuana concentrates or derivatives.  
13 The total net weight of each pre-roll packaged and sold by a medical  
14 marijuana or adult use marijuana dispensary shall not exceed one (1)  
15 gram. These products shall be tested, packaged and labeled in  
16 accordance with Oklahoma law and rules promulgated by the Authority.

17 E. No medical marijuana or adult use marijuana dispensary shall  
18 offer or allow a medical marijuana patient licensee, caregiver  
19 licensee, adult use customer, or other member of the public to  
20 handle or otherwise have physical contact with any ~~medical~~ marijuana  
21 not contained in a sealed or separate package. Provided, such  
22 prohibition shall not preclude an employee of the medical marijuana  
23 or adult use marijuana dispensary from handling loose or nonpackaged  
24 ~~medical~~ marijuana to be placed in packaging consistent with the

1 Oklahoma Medical Marijuana and Patient Protection Act and the rules  
2 promulgated by the Authority for the packaging of ~~medical~~ marijuana  
3 for retail sale. Provided, further, such prohibition shall not  
4 prevent a medical marijuana or adult use marijuana dispensary from  
5 displaying samples of its ~~medical~~ marijuana in separate display  
6 cases, jars or other containers and allowing medical marijuana  
7 patient licensees ~~and,~~ caregiver licensees, or adult use customer  
8 the ability to handle or smell the various samples as long as the  
9 sample ~~medical~~ marijuana is used for display purposes only and is  
10 not offered for retail sale.

11 SECTION 2. AMENDATORY 63 O.S. 2021, Section 422, as  
12 amended by Section 2, Chapter 332, O.S.L. 2022 (63 O.S. Supp. 2022,  
13 Section 422), is amended to read as follows:

14 Section 422. A. The Oklahoma ~~Medical~~ Marijuana Authority shall  
15 make available on its website in an easy-to-find location an  
16 application for a medical marijuana or adult use marijuana  
17 commercial grower license. The application fee shall be paid by the  
18 applicant in the amounts provided for in Section 427.14 of this  
19 title. A method of payment for the application fee shall be  
20 provided on the website of the Authority. The Authority shall have  
21 ninety (90) days to review the application; approve, reject or deny  
22 the application; and mail the approval, rejection or denial letter  
23 stating the reasons for the rejection or denial to the applicant.

24



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

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

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

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 in the  
15 commercial grower operation.

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

21 C. A licensed medical marijuana or licensed adult use marijuana  
22 commercial grower may sell marijuana to a licensed medical marijuana  
23 or licensed adult use marijuana dispensary or a licensed medical  
24 marijuana or licensed adult use marijuana processor. Further, sales

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

1 medical marijuana and license adult use marijuana dispensaries in  
2 pounds. Additionally, this report shall show total wholesale sales  
3 in dollars. The Authority shall have oversight and auditing  
4 responsibilities to ensure that all marijuana being grown by  
5 licensed medical marijuana or licensed adult use marijuana  
6 commercial growers is accounted for.

7 D. There shall be no limits on how much marijuana a licensed  
8 medical marijuana or licensed adult use commercial grower can grow.

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

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

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

1 application for a medical marijuana or adult use marijuana  
2 processing license. The Authority shall be authorized to issue two  
3 types of medical marijuana or adult use marijuana processor licenses  
4 based on the level of risk posed by the type of processing  
5 conducted:

6 1. Nonhazardous medical marijuana adult use marijuana processor  
7 license; and

8 2. Hazardous medical marijuana adult use marijuana processor  
9 license.

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

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

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

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

24

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

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

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

8 6. All applicants must disclose all ownership interests in the  
9 processing operation.

10 Applicants with a nonviolent felony conviction in the last two  
11 (2) years, any other felony conviction in the last five (5) years,  
12 inmates in the custody of the Department of Corrections or any  
13 person currently incarcerated shall not qualify for a medical  
14 marijuana or adult use marijuana processing license.

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

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

24

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

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

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

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

1 in dollars. The Authority shall have oversight and auditing  
2 responsibilities to ensure that all marijuana being processed is  
3 accounted for.

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

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

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

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

3 Section 424. A. A marijuana transportation license ~~will~~ shall  
4 be issued to qualifying applicants for a marijuana ~~retail~~  
5 dispensary, growing commercial grower, or processing processor  
6 license. The transportation license ~~will~~ shall be issued at the  
7 time of approval of a ~~retail, growing, or processing~~ dispensary,  
8 commercial grower, or processor license.

9 B. A transportation license ~~will~~ shall allow the holder to  
10 transport marijuana from an Oklahoma licensed medical marijuana  
11 ~~retailer~~ or adult use dispensary, licensed ~~growing~~ commercial grower  
12 facility, or licensed processor facility to an Oklahoma licensed  
13 medical marijuana ~~retailer~~ or adult use dispensary, licensed ~~growing~~  
14 commercial grower facility, or licensed ~~processing~~ processor  
15 facility.

16 C. All marijuana or marijuana products shall be transported in  
17 a locked container and clearly labeled "~~Medical Marijuana or~~  
18 ~~Derivative~~" "Marijuana or Derivative".

19 SECTION 5. AMENDATORY 63 O.S. 2021, Section 425, as  
20 amended by Section 2, Chapter 317, O.S.L. 2022 (63 O.S. Supp. 2022,  
21 Section 425), is amended to read as follows:

22 Section 425. A. No school or landlord may refuse to enroll or  
23 lease to and may not otherwise penalize a person solely for his or  
24 her status as a medical marijuana patient licensee, unless failing



1 to do so would cause the school or landlord the potential to lose a  
2 monetary or licensing-related benefit under federal law or  
3 regulations.

4 B. Unless a failure to do so would cause an employer the  
5 potential to lose a monetary or licensing-related benefit under  
6 federal law or regulations, an employer may not discriminate against  
7 a person in hiring, termination or imposing any term or condition of  
8 employment or otherwise penalize a person based upon the status of  
9 the person as a medical marijuana patient licensee. Employers may  
10 take action against a medical marijuana patient licensee if the  
11 licensee uses or possesses marijuana while in his or her place of  
12 employment or during the hours of employment. Employers may not  
13 take action against a medical marijuana patient licensee solely  
14 based upon the status of an employee as a medical marijuana patient  
15 licensee or the results of a drug test showing positive for  
16 marijuana or its components.

17 C. For the purposes of medical care, including organ  
18 transplants, the authorized use of marijuana by a medical marijuana  
19 patient licensee shall be considered the equivalent of the use of  
20 any other medication under the direction of a physician and does not  
21 constitute the use of an illicit substance or otherwise disqualify a  
22 registered qualifying patient from medical care.

23 D. No medical marijuana patient licensee may be denied custody  
24 of or visitation or parenting time with a minor child, and there is

1 no presumption of neglect or child endangerment for conduct allowed  
2 under this law unless the behavior of the medical marijuana patient  
3 licensee creates an unreasonable danger to the safety of the minor  
4 child.

5 E. No person who possesses a medical marijuana patient license  
6 may be unduly withheld from holding another state-issued license by  
7 virtue of his or her status as a medical marijuana patient licensee  
8 including, but not limited to, a concealed carry permit.

9 F. 1. No city or local municipality may unduly change or  
10 restrict zoning laws to prevent the opening of a medical marijuana  
11 or adult use marijuana dispensary.

12 2. For purposes of this subsection, an undue change or  
13 restriction of municipal zoning laws means an act which entirely  
14 prevents medical marijuana or adult use marijuana dispensaries from  
15 operating within municipal boundaries as a matter of law.  
16 Municipalities may follow their standard planning and zoning  
17 procedures to determine if certain zones or districts would be  
18 appropriate for locating marijuana-licensed premises, medical  
19 marijuana or adult use marijuana businesses or any other premises  
20 where marijuana or its by-products are cultivated, grown, processed,  
21 stored or manufactured.

22 3. A medical marijuana or adult use marijuana dispensary does  
23 not include those other entities licensed by the Oklahoma ~~Medical~~  
24 Marijuana Authority as marijuana-licensed premises, medical

1 marijuana businesses or other facilities or locations where  
2 marijuana or any product containing marijuana or its by-products are  
3 cultivated, grown, processed, stored or manufactured.

4 G. 1. The location of any medical marijuana or adult use  
5 marijuana dispensary is specifically prohibited within one thousand  
6 (1,000) feet of any public school or private school. The distance  
7 indicated in this paragraph shall be measured from the nearest  
8 property line of such public school or private school to the nearest  
9 perimeter wall of the licensed premises of such medical marijuana or  
10 adult use marijuana dispensary. If a medical marijuana or adult use  
11 marijuana dispensary met the requirements of this paragraph at the  
12 time of its initial licensure, the medical marijuana or adult use  
13 marijuana dispensary licensee shall be permitted to continue  
14 operating at the licensed premises in the same manner and not be  
15 subject to nonrenewal or revocation due to subsequent events or  
16 changes in regulations occurring after licensure that would render  
17 the medical marijuana or adult use marijuana dispensary in violation  
18 by being within one thousand (1,000) feet of a public school or  
19 private school. If any public school or private school is  
20 established within one thousand (1,000) feet of any medical  
21 marijuana or adult use marijuana dispensary after such medical  
22 marijuana or adult use marijuana dispensary has been licensed, the  
23 provisions of this paragraph shall not be a deterrent to the renewal  
24 of such license or warrant revocation of the license. For purposes

1 of this paragraph, a property owned, used or operated by a public  
2 school or by a private school that is not used for classroom  
3 instruction on core curriculum, such as an administrative building,  
4 athletic facility, ballpark, field or stadium, shall not constitute  
5 a public school or private school unless such property is located on  
6 the same campus as a building used for classroom instruction on core  
7 curriculum.

8       2. The location of any medical marijuana or adult use marijuana  
9 commercial grower shall not be within one thousand (1,000) feet of  
10 any public school or private school as measured from the nearest  
11 property line of such public school or private school to the nearest  
12 property line of the licensed premises of such medical marijuana or  
13 adult use marijuana commercial grower. Additionally, the location  
14 of the medical marijuana or adult use marijuana commercial grower  
15 shall not adjoin to any public school or private school or be  
16 located at the same physical address as the public school or private  
17 school. If a medical marijuana or adult use marijuana commercial  
18 grower met the requirements of this paragraph at the time of its  
19 initial licensure, the medical marijuana or adult use marijuana  
20 commercial grower licensee shall be permitted to continue operating  
21 at the licensed premises in the same manner and not be subject to  
22 nonrenewal or revocation due to subsequent events or changes in  
23 regulations occurring after licensure that would render the medical  
24 marijuana or adult use marijuana commercial grower in violation of

1 this paragraph. If any public school or private school is  
2 established within one thousand (1,000) feet of any medical  
3 marijuana or adult use marijuana commercial grower after such  
4 medical marijuana or adult use marijuana commercial grower has been  
5 licensed, or if any public school or private school is established  
6 adjoining to or at the same physical address as any medical  
7 marijuana or adult use marijuana commercial grower after such  
8 medical marijuana or adult use marijuana commercial grower has been  
9 licensed, the provisions of this paragraph shall not be a deterrent  
10 to the renewal of such license or warrant revocation of the license.  
11 For purposes of this paragraph, a property owned, used, or operated  
12 by a public school or by a private school that is not used for  
13 classroom instruction on core curriculum, such as an administrative  
14 building, athletic facility, ballpark, field, or stadium, shall not  
15 constitute a public school or private school unless such property is  
16 located on the same campus as a building used for classroom  
17 instruction on core curriculum.

18 H. Research shall be provided for under this law. A researcher  
19 may apply to the ~~State Department of Health~~ Oklahoma Marijuana  
20 Authority for a special research license. The research license  
21 shall be granted, provided the applicant meets the criteria listed  
22 in the Oklahoma Medical Marijuana and Patient Protection Act.  
23 Research licensees shall be required to file monthly consumption  
24 reports to the ~~State Department of Health~~ Authority with amounts of

1 marijuana used for research. Biomedical and clinical research which  
2 is subject to federal regulations and institutional oversight shall  
3 not be subject to oversight by the ~~State Department of Health~~  
4 Authority.

5 SECTION 6. AMENDATORY 63 O.S. 2021, Section 426.1, as  
6 amended by Section 6, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022,  
7 Section 426.1), is amended to read as follows:

8 Section 426.1 A. All licensure revocation hearings conducted  
9 pursuant to marijuana licenses established in the Oklahoma Statutes  
10 shall be recorded. A party may request a copy of the recording of  
11 the proceedings. Copies shall be provided to local law enforcement  
12 if the revocation was based on alleged criminal activity.

13 B. The Oklahoma ~~Medical~~ Marijuana Authority shall assist any  
14 law enforcement officer in the performance of his or her duties upon  
15 such request by the law enforcement officer or the request of other  
16 local officials having jurisdiction. Except for license information  
17 concerning licensed patients, as defined in Section 427.2 of this  
18 title, the Authority shall share information with law enforcement  
19 agencies upon request without a subpoena or search warrant.

20 C. The Authority shall make available all information on  
21 whether or not a medical marijuana patient or medical marijuana  
22 caregiver license is valid to law enforcement electronically through  
23 an online verification system.

24

1 D. The Authority shall make available to state agencies and  
2 political subdivisions a list of marijuana-licensed premises,  
3 medical marijuana or adult use marijuana businesses or any other  
4 premises where marijuana or its by-products are licensed to be  
5 cultivated, grown, processed, stored or manufactured to aid state  
6 agencies and county and municipal governments in identifying  
7 locations within their jurisdiction and ensuring compliance with  
8 applicable laws, rules and regulations.

9 E. Any marijuana-licensed premises, medical marijuana or adult  
10 use marijuana business or any other premises where marijuana or its  
11 by-products are licensed to be cultivated, grown, processed, stored  
12 or manufactured shall submit with its application or request to  
13 change location, after notifying the political subdivision of its  
14 intent, a certificate of compliance from the political subdivision  
15 where the facility of the applicant or licensee is to be located  
16 certifying compliance with zoning classifications, applicable  
17 municipal ordinances and all applicable safety, electrical, fire,  
18 plumbing, waste, construction and building specification codes.

19 Once a certificate of compliance has been submitted to the  
20 Oklahoma ~~Medical~~ Marijuana Authority showing full compliance as  
21 outlined in this subsection, no additional certificate of compliance  
22 shall be required for license renewal unless a change of use or  
23 occupancy occurs, or there is any change concerning the facility or  
24

1 location that would, by law, require additional inspection,  
2 licensure or permitting by the state or municipality.

3 SECTION 7. AMENDATORY 63 O.S. 2021, Section 427.2, as  
4 amended by Section 1, Chapter 317, O.S.L. 2022 (63 O.S. Supp. 2022,  
5 Section 427.2), is amended to read as follows:

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

8 1. "Adult use" means a consumer of marijuana or marijuana  
9 products by a person twenty-one (21) years of age or older;

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

17 ~~2.~~ 3. "Authority" means the Oklahoma ~~Medical~~ Marijuana  
18 Authority;

19 ~~3.~~ 4. "Batch number" means a unique numeric or alphanumeric  
20 identifier assigned prior to testing to allow for inventory tracking  
21 and traceability;

22 ~~4.~~ 5. "Cannabinoid" means any of the chemical compounds that  
23 are active principles of marijuana;

24



1       ~~5.~~ 6. "Caregiver" means a family member or assistant who  
2 regularly looks after a medical marijuana license holder whom a  
3 physician attests needs assistance;

4       ~~6.~~ 7. "Child-resistant" means special packaging that is:

5           a. designed or constructed to be significantly difficult  
6           for children under five (5) years of age to open and  
7           not difficult for normal adults to use properly as  
8           defined by 16 C.F.R. 1700.15 (1995) and 16 C.F.R.  
9           1700.20 (1995),

10          b. opaque so that the outermost packaging does not allow  
11          the product to be seen without opening the packaging  
12          material, and

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

17       ~~7.~~ 8. "Clone" means a nonflowering plant cut from a mother  
18 plant that is capable of developing into a new plant and has shown  
19 no signs of flowering;

20       ~~8.~~ 9. "Commissioner" means the State Commissioner of Health;

21       ~~9.~~ 10. "Complete application" means a document prepared in  
22 accordance with the provisions set forth in the Oklahoma Medical  
23 Marijuana and Patient Protection Act, rules promulgated pursuant  
24 thereto, and the forms and instructions provided by the Department

1 including any supporting documentation required and the applicable  
2 license application fee;

3 ~~10.~~ 11. "Department" means the State Department of Health;

4 ~~11.~~ 12. "Director" means the Executive Director of the Oklahoma  
5 ~~Medical~~ Marijuana Authority;

6 ~~12.~~ 13. "Dispense" means the selling of ~~medical~~ marijuana or a  
7 ~~medical~~ marijuana product to a qualified patient or the designated  
8 caregiver of the patient that is packaged in a suitable container  
9 appropriately labeled for subsequent administration to or use by a  
10 qualifying patient;

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

21 ~~14.~~ 15. "Edible ~~medical~~ marijuana product" means any ~~medical-~~  
22 ~~marijuana-infused~~ marijuana-infused product for which the intended  
23 use is oral consumption including, but not limited to, any type of  
24 food, drink or pill;

1       ~~15.~~ 16. "Entity" means an individual, general partnership,  
2 limited partnership, limited liability company, trust, estate,  
3 association, corporation, cooperative or any other legal or  
4 commercial entity;

5       ~~16.~~ 17. "Flower" means the reproductive organs of the marijuana  
6 or cannabis plant referred to as the bud or parts of the plant that  
7 are harvested and used to consume in a variety of ~~medical~~ marijuana  
8 products;

9       ~~17.~~ 18. "Flowering" means the reproductive state of the  
10 marijuana or cannabis plant in which there are physical signs of  
11 flower or budding out of the nodes of the stem;

12       ~~18.~~ 19. "Food-based ~~medical~~ marijuana concentrate" means a  
13 ~~medical~~ marijuana concentrate that was produced by extracting  
14 cannabinoids from ~~medical~~ marijuana through the use of propylene  
15 glycol, glycerin, butter, olive oil, coconut oil or other typical  
16 food-safe cooking fats;

17       ~~19.~~ 20. "Good cause" for purposes of an initial, renewal or  
18 reinstatement license application, or for purposes of discipline of  
19 a licensee, means:

- 20           a. the licensee or applicant has violated, does not meet,  
21                or has failed to comply with any of the terms,  
22                conditions or provisions of the act, any rules  
23                promulgated pursuant thereto, or any supplemental  
24                relevant state or local law, rule or regulation,

1           b.    the licensee or applicant has failed to comply with  
2                    any special terms or conditions that were placed upon  
3                    the license pursuant to an order of the State  
4                    Department of Health, Oklahoma ~~Medical~~ Marijuana  
5                    Authority or the municipality, or

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

11        ~~20.~~ 21. "Harvest batch" means a specifically identified  
12        quantity of ~~medical~~ marijuana that is uniform in strain, cultivated  
13        utilizing the same cultivation practices, harvested at the same time  
14        from the same location and cured under uniform conditions;

15        ~~21.~~ 22. "Harvested marijuana" means post-flowering ~~medical~~  
16        marijuana not including trim, concentrate or waste;

17        ~~22.~~ 23. "Heat- or pressure-based ~~medical~~ marijuana concentrate"  
18        means a ~~medical~~ marijuana concentrate that was produced by  
19        extracting cannabinoids from ~~medical~~ marijuana through the use of  
20        heat or pressure;

21        ~~23.~~ 24. "Immature plant" means a nonflowering marijuana plant  
22        that has not demonstrated signs of flowering;

23        ~~24.~~ 25. "Inventory tracking system" means the required tracking  
24        system that accounts for ~~medical~~ marijuana from either the seed or

1 immature plant stage until the ~~medical~~ marijuana or ~~medical~~  
2 marijuana product is sold to a patient at a medical marijuana or  
3 adult use marijuana dispensary, transferred to a ~~medical~~ marijuana  
4 research facility, destroyed by a ~~medical~~ marijuana business or used  
5 in a research project by a ~~medical~~ marijuana research facility;

6 ~~25.~~ 26. "Licensed patient" or "patient" means a person who has  
7 been issued a medical marijuana patient license by the ~~State~~  
8 ~~Department of Health or Oklahoma Medical Marijuana Authority~~;

9 ~~26.~~ 27. "Licensed premises" means the premises specified in an  
10 application for a ~~medical~~ marijuana business license, ~~medical~~  
11 marijuana research facility license or ~~medical~~ marijuana education  
12 facility license pursuant to the Oklahoma Medical Marijuana and  
13 Patient Protection Act that are owned or in possession of the  
14 licensee and within which the licensee is authorized to cultivate,  
15 manufacture, distribute, sell, store, transport, test or research  
16 ~~medical~~ marijuana or ~~medical~~ marijuana products in accordance with  
17 the provisions of the Oklahoma Medical Marijuana and Patient  
18 Protection Act and rules promulgated pursuant thereto;

19 ~~27.~~ 28. "Manufacture" means the production, propagation,  
20 compounding or processing of a ~~medical~~ marijuana product, excluding  
21 marijuana plants, either directly or indirectly by extraction from  
22 substances of natural or synthetic origin, or independently by means  
23 of chemical synthesis, or by a combination of extraction and  
24 chemical synthesis;

1       ~~28.~~ 29. "Marijuana" shall have the same meaning as such term is  
2 defined in Section 2-101 of this title and shall not include any  
3 plant or material containing delta-8 or delta-10  
4 tetrahydrocannabinol which is grown, processed or sold pursuant to  
5 the provisions of the Oklahoma Industrial Hemp Program;

6       ~~29.~~ 30. "Material change" means any change that would require a  
7 substantive revision to the standard operating procedures of a  
8 licensee for the cultivation or production of ~~medical~~ marijuana,  
9 ~~medical~~ marijuana concentrate or ~~medical~~ marijuana products;

10       ~~30.~~ 31. "Mature plant" means a harvestable female marijuana  
11 plant that is flowering;

12       ~~31.~~ 32. "Medical marijuana or adult use marijuana business  
13 ~~(MMB)~~" means a licensed medical marijuana or adult use marijuana  
14 dispensary, medical marijuana or adult use marijuana processor,  
15 medical marijuana or adult use marijuana commercial grower, ~~medical~~  
16 marijuana laboratory, medical marijuana or adult use marijuana  
17 business operator or a ~~medical~~ marijuana transporter;

18       ~~32.~~ 33. "~~Medical marijuana~~ Marijuana concentrate" or  
19 "concentrate" means a specific subset of ~~medical~~ marijuana that was  
20 produced by extracting cannabinoids from ~~medical~~ marijuana.  
21 Categories of ~~medical~~ marijuana concentrate include water-based  
22 ~~medical~~ marijuana concentrate, food-based ~~medical~~ marijuana  
23 concentrate, solvent-based ~~medical~~ marijuana concentrate, and heat-  
24 or pressure-based ~~medical~~ marijuana concentrate;

1       ~~33.~~ 34. "Medical marijuana or adult use marijuana commercial  
2 grower" or "commercial grower" means an entity licensed to  
3 cultivate, prepare and package ~~medical~~ marijuana and transfer or  
4 contract for transfer ~~medical~~ marijuana to a medical marijuana or  
5 adult use marijuana dispensary, medical marijuana or adult use  
6 marijuana processor, any other medical marijuana or adult use  
7 marijuana commercial grower, ~~medical~~ marijuana research facility,  
8 ~~medical~~ marijuana education facility and pesticide manufacturers. A  
9 commercial grower may sell seeds, flower or clones to commercial  
10 growers pursuant to the Oklahoma Medical Marijuana and Patient  
11 Protection Act;

12       ~~34.~~ 35. "~~Medical marijuana~~ Marijuana education facility" or  
13 "education facility" means a person or entity approved pursuant to  
14 the Oklahoma Medical Marijuana and Patient Protection Act to operate  
15 a facility providing training and education to individuals involving  
16 the cultivation, growing, harvesting, curing, preparing, packaging  
17 or testing of ~~medical~~ marijuana, or the production, manufacture,  
18 extraction, processing, packaging or creation of ~~medical marijuana-~~  
19 ~~infused~~ marijuana-infused products or ~~medical~~ marijuana products as  
20 described in the Oklahoma Medical Marijuana and Patient Protection  
21 Act;

22       ~~35.~~ 36. "~~Medical marijuana-infused~~ Marijuana-infused product"  
23 means a product infused with ~~medical~~ marijuana including, but not  
24 limited to, edible products, ointments and tinctures;

1       ~~36.~~ 37. "Medical ~~marijuana~~ Marijuana product" or "product"  
2 means a product that contains cannabinoids that have been extracted  
3 from plant material or the resin therefrom by physical or chemical  
4 means and is intended for administration to a qualified patient  
5 including, but not limited to, oils, tinctures, edibles, pills,  
6 topical forms, gels, creams, vapors, patches, liquids and forms  
7 administered by a nebulizer, excluding live plant forms which are  
8 considered ~~medical~~ marijuana;

9       ~~37.~~ 38. "Medical marijuana or adult use marijuana processor"  
10 means a person or entity licensed pursuant to the Oklahoma Medical  
11 Marijuana and Patient Protection Act to operate a business including  
12 the production, manufacture, extraction, processing, packaging or  
13 creation of concentrate, ~~medical-marijuana-infused~~ marijuana-infused  
14 products or ~~medical~~ marijuana products as described in the Oklahoma  
15 Medical Marijuana and Patient Protection Act;

16       ~~38.~~ 39. "Medical ~~marijuana~~ Marijuana research facility" or  
17 "research facility" means a person or entity approved pursuant to  
18 the 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.~~ 40. "Medical marijuana or adult use marijuana testing  
22 laboratory" or "laboratory" means a public or private laboratory  
23 licensed pursuant to the Oklahoma Medical Marijuana and Patient  
24



1 Protection Act, to conduct testing and research on ~~medical~~ marijuana  
2 and ~~medical~~ marijuana products;

3 ~~40.~~ 41. "Medical marijuana or adult use marijuana transporter"  
4 or "transporter" means a person or entity that is licensed pursuant  
5 to the Oklahoma Medical Marijuana and Patient Protection Act. A  
6 medical marijuana or adult use marijuana transporter does not  
7 include a ~~medical~~ marijuana business that transports its own ~~medical~~  
8 marijuana, ~~medical~~ marijuana concentrate or ~~medical~~ marijuana  
9 products to a property or facility adjacent to or connected to the  
10 licensed premises if the property is another licensed premises of  
11 the same ~~medical~~ marijuana business;

12 ~~41.~~ 42. "~~Medical marijuana~~ Marijuana waste" or "waste" means  
13 unused, surplus, returned or out-of-date marijuana, plant debris of  
14 the plant of the genus Cannabis including dead plants and all unused  
15 plant parts and roots, except the term shall not include roots,  
16 stems, stalks and fan leaves;

17 ~~42.~~ 43. "Medical use" means the acquisition, possession, use,  
18 delivery, transfer or transportation of ~~medical~~ marijuana, ~~medical~~  
19 marijuana products, ~~medical~~ marijuana devices or paraphernalia  
20 relating to the administration of ~~medical~~ marijuana to treat a  
21 licensed patient;

22 ~~43.~~ 44. "Mother plant" means a marijuana plant that is grown or  
23 maintained for the purpose of generating clones, and that will not  
24 be used to produce plant material for sale to a medical marijuana or

1 adult use marijuana processor or medical marijuana or adult use  
2 marijuana dispensary;

3 ~~44.~~ 45. "Oklahoma physician" or "physician" means a physician  
4 licensed by and in good standing with the State Board of Medical  
5 Licensure and Supervision, the State Board of Osteopathic Examiners  
6 or the Board of Podiatric Medical Examiners;

7 ~~45.~~ 46. "Oklahoma resident" means an individual who can provide  
8 proof of residency as required by the Oklahoma Medical Marijuana and  
9 Patient Protection Act;

10 ~~46.~~ 47. "Owner" means, except where the context otherwise  
11 requires, a direct beneficial owner including, but not limited to,  
12 all persons or entities as follows:

- 13 a. all shareholders owning an interest of a corporate  
14 entity and all officers of a corporate entity,
- 15 b. all partners of a general partnership,
- 16 c. all general partners and all limited partners that own  
17 an interest in a limited partnership,
- 18 d. all members that own an interest in a limited  
19 liability company,
- 20 e. all beneficiaries that hold a beneficial interest in a  
21 trust and all trustees of a trust,
- 22 f. all persons or entities that own interest in a joint  
23 venture,

24

- 1           g. all persons or entities that own an interest in an  
2           association,  
3           h. the owners of any other type of legal entity, and  
4           i. any other person holding an interest or convertible  
5           note in any entity which owns, operates or manages a  
6           licensed facility;

7        ~~47.~~ 48. "Package" or "packaging" means any container or wrapper  
8 that may be used by a ~~medical~~ marijuana business to enclose or  
9 contain ~~medical~~ marijuana;

10       ~~48.~~ 49. "Person" means a natural person, partnership,  
11 association, business trust, company, corporation, estate, limited  
12 liability company, trust or any other legal entity or organization,  
13 or a manager, agent, owner, director, servant, officer or employee  
14 thereof, except that person does not include any governmental  
15 organization;

16       ~~49.~~ 50. "Pesticide" means any substance or mixture of  
17 substances intended for preventing, destroying, repelling or  
18 mitigating any pest or any substance or mixture of substances  
19 intended for use as a plant regulator, defoliant or desiccant,  
20 except that the term pesticide shall not include any article that is  
21 a "new animal drug" as designated by the United States Food and Drug  
22 Administration;

23       ~~50.~~ 51. "Production batch" means:  
24

- 1 a. any amount of ~~medical~~ marijuana concentrate of the  
2 same category and produced using the same extraction  
3 methods, 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.~~ 52. "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.~~ 53. "Public money" means any funds or money obtained by the  
15 holder from any governmental entity including, but not limited to,  
16 research grants;

17 ~~53.~~ 54. "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 the Oklahoma Medical  
20 Marijuana and Patient Protection Act;

21 ~~54.~~ 55. "Registered to conduct business" means a person that  
22 has provided proof that the business applicant is in good standing  
23 with the Secretary of State and Oklahoma Tax Commission;

1       ~~55.~~ 56. "Remediation" means the process by which the ~~medical~~  
2 marijuana flower or trim, which has failed microbial testing, is  
3 processed into solvent-based ~~medical~~ marijuana concentrate and  
4 retested as required by the Oklahoma Medical Marijuana and Patient  
5 Protection Act;

6       ~~56.~~ 57. "Research project" means a discrete scientific endeavor  
7 to answer a research question or a set of research questions related  
8 to ~~medical~~ marijuana and is required for a ~~medical~~ marijuana  
9 research license. A research project shall include a description of  
10 a defined protocol, clearly articulated goals, defined methods and  
11 outputs, and a defined start and end date. The description shall  
12 demonstrate that the research project will comply with all  
13 requirements in the Oklahoma Medical Marijuana and Patient  
14 Protection Act and rules promulgated pursuant thereto. All research  
15 and development conducted by a ~~medical~~ marijuana research facility  
16 shall be conducted in furtherance of an approved research project;

17       ~~57.~~ 58. "Revocation" means the final decision by the Department  
18 that any license issued pursuant to the Oklahoma Medical Marijuana  
19 and Patient Protection Act is rescinded because the individual or  
20 entity does not comply with the applicable requirements set forth in  
21 the Oklahoma Medical Marijuana and Patient Protection Act or rules  
22 promulgated pursuant thereto;

23       ~~58.~~ 59. "School" means a public or private preschool, a public  
24 or private elementary or secondary school, or a technology center

1 school which is primarily used for classroom instruction. A  
2 homeschool, daycare or child-care facility shall not be considered a  
3 "school" as used in the Oklahoma Medical Marijuana and Patient  
4 Protection Act;

5 ~~59.~~ 60. "Shipping container" means a hard-sided container with  
6 a lid or other enclosure that can be secured in place. A shipping  
7 container is used solely for the transport of ~~medical~~ marijuana,  
8 ~~medical~~ marijuana concentrate, or ~~medical~~ marijuana products between  
9 ~~medical~~ marijuana businesses, a ~~medical~~ marijuana research facility,  
10 or a ~~medical~~ marijuana education facility;

11 ~~60.~~ 61. "Solvent-based ~~medical~~ marijuana concentrate" means a  
12 ~~medical~~ marijuana concentrate that was produced by extracting  
13 cannabinoids from ~~medical~~ marijuana through the use of a solvent  
14 approved by the Department;

15 ~~61.~~ 62. "State Question" means Oklahoma State Question No. 788,  
16 Initiative Petition No. 412, approved by a majority vote of the  
17 citizens of Oklahoma on June 26, 2018;

18 ~~62.~~ 63. "Strain" means the classification of marijuana or  
19 cannabis plants in either pure sativa, indica, afghanica, ruderalis  
20 or hybrid varieties;

21 ~~63.~~ 64. "THC" means tetrahydrocannabinol, which is the primary  
22 psychotropic cannabinoid in marijuana formed by decarboxylation of  
23 naturally tetrahydrocannabinolic acid, which generally occurs by  
24 exposure to heat;

1       ~~64.~~ 65. "Test batch" means with regard to usable marijuana, a  
2 homogenous, identified quantity of usable marijuana by strain, no  
3 greater than ten (10) pounds, that is harvested during a seven-day  
4 period from a specified cultivation area, and with regard to oils,  
5 vapors and waxes derived from usable marijuana, means an identified  
6 quantity that is uniform, that is intended to meet specifications  
7 for identity, strength and composition, and that is manufactured,  
8 packaged and labeled during a specified time period according to a  
9 single manufacturing, packaging and labeling protocol;

10       ~~65.~~ 66. "Transporter agent" means a person who transports  
11 ~~medical~~ marijuana or ~~medical~~ marijuana products for a licensed  
12 transporter and holds a transporter agent license pursuant to the  
13 Oklahoma Medical Marijuana and Patient Protection Act;

14       ~~66.~~ 67. "Universal symbol" means the image established by the  
15 ~~State Department of Health or Oklahoma Medical~~ Marijuana Authority  
16 and made available to licensees through its website indicating that  
17 the ~~medical~~ marijuana or the ~~medical~~ marijuana product contains THC;

18       ~~67.~~ 68. "Usable marijuana" means the dried leaves, flowers,  
19 oils, vapors, waxes and other portions of the marijuana plant and  
20 any mixture or preparation thereof, excluding seeds, roots, stems,  
21 stalks and fan leaves; and

22       ~~68.~~ 69. "Water-based ~~medical~~ marijuana concentrate" means a  
23 concentrate that was produced by extracting cannabinoids from  
24 ~~medical~~ marijuana through the use of only water, ice or dry ice.

1 SECTION 8. AMENDATORY 63 O.S. 2021, Section 427.3, as  
2 amended by Section 8, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022,  
3 Section 427.3), is amended to read as follows:

4 Section 427.3 A. There is hereby created the Oklahoma ~~Medical~~  
5 Marijuana Authority which shall address issues related to the  
6 ~~medical~~ marijuana program in this state including, but not limited  
7 to, the issuance of patient licenses and medical marijuana or adult  
8 use marijuana business licenses, and the dispensing, cultivating,  
9 processing, testing, transporting, storage, research, and the use of  
10 and sale of ~~medical~~ marijuana pursuant to the Oklahoma Medical  
11 Marijuana and Patient Protection Act.

12 B. 1. Beginning ~~on the effective date of this act~~ November 1,  
13 2022, the Authority shall cease to be part of or a division of the  
14 State Department of Health and shall be deemed to be a separate and  
15 distinct agency, to be known as the Oklahoma ~~Medical~~ Marijuana  
16 Authority. The Authority and the Executive Director of the  
17 Authority shall continue to exercise their statutory powers, duties,  
18 and contractual responsibilities. All records, property, equipment,  
19 assets, monies, financial interests, liabilities, matters pending,  
20 and funds of the division shall be transferred to the Authority.

21 2. All licenses granted by the Department pertaining to ~~medical~~  
22 marijuana shall maintain rights and privileges under the authority  
23 of the Authority; provided, however, that all licenses shall be  
24 subject to revocation, suspension, or disciplinary action for



1 violation of any of the provisions of the Oklahoma Medical Marijuana  
2 and Patient Protection Act and rules promulgated by the Executive  
3 Director.

4 3. The Authority shall succeed to any contractual rights or  
5 responsibilities incurred by the Department pertaining to ~~medical~~  
6 marijuana.

7 4. Rules promulgated by the State Commissioner of Health  
8 pertaining to ~~medical~~ marijuana that are in effect on the effective  
9 date of this act shall be immediately adopted and enforced by the  
10 Executive Director. The Executive Director maintains the authority  
11 to further promulgate and enforce rules.

12 5. The Department and the Authority may enter into an agreement  
13 for the transfer of personnel from the Department to the Authority.  
14 No employee shall be transferred to the Authority except on the  
15 freely given written consent of the employee. All employees who are  
16 transferred to the Authority shall not be required to accept a  
17 lesser grade or salary than presently received. All employees shall  
18 retain leave, sick, and annual time earned, and any retirement and  
19 longevity benefits which have accrued during their tenure with the  
20 Department. The transfer of personnel between the state agencies  
21 shall be coordinated with the Office of Management and Enterprise  
22 Services.

23 6. The expenses incurred by the Authority as a result of the  
24 transfer required by this subsection shall be paid by the Authority.

1           7. The division within the Department known as the Oklahoma  
2 ~~Medical~~ Marijuana Authority shall be abolished by the Department  
3 after the transfer has been completed.

4           8. The Office of Management and Enterprise Services shall  
5 coordinate the transfer of records, property, equipment, assets,  
6 funds, allotments, purchase orders, liabilities, outstanding  
7 financial obligations, or encumbrances provided for in this  
8 subsection.

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

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

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

- 22           a. public health policy and public safety policy,
- 23           b. agronomic and horticultural best practices, and
- 24           c. medical and pharmacopoeia best practices;

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

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

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

12           5. Apply for injunctive or declaratory relief to enforce the  
13 provisions of applicable laws, rules and regulations;

14           6. Inspect and examine all licensed premises of medical  
15 marijuana or adult use marijuana businesses, research facilities,  
16 education facilities and waste disposal facilities in which ~~medical~~  
17 marijuana is cultivated, manufactured, sold, stored, transported,  
18 tested, distributed or disposed of;

19           7. Upon action by the federal government by which the  
20 production, sale and use of marijuana in this state does not violate  
21 federal law, work with the Banking Department and the State  
22 Treasurer to develop good practices and standards for banking and  
23 finance for licensed medical marijuana or adult use marijuana  
24 businesses;

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

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

7 10. Establish a fee schedule and collect fees for material  
8 changes requested by the licensee; and

9 11. Establish regulations, which require a licensed medical  
10 marijuana or adult use marijuana business to submit information to  
11 the Oklahoma ~~Medical~~ Marijuana Authority, deemed reasonably  
12 necessary to assist the Authority in the prevention of diversion of  
13 ~~medical~~ marijuana by a licensed medical marijuana or adult use  
14 marijuana business. Such information required by the Authority may  
15 include, but shall not be limited to:

16 a. the square footage of the licensed premises,

17 b. a diagram of the licensed premises,

18 c. the number and type of lights at the licensed medical  
19 marijuana or adult use marijuana commercial grower  
20 business,

21 d. the number, type and production capacity of equipment  
22 located at the medical marijuana or adult use  
23 marijuana processing facility,

24

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

9 SECTION 9. AMENDATORY Section 1, Chapter 236, O.S.L.  
10 2022 (63 O.S. Supp. 2022, Section 427.3a), is amended to read as  
11 follows:

12 Section 427.3a There is hereby created in the State Treasury a  
13 revolving fund for the Oklahoma ~~Medical~~ Marijuana Authority to be  
14 designated the "County Sheriff Public Safety Grant Revolving Fund".  
15 The fund shall be a continuing fund, not subject to fiscal year  
16 limitations, and shall consist of all monies received by the  
17 Oklahoma ~~Medical~~ Marijuana Authority that are appropriated or  
18 apportioned to this fund, and any federal funds, grants, and  
19 donations from any public or private source for the purpose of  
20 supporting county sheriffs. All monies accruing to the credit of  
21 the fund are hereby appropriated and may be budgeted and expended by  
22 the Oklahoma ~~Medical~~ Marijuana Authority for the purpose of  
23 establishing programs and providing funding to support county  
24 sheriffs to enforce the requirements of state law with respect to

1 the commercial growth of ~~medical~~ marijuana or other related business  
2 activity for which a license is required pursuant to the provisions  
3 of law governing the production, cultivation, transportation,  
4 distribution, sale, or other actions related to ~~medical~~ marijuana.  
5 Expenditures from the fund shall be made upon warrants issued by the  
6 State Treasurer against claims filed as prescribed by law with the  
7 Director of the Office of Management and Enterprise Services for  
8 approval and payment.

9 SECTION 10. AMENDATORY 63 O.S. 2021, Section 427.4, as  
10 amended by Section 9, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022,  
11 Section 427.4), is amended to read as follows:

12 Section 427.4 A. The Oklahoma ~~Medical~~ Marijuana Authority  
13 shall employ an Executive Director and other personnel as necessary  
14 to assist the Authority in carrying out its duties. The Executive  
15 Director shall be appointed by the Governor, with the advice and  
16 consent of the Senate. The Executive Director shall serve at the  
17 pleasure of the Governor and may be removed or replaced without  
18 cause. Compensation for the Executive Director shall be determined  
19 pursuant to Section 3601.2 of Title 74 of the Oklahoma Statutes.

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

22 1. The individual has a direct or indirect interest in a  
23 licensed medical marijuana or adult use marijuana business; or  
24

1           2. The individual or his or her spouse, parent, child, spouse  
2 of a child, sibling, or spouse of a sibling has an application for a  
3 medical marijuana or adult use marijuana business license pending  
4 before the Authority or is a member of the board of directors of a  
5 medical marijuana or adult use marijuana business, or is an  
6 individual financially interested in any licensee or medical  
7 marijuana or adult use marijuana business.

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

11           D. The Executive Director may delegate to any officer or  
12 employee of the Authority any of the powers of the Executive  
13 Director and may designate any officer or employee of the Authority  
14 to perform any of the duties of the Executive Director.

15           E. The Executive Director may promulgate rules governing the  
16 oversight and implementation of the Oklahoma Medical Marijuana and  
17 Patient Protection Act.

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

1 of this state for the purpose of enforcing the provisions of the  
2 Oklahoma Medical Marijuana and Patient Protection Act and other laws  
3 pertaining to medical marijuana, rules promulgated by the Executive  
4 Director, or criminal laws of this state. These powers shall  
5 include but not be limited to:

6 1. Investigating violations or suspected violations of the  
7 Oklahoma Medical Marijuana and Patient Protection Act or other laws  
8 pertaining to ~~medical~~ marijuana, any rules promulgated pursuant  
9 thereto, and any violations of criminal laws of this state  
10 discovered through the course of such investigations;

11 2. Serving all warrants, summonses, subpoenas, administrative  
12 citations, notices or other processes relating to the enforcement of  
13 laws regulating marijuana, concentrate, and marijuana product;

14 3. Seizing any marijuana or marijuana product illegally held in  
15 violation of the Oklahoma Medical Marijuana and Patient Protection  
16 Act, any other laws of this state, or any rules promulgated by the  
17 Executive Director;

18 4. Assisting or aiding any law enforcement officer in the  
19 performance of his or her duties upon such law enforcement officer's  
20 request or the request of other local officials having jurisdiction;

21 5. Referring any evidence, reports, or charges regarding  
22 violations of any provision of the Oklahoma Medical Marijuana and  
23 Patient Protection Act that carries criminal penalty, or of any  
24



1 other criminal laws of this state, to the appropriate law  
2 enforcement authority and prosecutorial authority for action;

3 6. Aiding the enforcement authorities of this state or any  
4 county or municipality of the state, or the federal government, in  
5 prosecutions of violations of the Oklahoma Medical Marijuana and  
6 Patient Protection Act or any other laws of this state that carry  
7 criminal penalty involving crimes discovered during the  
8 investigation of violations or suspected violations of the Oklahoma  
9 Medical Marijuana and Patient Protection Act or other laws  
10 pertaining to ~~medical~~ marijuana or any rules promulgated pursuant  
11 thereto;

12 7. Requiring any business applicant or licensee to permit an  
13 inspection of licensed premises during business hours or at any time  
14 of apparent operation, marijuana equipment, and marijuana  
15 accessories, or books and records; and to permit the testing of or  
16 examination of ~~medical~~ marijuana, concentrate, or product;

17 8. Requiring applicants and licensees to submit complete and  
18 current applications, information and fees required by the Oklahoma  
19 Medical Marijuana and Patient Protection Act, the Oklahoma Medical  
20 Marijuana Waste Management Act and Sections 420 through 426.1 of  
21 this title, and approve material changes made by the applicant or  
22 licensee;

23 9. Requiring medical marijuana or adult use marijuana business  
24 licensees to submit a sample or unit of ~~medical~~ marijuana or ~~medical~~

1 marijuana product to the quality assurance laboratory when the  
2 Authority has reason to believe the ~~medical~~ marijuana or ~~medical~~  
3 marijuana product may be unsafe for patient consumption or  
4 inhalation or has not been tested in accordance with the provisions  
5 of the Oklahoma Medical Marijuana and Patient Protection Act and the  
6 rules and regulations promulgated by the Executive Director. The  
7 licensee shall provide the samples or units of ~~medical~~ marijuana or  
8 ~~medical~~ marijuana products at its own expense but shall not be  
9 responsible for the costs of testing; and

10 10. Requiring medical marijuana business or adult use marijuana  
11 licensees to periodically submit samples or units of ~~medical~~  
12 marijuana or ~~medical~~ marijuana products to the quality assurance  
13 laboratory for quality assurance purposes. Licensed growers,  
14 processors, dispensaries and transporters shall not be required to  
15 submit samples or units of ~~medical~~ marijuana or ~~medical~~ marijuana  
16 products more than twice a year. The licensee shall provide the  
17 samples or units of ~~medical~~ marijuana or ~~medical~~ marijuana products  
18 at its own expense but shall not be responsible for the costs of  
19 testing.

20 G. All investigators of the Authority shall meet all training  
21 requirements and qualifications for peace officers as required by  
22 Section 3311 et seq. of Title 70 of the Oklahoma Statutes.

23 H. During the course of an investigation, the director of  
24 enforcement or any investigator of the Authority as provided by

1 subsection F of this section may arrest a violator or suspected  
2 violator of any laws of this state committed in the presence of the  
3 director of enforcement or any investigator of the Authority or upon  
4 the development of probable cause that such crime has been  
5 committed. The director of enforcement or any investigator of the  
6 Authority as provided by subsection F of this section may, upon  
7 request of a sheriff or another peace officer of this state, or any  
8 political subdivision thereof, assist in the apprehension and arrest  
9 of a violator or suspected violator of any of the laws of this  
10 state.

11 I. The Executive Director may employ or contract with  
12 attorneys, as needed, to advise the Executive Director and the  
13 Authority on all legal matters and to appear for and represent the  
14 Executive Director and the Authority in all administrative hearings  
15 and all litigation or other proceedings which may arise in the  
16 discharge of their duties. At the request of the Executive  
17 Director, such attorneys shall assist district attorneys in  
18 prosecuting charges of violators of the Oklahoma Medical Marijuana  
19 and Patient Protection Act or any other laws of this state that  
20 carry criminal penalty involving crimes discovered during the  
21 investigation of violations or suspected violations of the Oklahoma  
22 Medical Marijuana and Patient Protection Act or other laws  
23 pertaining to ~~medical~~ marijuana or any rules promulgated pursuant  
24 thereto.

1 SECTION 11. AMENDATORY 63 O.S. 2021, Section 427.6, as  
2 last amended by Section 1, Chapter 328, O.S.L. 2022 (63 O.S. Supp.  
3 2022, Section 427.6), is amended to read as follows:

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

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

19 2. Post-licensure inspections shall be limited to twice per  
20 calendar year. However, investigations and additional inspections  
21 may occur when the Authority believes an investigation or additional  
22 inspection is necessary due to a possible violation of applicable  
23 laws, rules or regulations. The ~~State Commissioner of Health~~  
24 Executive Director of the Authority may adopt rules imposing

1 penalties including, but not limited to, monetary fines and  
2 suspension or revocation of licensure for failure to allow the  
3 Authority reasonable access to the licensed premises for purposes of  
4 conducting an inspection.

5 3. The Authority may review relevant records of a licensed  
6 medical marijuana or adult use marijuana business, licensed ~~medical~~  
7 marijuana research facility, licensed ~~medical~~ marijuana education  
8 facility or licensed ~~medical~~ marijuana waste disposal facility, and  
9 may require and conduct interviews with such persons or entities and  
10 persons affiliated with such entities, for the purpose of  
11 determining compliance with Authority requirements and applicable  
12 laws, rules and regulations.

13 4. The Authority may refer complaints alleging criminal  
14 activity that are made against a licensee to appropriate state or  
15 local law enforcement authorities.

16 C. Disciplinary action may be taken against an applicant or  
17 licensee for not adhering to applicable laws pursuant to the terms,  
18 conditions and guidelines set forth in the Oklahoma Medical  
19 Marijuana and Patient Protection Act.

20 D. Disciplinary actions may include revocation, suspension or  
21 denial of an application, license or final authorization and other  
22 action deemed appropriate by the Authority.

23 E. Disciplinary actions may be imposed upon a medical marijuana  
24 or adult use marijuana business licensee for:

- 1        1. Failure to comply with or satisfy any provision of  
2 applicable laws, rules or regulations;
- 3        2. Falsification or misrepresentation of any material or  
4 information submitted to the Authority or other licensees;
- 5        3. Failing to allow or impeding entry by authorized  
6 representatives of the Authority;
- 7        4. Failure to adhere to any acknowledgement, verification or  
8 other representation made to the Authority;
- 9        5. Failure to submit or disclose information required by  
10 applicable laws, rules or regulations or otherwise requested by the  
11 Authority;
- 12       6. Failure to correct any violation of this section cited as a  
13 result of a review or audit of financial records or other materials;
- 14       7. Failure to comply with requested access by the Authority to  
15 the licensed premises or materials;
- 16       8. Failure to pay a required monetary penalty;
- 17       9. Diversion of ~~medical~~ marijuana or any ~~medical~~ marijuana  
18 product, as determined by the Authority;
- 19       10. Threatening or harming a medical marijuana patient  
20 licensee, caregiver licensee, a medical practitioner or an employee  
21 of the Authority; and
- 22       11. Any other basis indicating a violation of the applicable  
23 laws and regulations as identified by the Authority.

24

1 F. Disciplinary actions against a licensee may include the  
2 imposition of monetary penalties, which may be assessed by the  
3 Authority. The Authority may suspend or revoke a license for  
4 failure to pay any monetary penalty lawfully assessed by the  
5 Authority against a licensee.

6 G. 1. In addition to any other penalties prescribed by law,  
7 penalties for sales, purchases or transfers for value of ~~medical~~  
8 marijuana by a medical marijuana or adult use marijuana business or  
9 employees or agents of the medical marijuana or adult use marijuana  
10 business to persons other than those allowed by law occurring within  
11 any one-year time period may include an initial fine of Five  
12 Thousand Dollars (\$5,000.00) for a first violation and a fine of  
13 Fifteen Thousand Dollars (\$15,000.00) for any subsequent violation.

14 2. Penalties for grossly inaccurate or fraudulent reporting  
15 occurring within any two-year time period may include an initial  
16 administrative fine of Five Thousand Dollars (\$5,000.00) for a first  
17 violation and an administrative fine of Ten Thousand Dollars  
18 (\$10,000.00) for any subsequent violation. The medical marijuana  
19 business or adult use marijuana shall be subject to a revocation of  
20 any license granted pursuant to the Oklahoma Medical Marijuana and  
21 Patient Protection Act upon a second incident of grossly inaccurate  
22 or fraudulent reporting in a ten-year period by the medical  
23 marijuana or adult use marijuana business or any employee or agent  
24 thereof.

1 3. After investigation by the Authority, the Authority may  
2 revoke the license of any person directly involved with the  
3 diversion of marijuana.

4 4. If the Authority, after investigation, is able to establish,  
5 by a preponderance of evidence, a pattern of diversion or negligence  
6 leading to diversion, the Authority may revoke any business licenses  
7 associated with the diversion and any entity with common ownership.

8 H. 1. In addition to any other penalties prescribed by law, a  
9 first offense for intentional and impermissible diversion of ~~medical~~  
10 marijuana, ~~medical~~ marijuana concentrate, or ~~medical~~ marijuana  
11 products for value by a patient or caregiver to an unauthorized  
12 person shall be subject to an administrative fine of Four Hundred  
13 Dollars (\$400.00). The Authority shall have the authority to  
14 enforce the provisions of this subsection.

15 2. In addition to any other penalties prescribed by law, an  
16 additional incident resulting in a second offense for impermissible  
17 diversion of ~~medical~~ marijuana, ~~medical~~ marijuana concentrate, or  
18 ~~medical~~ marijuana products by a patient or caregiver to an  
19 unauthorized person for value shall be subject to an administrative  
20 fine of One Thousand Dollars (\$1,000.00), and shall result in  
21 revocation of the license or licenses of the person.

22 3. Any person who shares less than three (3) grams of ~~medical~~  
23 marijuana with an unauthorized person, without the transfer being  
24 for value or other consideration, shall not be subject to criminal



1 prosecution but shall be subject to an administrative fine of Four  
2 Hundred Dollars (\$400.00).

3 I. The intentional diversion of ~~medical~~ marijuana, ~~medical~~  
4 marijuana concentrate or ~~medical~~ marijuana products by a licensed  
5 medical marijuana patient or caregiver, medical marijuana or adult  
6 use marijuana business or employee of a medical marijuana or adult  
7 use marijuana business to an unauthorized minor person who the  
8 licensed medical marijuana patient or caregiver, medical marijuana  
9 or adult use marijuana business or employee of a medical marijuana  
10 or adult use marijuana business knew or reasonably should have known  
11 to be a minor person shall be subject to an administrative fine of  
12 Two Thousand Five Hundred Dollars (\$2,500.00). For an additional  
13 incident resulting in a second or subsequent offense, the licensed  
14 medical marijuana patient or caregiver, medical marijuana or adult  
15 use marijuana business or employee of a medical marijuana or adult  
16 use marijuana business shall be subject to a cite and release  
17 citation and, upon a finding of guilt or a plea of no contest, a  
18 fine of Five Thousand Dollars (\$5,000.00) and automatic revocation  
19 of the medical marijuana or adult use marijuana license.

20 J. In addition to any other remedies provided for by law, the  
21 Authority, pursuant to its rules and regulations, may issue a  
22 written order to any licensee the Authority has reason to believe  
23 has violated Sections 420 through 426.1 of this title, the Oklahoma  
24 Medical Marijuana and Patient Protection Act, the Oklahoma Medical

1 Marijuana Waste Management Act, or any rules promulgated by the  
2 ~~State Commissioner of Health~~ Executive Director of the Authority and  
3 to whom the Authority has served, not less than thirty (30) days  
4 previously, a written notice of violation of such statutes or rules.

5 1. The written order shall state with specificity the nature of  
6 the violation. The Authority may impose any disciplinary action  
7 authorized under the provisions of this section including, but not  
8 limited to, the assessment of monetary penalties.

9 2. Any order issued pursuant to the provisions of this section  
10 shall become a final order unless, not more than thirty (30) days  
11 after the order is served to the licensee, the licensee requests an  
12 administrative hearing in accordance with the rules and regulations  
13 of the Authority. Upon such request, the Authority shall promptly  
14 initiate administrative proceedings.

15 K. Whenever the Authority finds that an emergency exists  
16 requiring immediate action in order to protect the health or welfare  
17 of the public, the Authority may issue an order, without providing  
18 notice or hearing, stating the existence of said emergency and  
19 requiring that action be taken as the Authority deems necessary to  
20 meet the emergency. Such action may include, but is not limited to,  
21 ordering the licensee to immediately cease and desist operations by  
22 the licensee. The order shall be effective immediately upon  
23 issuance. Any person to whom the order is directed shall comply  
24 immediately with the provisions of the order. The Authority may

1 assess a penalty not to exceed Ten Thousand Dollars (\$10,000.00) per  
2 day of noncompliance with the order. In assessing such a penalty,  
3 the Authority shall consider the seriousness of the violation and  
4 any efforts to comply with applicable requirements. Upon  
5 application to the Authority, the licensee shall be offered a  
6 hearing within ten (10) days of the issuance of the order.

7 L. All hearings held pursuant to this section shall be in  
8 accordance with the Oklahoma Administrative Procedures Act.

9 SECTION 12. AMENDATORY 63 O.S. 2021, Section 427.13, as  
10 amended by Section 14, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022,  
11 Section 427.13), is amended to read as follows:

12 Section 427.13 A. All ~~medical~~ marijuana and ~~medical~~ marijuana  
13 products shall be purchased solely from a state-licensed ~~medical~~  
14 marijuana business, and shall not be purchased from any out-of-state  
15 providers.

16 B. 1. The Authority shall have oversight and auditing  
17 responsibilities to ensure that all marijuana being grown in this  
18 state is accounted for and shall implement an inventory tracking  
19 system. Pursuant to these duties, the Authority shall require that  
20 each medical marijuana or adult use marijuana business, ~~medical~~  
21 marijuana research facility, ~~medical~~ marijuana education facility  
22 and ~~medical~~ marijuana waste disposal facility keep records for every  
23 transaction with another medical marijuana or adult use marijuana  
24

1 business, patient or caregiver. Inventory shall be tracked and  
2 updated after each individual sale and reported to the Authority.

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

6 a. notification of when marijuana seeds and clones are  
7 planted,

8 b. notification of when marijuana plants are harvested  
9 and destroyed,

10 c. notification of when marijuana is transported, sold,  
11 stolen, diverted or lost,

12 d. a complete inventory of all marijuana, seeds, plant  
13 tissue, clones, plants, usable marijuana or trim,  
14 leaves and other plant matter, batches of extract, and  
15 marijuana concentrates,

16 e. all samples sent to a testing laboratory, an unused  
17 portion of a sample returned to a licensee, all  
18 samples utilized by licensee for purposes of  
19 negotiating a sale, and

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

21 3. Each medical marijuana or adult use marijuana business,  
22 ~~medical~~ marijuana research facility, ~~medical~~ marijuana education  
23 facility and ~~medical~~ marijuana waste disposal facility shall use a  
24 seed-to-sale tracking system or integrate its own seed-to-sale

1 tracking system with the seed-to-sale tracking system established by  
2 the Authority.

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

22 5. All inventory tracking records retained by a medical  
23 marijuana or adult use marijuana business, ~~medical~~ marijuana  
24 research facility, ~~medical~~ marijuana education facility or ~~medical~~

1 marijuana waste disposal facility containing medical marijuana  
2 patient or caregiver information shall comply with all relevant  
3 state and federal laws including, but not limited to, the Health  
4 Insurance Portability and Accountability Act of 1996 (HIPAA).

5 SECTION 13. AMENDATORY 63 O.S. 2021, Section 427.14, as  
6 amended by Section 4, Chapter 332, O.S.L. 2022 (63 O.S. Supp. 2022,  
7 Section 427.14), is amended to read as follows:

8 Section 427.14 A. There is hereby created the medical  
9 marijuana business license, which shall include the following  
10 categories:

- 11 1. Medical marijuana commercial grower;
- 12 2. Medical marijuana processor;
- 13 3. Medical marijuana dispensary;
- 14 4. Medical marijuana transporter; and
- 15 5. Medical marijuana testing laboratory.

16 B. The Oklahoma ~~Medical~~ Marijuana Authority, with the aid of  
17 the Office of Management and Enterprise Services, shall develop a  
18 website for medical marijuana and adult use marijuana business  
19 applications.

20 C. The Authority shall make available on its website in an  
21 easy-to-find location, applications for a medical marijuana and  
22 adult use marijuana business.

23  
24

1 D. 1. The annual, nonrefundable fee for a medical marijuana or  
2 adult use marijuana transporter license shall be Two Thousand Five  
3 Hundred Dollars (\$2,500.00).

4 2. The initial fee for a medical marijuana or adult use  
5 marijuana commercial grower license shall be calculated based upon  
6 the total amount of square feet of canopy or acres the grower  
7 estimates will be harvested for the year. The annual, nonrefundable  
8 license fee shall be based upon the total amount of square feet of  
9 canopy harvested by the grower during the previous twelve (12)  
10 months. The amount of the fees shall be determined as follows:

11 a. For an indoor, greenhouse, or light deprivation  
12 medical marijuana or adult use marijuana grow  
13 facility:

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

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

21 (3) Tier 3: Twenty thousand one (20,001) square feet  
22 of canopy to forty thousand (40,000) square feet  
23 of canopy, the fee shall be Ten Thousand Dollars  
24 (\$10,000.00),

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

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

9 (6) Tier 6: Eighty thousand one (80,001) square feet  
10 of canopy to ninety-nine thousand nine hundred  
11 ninety-nine (99,999) square feet of canopy, the  
12 fee shall be Forty Thousand Dollars (\$40,000.00),  
13 and

14 (7) Tier 7: One hundred thousand (100,000) square  
15 feet of canopy and beyond, the fee shall be Fifty  
16 Thousand Dollars (\$50,000.00), plus an additional  
17 twenty-five cents (\$0.25) per square foot of  
18 canopy over one hundred thousand (100,000) square  
19 feet.

20 b. For an outdoor medical marijuana or adult use  
21 marijuana grow facility:

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



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

22 c. For a medical marijuana or adult use marijuana  
23 commercial grower that has a combination of both  
24 indoor and outdoor growing facilities at one location,

1 the medical marijuana or adult use marijuana  
2 commercial grower shall be required to obtain a  
3 separate license from the Authority for each type of  
4 grow operation and shall be subject to the licensing  
5 fees provided for in subparagraphs a and b of this  
6 paragraph.

7 d. As used in this paragraph:

8 (1) "canopy" means the total surface area within a  
9 cultivation area that is dedicated to the  
10 cultivation of flowering marijuana plants. The  
11 surface area of the plant canopy must be  
12 calculated in square feet and measured and must  
13 include all of the area within the boundaries  
14 where the cultivation of the flowering marijuana  
15 plants occurs. If the surface of the plant  
16 canopy consists of noncontiguous areas, each  
17 component area must be separated by identifiable  
18 boundaries. If a tiered or shelving system is  
19 used in the cultivation area, the surface area of  
20 each tier or shelf must be included in  
21 calculating the area of the plant canopy.  
22 Calculation of the area of the plant canopy may  
23 not include the areas within the cultivation area  
24 that are used to cultivate immature marijuana

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

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

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

15 3. The annual, nonrefundable license fee for a medical  
16 marijuana or adult use marijuana processor license shall be  
17 determined as follows:

- 18 a. Tier 1: Zero (0) to ten thousand (10,000) pounds of  
19 biomass or production or use of up to one hundred  
20 (100) liters of cannabis concentrate, the annual fee  
21 shall be Two Thousand Five Hundred Dollars  
22 (\$2,500.00),
- 23 b. Tier 2: Ten thousand one (10,001) pounds to fifty  
24 thousand (50,000) pounds of biomass or production or

1 use from one hundred one (101) to three hundred fifty  
2 (350) liters of cannabis concentrate, the annual fee  
3 shall be Five Thousand Dollars (\$5,000.00),

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

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

16 e. Tier 5: More than three hundred thousand one  
17 (300,001) pounds of biomass or production or use in  
18 excess of one thousand one (1,001) liters of cannabis  
19 concentrate, the annual fee shall be Twenty Thousand  
20 Dollars (\$20,000.00).

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

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

10        5. The annual, nonrefundable license fee for a medical  
11 marijuana testing laboratory shall be Twenty Thousand Dollars  
12 (\$20,000.00).

13        E. All applicants seeking licensure or licensure renewal as a  
14 medical marijuana or adult use marijuana business shall comply with  
15 the following general requirements:

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

19        2. Each application shall identify the city or county in which  
20 the applicant seeks to obtain licensure as a medical marijuana or  
21 adult use marijuana business;

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

1 4. All applications shall be complete and accurate in every  
2 detail;

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

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

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

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

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

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

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

23

24

- 1 e. disclosure of all ownership interests pursuant to the  
2 Oklahoma Medical Marijuana and Patient Protection Act,  
3 and  
4 f. proof that the medical marijuana or adult use  
5 marijuana business, ~~medical~~ marijuana research  
6 facility, ~~medical~~ marijuana education facility and  
7 ~~medical~~ marijuana waste disposal facility applicant or  
8 licensee has not been convicted of a nonviolent felony  
9 in the last two (2) years, or any other felony  
10 conviction within the last five (5) years, is not a  
11 current inmate in the custody of the Department of  
12 Corrections, or currently incarcerated in a jail or  
13 corrections facility;

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

22 9. All applicants for a medical marijuana or adult use  
23 marijuana business license, research facility license or education  
24 facility license authorized by the Oklahoma Medical Marijuana and

1 Patient Protection Act, or for a renewal of such license, shall  
2 undergo an Oklahoma criminal history background check conducted by  
3 the Oklahoma State Bureau of Investigation (OSBI) within thirty (30)  
4 days prior to the application for the license, including:

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

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

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

- 21 a. an unexpired Oklahoma-issued driver license,
- 22 b. an Oklahoma identification card,
- 23 c. a utility bill preceding the date of application,  
24 excluding cellular telephone and Internet bills,



1 d. a residential property deed to property in the State  
2 of Oklahoma, and

3 e. a rental agreement preceding the date of application  
4 for residential property located in the State of  
5 Oklahoma.

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

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

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

- 16 a. front of an Oklahoma driver license,
- 17 b. front of an Oklahoma identification card,
- 18 c. a United States passport or other photo identification  
19 issued by the United States government, or
- 20 d. a tribal identification card approved for  
21 identification purposes by the Oklahoma Department of  
22 Public Safety; and

23 14. All applicants shall submit an applicant photograph.  
24

1 F. The Authority shall review the medical marijuana or adult  
2 use marijuana business application; approve, reject or deny the  
3 application; and mail the approval, rejection, denial or status-  
4 update letter to the applicant within ninety (90) business days of  
5 receipt of the application.

6 G. 1. The Authority shall review the medical marijuana or  
7 adult use marijuana business applications and conduct all  
8 investigations, inspections and interviews before approving the  
9 application.

10 2. Approved applicants shall be issued a medical marijuana or  
11 adult use marijuana business license for the specific category  
12 applied under, which shall act as proof of their approved status.  
13 Rejection and denial letters shall provide a reason for the  
14 rejection or denial. Applications may only be rejected or denied  
15 based on the applicant not meeting the standards set forth in the  
16 provisions of the Oklahoma Medical Marijuana and Patient Protection  
17 Act and Sections 420 through 426.1 of this title, improper  
18 completion of the application, or for a reason provided for in the  
19 Oklahoma Medical Marijuana and Patient Protection Act and Sections  
20 420 through 426.1 of this title. If an application is rejected for  
21 failure to provide required information, the applicant shall have  
22 thirty (30) days to submit the required information for  
23 reconsideration. No additional application fee shall be charged for  
24 such reconsideration. Unless the Authority determines otherwise, an

1 application that has been resubmitted but is still incomplete or  
2 contains errors that are not clerical or typographical in nature  
3 shall be denied.

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

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

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

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

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

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

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

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

- 4 a. file taxes, interest or penalties due related to a  
5 medical marijuana or adult use marijuana business, or
- 6 b. pay taxes, interest or penalties due related to a  
7 medical marijuana or adult use marijuana business;

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

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

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

- 20 a. unlawful sales or purchases,
- 21 b. any fraudulent acts, falsification of records or  
22 misrepresentation to the Authority, medical marijuana  
23 patient licensees, caregiver licensees or medical  
24 marijuana or adult use marijuana business licensees,

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

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

17 J. The failure of an applicant or licensee to provide the  
18 requested information by the Authority deadline may be grounds for  
19 denial of the application.

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

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

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

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

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

24

1 O. No medical marijuana or adult use marijuana business,  
2 ~~medical~~ marijuana research facility, ~~medical~~ marijuana education  
3 facility or ~~medical~~ marijuana waste disposal facility shall possess,  
4 sell or transfer ~~medical~~ marijuana or ~~medical~~ marijuana products  
5 without a valid, unexpired license issued by the Authority.

6 SECTION 14. AMENDATORY Section 3, Chapter 328, O.S.L.  
7 2022 (63 O.S. Supp. 2022, Section 427.14b), is amended to read as  
8 follows:

9 Section 427.14b A. Beginning January 1, 2024, the Oklahoma  
10 ~~Medical~~ Marijuana Authority shall require employees of a medical  
11 marijuana or adult use marijuana business licensee to apply for and  
12 receive a credential authorizing the employee to work in a licensed  
13 medical marijuana or adult use marijuana business.

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

17 C. The Authority shall determine the services to be provided by  
18 such third-party vendor and shall establish costs and prices. If  
19 contracted for credentialing services, a third-party vendor shall on  
20 behalf of the Authority conduct the background checks and verify  
21 eligibility and suitability for any employees of a medical marijuana  
22 or adult use marijuana business license holder to obtain a  
23 credential.

24

1 D. Upon successful completion by the third-party vendor of the  
2 statutorily required background checks and verification of  
3 eligibility and suitability for an employee, the third-party vendor  
4 shall issue a credential to the employee. The results of background  
5 checks and verifications shall be provided to the Authority by the  
6 third-party vendor.

7 E. If the third-party vendor determines that an employee of a  
8 medical marijuana or adult use marijuana business holder does not  
9 meet the minimum statutory requirements for a credential, the  
10 applicant or employee shall have no recourse against the third-party  
11 vendor but may appeal such adverse determination to the Authority.

12 F. The third-party vendor shall not be civilly liable to an  
13 applicant, licensee, or employee of a licensee for any acts taken in  
14 good-faith compliance with the provisions of Section 420 et seq. of  
15 Title 63 of the Oklahoma Statutes and the Oklahoma Medical Marijuana  
16 and Patient Protection Act and the rules promulgated by the Oklahoma  
17 ~~Medical~~ Marijuana Authority.

18 G. The Executive Director of the Authority may promulgate rules  
19 to implement the provisions of this section.

20 SECTION 15. AMENDATORY 63 O.S. 2021, Section 427.15, is  
21 amended to read as follows:

22 Section 427.15 A. The Oklahoma ~~Medical~~ Marijuana Authority is  
23 hereby authorized to develop policies and procedures for disclosure  
24



1 by a medical marijuana or adult use marijuana business of financial  
2 interest and ownership.

3 B. Upon the effective date of this act, current medical  
4 marijuana or adult use marijuana business licensees and applicants  
5 seeking licensure as a medical marijuana or adult use marijuana  
6 business shall be required to submit under penalty of perjury an  
7 attestation confirming or denying the existence of any foreign  
8 financial interests in the medical marijuana or adult use marijuana  
9 business operation and shall disclose the identity of such  
10 ownership, if applicable. Medical marijuana or adult use marijuana  
11 business licensees shall, within sixty (60) days after the effective  
12 date of this act, submit such attestation to the Oklahoma State  
13 Bureau of Narcotics and Dangerous Drugs Control. Applicants for a  
14 medical marijuana or adult use marijuana business license shall,  
15 within sixty (60) days after the approval of a medical marijuana or  
16 adult use marijuana business license application by the Oklahoma  
17 ~~Medical~~ Marijuana Authority, submit such attestation to the Bureau.  
18 Failure to submit the attestation or accompanying information to the  
19 Bureau within the specified sixty-day time period shall result in  
20 the immediate revocation of the medical marijuana or adult use  
21 marijuana business license. The Bureau shall prescribe the form of  
22 the attestation required under the provisions of this subsection and  
23 shall make the form available on its publicly accessible Internet  
24 website.

1 SECTION 16. AMENDATORY 63 O.S. 2021, Section 427.16, as  
2 amended by Section 16, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022,  
3 Section 427.16), is amended to read as follows:

4 Section 427.16 A. There is hereby created a medical marijuana  
5 and adult use marijuana transporter license as a category of the  
6 ~~medical~~ marijuana business license.

7 B. Pursuant to Section 424 of this title, the Oklahoma ~~Medical~~  
8 Marijuana Authority shall issue a medical marijuana or adult use  
9 marijuana transporter license to licensed medical marijuana or adult  
10 use marijuana commercial growers, processors and dispensaries upon  
11 issuance of such licenses and upon each renewal. Medical marijuana  
12 or adult use marijuana transporter licenses shall also be issued to  
13 licensed ~~medical~~ marijuana research facilities, ~~medical~~ marijuana  
14 education facilities and medical marijuana or adult use marijuana  
15 testing laboratories upon issuance of such licenses and upon each  
16 renewal.

17 C. A medical marijuana or adult use marijuana transporter  
18 license may also be issued to qualifying applicants who are  
19 registered with the Secretary of State and otherwise meet the  
20 requirements for a medical marijuana or adult use marijuana business  
21 license set forth in the Oklahoma Medical Marijuana and Patient  
22 Protection Act and the requirements set forth in this section to  
23 provide logistics, distribution and storage of ~~medical~~ marijuana,  
24 ~~medical~~ marijuana concentrate and ~~medical~~ marijuana products.

1 D. A medical marijuana or adult use marijuana transporter  
2 license shall be valid for one (1) year and shall not be transferred  
3 with a change of ownership. A licensed medical marijuana or adult  
4 use marijuana transporter shall be responsible for all ~~medical~~  
5 marijuana, ~~medical~~ marijuana concentrate and ~~medical~~ marijuana  
6 products once the transporter takes control of the product.

7 E. A transporter license shall be required for any person or  
8 entity to transport or transfer ~~medical~~ marijuana, ~~medical~~ marijuana  
9 concentrate or ~~medical~~ marijuana products from a licensed medical  
10 marijuana or adult use marijuana business to another medical  
11 marijuana or adult use marijuana business, or from a medical  
12 marijuana or adult use marijuana business to a ~~medical~~ marijuana  
13 research facility or ~~medical~~ marijuana education facility.

14 F. A medical marijuana or adult use marijuana transporter  
15 licensee may contract with multiple licensed medical marijuana or  
16 adult use marijuana businesses.

17 G. A medical marijuana or adult use marijuana transporter may  
18 maintain a licensed premises to temporarily store ~~medical~~ marijuana,  
19 ~~medical~~ marijuana concentrate and ~~medical~~ marijuana products and to  
20 use as a centralized distribution point. A medical marijuana or  
21 adult use marijuana transporter may store and distribute ~~medical~~  
22 marijuana, ~~medical~~ marijuana concentrate and ~~medical~~ marijuana  
23 products from the licensed premises. The licensed premises shall  
24

1 meet all security requirements applicable to a medical marijuana or  
2 adult use marijuana business.

3 H. A medical marijuana or adult use marijuana transporter  
4 licensee shall use the seed-to-sale tracking system developed  
5 pursuant to the Oklahoma Medical Marijuana and Patient Protection  
6 Act to create shipping manifests documenting the transport of  
7 ~~medical~~ marijuana, ~~medical~~ marijuana concentrate and ~~medical~~  
8 marijuana products throughout the state.

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

14 J. With the exception of a lawful transfer between medical  
15 marijuana or adult use marijuana businesses who are licensed to  
16 operate at the same physical address, all ~~medical~~ marijuana, ~~medical~~  
17 marijuana concentrate and ~~medical~~ marijuana products shall be  
18 transported:

19 1. In vehicles equipped with Global Positioning System (GPS)  
20 trackers;

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

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

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

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

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

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

- 18 1. The name, address and date of birth of the person;
- 19 2. Proof of current state residency;
- 20 3. Proof of identity as required for a medical marijuana or  
21 adult use marijuana business license;
- 22 4. Possession of a valid state-issued driver license;
- 23 5. Verification of employment with a licensed transporter;
- 24 6. The application and affiliated fee; and

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

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

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

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

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

19 S. Vehicles used in the transport of ~~medical~~ marijuana or  
20 ~~medical~~ marijuana product shall be:

- 21 1. Insured at or above the legal requirements in this state;
- 22 2. Capable of securing ~~medical~~ marijuana during transport; and
- 23 3. In possession of a shipping container as defined in Section  
24 427.2 of this title capable of securing all transported products.

1 T. Prior to the transport of any ~~medical~~ marijuana, ~~medical~~  
2 marijuana concentrate or ~~medical~~ marijuana products, an inventory  
3 manifest shall be prepared at the origination point of the ~~medical~~  
4 marijuana. The inventory manifest shall include the following  
5 information:

6 1. For the origination point of the ~~medical~~ marijuana:

- 7 a. the licensee number for the commercial grower,  
8 processor or dispensary,
- 9 b. address of origination of transport, and
- 10 c. name and contact information for the originating  
11 licensee;

12 2. For the end recipient license holder of the ~~medical~~  
13 marijuana:

- 14 a. the license number for the dispensary, commercial  
15 grower, processor, research facility or education  
16 facility destination,
- 17 b. address of the destination, and
- 18 c. name and contact information for the destination  
19 licensee;

20 3. Quantities by weight or unit of each type of ~~medical~~  
21 marijuana product contained in transport;

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

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

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

3 7. Notation of the transporting licensee.

4 U. 1. A separate inventory manifest shall be prepared for each  
5 licensee receiving the ~~medical~~ marijuana.

6 2. The transporter agent shall provide the other medical  
7 marijuana or adult use marijuana business with a copy of the  
8 inventory manifest at the time the product changes hands and after  
9 the other licensee prints his or her name and signs the inventory  
10 manifest.

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

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

17 SECTION 17. AMENDATORY 63 O.S. 2021, Section 427.17, as  
18 last amended by Section 1, Chapter 353, O.S.L. 2022 (63 O.S. Supp.  
19 2022, Section 427.17), is amended to read as follows:

20 Section 427.17 A. There is hereby created a medical marijuana  
21 or adult use marijuana testing laboratory license as a category of  
22 the ~~medical~~ marijuana business license. The Oklahoma ~~Medical~~  
23 Marijuana Authority is hereby enabled to monitor, inspect and audit  
24



1 a licensed testing laboratory under the Oklahoma Medical Marijuana  
2 and Patient Protection Act.

3 B. 1. The Authority is hereby authorized to contract with a  
4 private laboratory for the purpose of conducting compliance testing  
5 of medical marijuana or adult use marijuana testing laboratories  
6 licensed in this state. Any such laboratory under contract for  
7 compliance testing shall be prohibited from conducting any other  
8 commercial medical marijuana or adult use marijuana testing in this  
9 state. The laboratory the Authority contracts with for compliance  
10 testing shall not employ, or be owned by, the following:

- 11 a. any individual that has a direct or indirect interest  
12 in a licensed medical marijuana or adult use marijuana  
13 business, or
- 14 b. any individual or his or her spouse, parent, child,  
15 spouse of a child, sibling or spouse of a sibling that  
16 has an application for a medical marijuana or adult  
17 use marijuana business license pending before the  
18 Authority or is a member of the board of directors of  
19 a medical marijuana or adult use marijuana business,  
20 or is an individual financially interested in any  
21 licensee or medical marijuana or adult use marijuana  
22 business located within this state.

23 2. The private laboratory under contract with the Authority for  
24 compliance testing and a board or committee comprised of licensed

1 Oklahoma medical marijuana or adult use marijuana laboratories  
2 currently accredited by the International Organization for  
3 Standardization (ISO) shall provide to the Authority its  
4 recommendations for all equipment and standards to be utilized by  
5 licensed medical marijuana or adult use marijuana testing  
6 laboratories when testing samples of ~~medical~~ marijuana, ~~medical~~  
7 marijuana concentrate, and ~~medical~~ marijuana products as well as  
8 standard operating procedures when extracting and testing ~~medical~~  
9 marijuana, ~~medical~~ marijuana concentrate, and ~~medical~~ marijuana  
10 products. The recommendations shall be submitted to the Authority  
11 no later than June 1, 2023. The Authority shall have ninety (90)  
12 days from the date it receives the recommendations to promulgate new  
13 rules or modify its current rules for laboratory standards and  
14 testing. Beginning June 1, 2024, medical marijuana or adult use  
15 marijuana testing laboratories renewing their medical marijuana or  
16 adult use marijuana business license shall be subject to and comply  
17 with any new or modified rules relating to the testing of ~~medical~~  
18 marijuana, ~~medical~~ marijuana concentrate, and ~~medical~~ marijuana  
19 products. The refusal or failure of a medical marijuana or adult  
20 use marijuana testing laboratory licensee to comply with new or  
21 modified rules relating to laboratory standards and testing  
22 procedures promulgated under the provisions of this paragraph shall  
23 result in the permanent revocation of the medical marijuana or adult  
24 use marijuana testing laboratory license.

1 C. The Authority shall develop acceptable testing practices  
2 including, but not limited to, testing, standards, quality control  
3 analysis, equipment certification and calibration, and chemical  
4 identification and substances used.

5 D. A person who is a direct beneficial owner of a medical  
6 marijuana or adult use marijuana dispensary, medical marijuana or  
7 adult use marijuana commercial grower or medical marijuana or adult  
8 use marijuana processor shall not be an owner of a laboratory.

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

12 F. A separate license shall be required for each specific  
13 laboratory.

14 G. A medical marijuana or adult use marijuana testing  
15 laboratory license may be issued to a person who performs testing on  
16 ~~medical~~ marijuana and ~~medical~~ marijuana products for medical  
17 marijuana and adult use marijuana businesses, ~~medical~~ marijuana  
18 research facilities, ~~medical~~ marijuana education facilities, and  
19 testing on marijuana and marijuana products grown or produced by a  
20 patient or caregiver on behalf of a patient, upon verification of  
21 registration. A medical marijuana or adult use marijuana testing  
22 laboratory may also conduct research related to the development and  
23 improvement of its testing practices and procedures. No state-  
24 approved medical marijuana or adult use marijuana testing facility

1 shall operate unless a medical laboratory director is on site during  
2 operational hours.

3 H. Laboratory applicants and licensees shall comply with the  
4 application requirements of this section and shall submit such other  
5 information as required for a medical marijuana or adult use  
6 marijuana business applicant, in addition to any information the  
7 Authority may request for initial approval and periodic evaluations  
8 during the approval period.

9 I. A medical marijuana or adult use marijuana testing  
10 laboratory may accept samples of ~~medical~~ marijuana, ~~medical~~  
11 marijuana concentrate or ~~medical~~ marijuana product from a medical  
12 marijuana or adult use marijuana business, ~~medical~~ marijuana  
13 research facility or ~~medical~~ marijuana education facility for  
14 testing purposes only, which purposes may include the provision of  
15 testing services for samples submitted by a medical marijuana or  
16 adult use marijuana business for product development. The Authority  
17 may require a medical marijuana or adult use marijuana business to  
18 submit a sample of ~~medical~~ marijuana, ~~medical~~ marijuana concentrate  
19 or ~~medical~~ marijuana product to a medical marijuana or adult use  
20 marijuana testing or quality assurance laboratory upon demand.

21 J. A medical marijuana or adult use marijuana testing  
22 laboratory may accept samples of ~~medical~~ marijuana, ~~medical~~  
23 marijuana concentrate or ~~medical~~ marijuana product from an  
24 individual person for testing only under the following conditions:

1 1. The individual person is a patient or caregiver pursuant to  
2 the Oklahoma Medical Marijuana and Patient Protection Act or is a  
3 participant in an approved clinical or observational study conducted  
4 by a research facility; and

5 2. The medical marijuana or adult use marijuana testing  
6 laboratory shall require the patient or caregiver to produce a valid  
7 patient license and current and valid photo identification.

8 K. A medical marijuana or adult use marijuana testing  
9 laboratory may transfer samples to another medical marijuana or  
10 adult use marijuana testing laboratory for testing. All laboratory  
11 reports provided to or by a medical marijuana or adult use marijuana  
12 business or to a patient or caregiver shall identify the medical  
13 marijuana or adult use marijuana testing laboratory that actually  
14 conducted the test.

15 L. A medical marijuana or adult use marijuana testing  
16 laboratory may utilize a licensed medical marijuana or adult use  
17 marijuana transporter to transport samples of ~~medical~~ marijuana,  
18 ~~medical~~ marijuana concentrate and ~~medical~~ marijuana product for  
19 testing, in accordance with the Oklahoma Medical Marijuana and  
20 Patient Protection Act and the rules adopted pursuant thereto,  
21 between the originating medical marijuana or adult use marijuana  
22 business requesting testing services and the destination laboratory  
23 performing testing services.

1 M. The medical marijuana or adult use marijuana testing  
2 laboratory shall establish policies to prevent the existence of or  
3 appearance of undue commercial, financial or other influences that  
4 may diminish the competency, impartiality and integrity of the  
5 testing processes or results of the laboratory, or that may diminish  
6 public confidence in the competency, impartiality and integrity of  
7 the testing processes or results of the laboratory. At a minimum,  
8 employees, owners or agents of a medical marijuana or adult use  
9 marijuana testing laboratory who participate in any aspect of the  
10 analysis and results of a sample are prohibited from improperly  
11 influencing the testing process, improperly manipulating data or  
12 improperly benefiting from any ongoing financial, employment,  
13 personal or business relationship with the medical marijuana or  
14 adult use marijuana business that provided the sample. A medical  
15 marijuana or adult use marijuana testing laboratory shall not test  
16 samples for any medical marijuana or adult use marijuana business in  
17 which an owner, employee or agent of the medical marijuana or adult  
18 use marijuana testing laboratory has any form of ownership or  
19 financial interest in the medical marijuana or adult use marijuana  
20 business.

21 N. The Authority, pursuant to rules promulgated by the  
22 Executive Director of the Authority, shall develop standards,  
23 policies and procedures as necessary for:

24

- 1        1. The cleanliness and orderliness of a laboratory premises and  
2 the location of the laboratory in a secure location, and inspection,  
3 cleaning and maintenance of any equipment or utensils used for the  
4 analysis of test samples;
- 5        2. Testing procedures, testing standards for cannabinoid and  
6 terpenoid potency and safe levels of contaminants, and remediation  
7 procedures;
- 8        3. Controlled access areas for storage of ~~medical~~ marijuana and  
9 ~~medical~~ marijuana product test samples, waste and reference  
10 standards;
- 11       4. Records to be retained and computer systems to be utilized  
12 by the laboratory;
- 13       5. The possession, storage and use by the laboratory of  
14 reagents, solutions and reference standards;
- 15       6. A certificate of analysis (COA) for each lot of reference  
16 standard;
- 17       7. The transport and disposal of unused marijuana, marijuana  
18 products and waste;
- 19       8. The mandatory use by a laboratory of an inventory tracking  
20 system to ensure all harvest and production batches or samples  
21 containing ~~medical~~ marijuana, ~~medical~~ marijuana concentrate or  
22 ~~medical~~ marijuana products are identified and tracked from the point  
23 they are transferred from a medical marijuana or adult use marijuana  
24 business, a patient or a caregiver through the point of transfer,

1 destruction or disposal. The inventory tracking system reporting  
2 shall include the results of any tests that are conducted on ~~medical~~  
3 marijuana, ~~medical~~ marijuana concentrate or ~~medical~~ marijuana  
4 product;

5 9. Standards of performance;

6 10. The employment of laboratory personnel;

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

9 12. The successful participation in a proficiency testing  
10 program approved by the Executive Director for each testing category  
11 listed in this section, in order to obtain and maintain  
12 certification;

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

16 14. The immediate recall of ~~medical~~ marijuana or ~~medical~~  
17 marijuana products that test above allowable thresholds or are  
18 otherwise determined to be unsafe;

19 15. The establishment by the laboratory of a system to document  
20 the complete chain of custody for samples from receipt through  
21 disposal;

22 16. The establishment by the laboratory of a system to retain  
23 and maintain all required records, including business records, and  
24



1 processes to ensure results are reported in a timely and accurate  
2 manner; and

3 17. Any other aspect of laboratory testing of ~~medical~~ marijuana  
4 or ~~medical~~ marijuana product deemed necessary by the Executive  
5 Director.

6 O. A medical marijuana or adult use marijuana testing  
7 laboratory shall promptly provide the Authority or designee of the  
8 Authority access to a report of a test and any underlying data that  
9 is conducted on a sample at the request of a medical marijuana or  
10 adult use marijuana business or qualified patient. A medical  
11 marijuana or adult use marijuana testing laboratory shall also  
12 provide access to the Authority or designee of the Authority to  
13 laboratory premises and to any material or information requested by  
14 the Authority to determine compliance with the requirements of this  
15 section.

16 P. A medical marijuana or adult use marijuana testing  
17 laboratory shall retain all results of laboratory tests conducted on  
18 marijuana or products for a period of at least seven (7) years and  
19 shall make them available to the Authority upon request.

20 Q. A medical marijuana or adult use marijuana testing  
21 laboratory shall test samples from each harvest batch or product  
22 batch, as appropriate, of ~~medical~~ marijuana, ~~medical~~ marijuana  
23 concentrate and ~~medical~~ marijuana product for each of the following  
24

1 categories of testing, consistent with standards developed by the  
2 Executive Director:

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

10 R. A licensed medical marijuana or adult use marijuana testing  
11 laboratory shall test each individual harvest batch. A grower shall  
12 separate each harvest lot of usable marijuana into harvest batches  
13 containing no more than fifteen (15) pounds, with the exception of  
14 any plant material to be sold to a licensed processor for the  
15 purposes of turning the plant material into concentrate which may be  
16 separated into harvest batches of no more than fifty (50) pounds. A  
17 processor shall separate each ~~medical~~ marijuana production lot into  
18 production batches containing no more than four (4) liters of  
19 concentrate or nine (9) pounds for nonliquid products, and for final  
20 products, the Oklahoma ~~Medical~~ Marijuana Authority shall be  
21 authorized to promulgate rules on final products as necessary.  
22 Provided, however, the Authority shall not require testing of final  
23 products less often than every one thousand (1,000) grams of THC.  
24 As used in this subsection, "final products" shall include, but not

1 be limited to, cookies, brownies, candies, gummies, beverages and  
2 chocolates.

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

7 T. A medical marijuana or adult use marijuana testing  
8 laboratory shall be inspected prior to initial licensure and up to  
9 two (2) times per year thereafter by an inspector approved by the  
10 Authority. The Authority may enter the licensed premises of a  
11 testing laboratory to conduct investigations and additional  
12 inspections when the Authority believes an investigation or  
13 additional inspection is necessary due to a possible violation of  
14 applicable laws, rules or regulations.

15 U. Medical marijuana or adult use marijuana testing  
16 laboratories shall obtain accreditation by an accrediting body  
17 approved by the Executive Director within one (1) year of the date  
18 the initial license is issued. Renewal of any medical marijuana or  
19 adult use marijuana testing laboratory license shall be contingent  
20 upon accreditation in accordance with this subsection. All medical  
21 marijuana or adult use marijuana testing laboratories shall obtain  
22 accreditation prior to applying for and receiving a medical  
23 marijuana or adult use marijuana testing laboratory license.

24

1 V. Unless authorized by the provisions of this section, a  
2 commercial grower shall not transfer or sell ~~medical~~ marijuana and a  
3 processor shall not transfer, sell or process into a concentrate or  
4 product any ~~medical~~ marijuana, ~~medical~~ marijuana concentrate or  
5 ~~medical~~ marijuana product unless samples from each harvest batch or  
6 production batch from which that ~~medical~~ marijuana, ~~medical~~  
7 marijuana concentrate or ~~medical~~ marijuana product was derived has  
8 been tested by a medical marijuana or adult use marijuana testing  
9 laboratory and passed all contaminant tests required by the Oklahoma  
10 Medical Marijuana and Patient Protection Act and applicable laws,  
11 rules and regulations. A licensed commercial grower may transfer  
12 ~~medical~~ marijuana that has failed testing to a licensed processor  
13 only for the purposes of decontamination or remediation and only in  
14 accordance with the provisions of the Oklahoma Medical Marijuana and  
15 Patient Protection Act and the rules and regulations promulgated by  
16 the Executive Director. Remediated and decontaminated ~~medical~~  
17 marijuana may be returned only to the originating licensed  
18 commercial grower.

19 W. Kief shall not be transferred or sold except as authorized  
20 in the rules and regulations promulgated by the Executive Director.

21 SECTION 18. AMENDATORY 63 O.S. 2021, Section 427.18, as  
22 amended by Section 18, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022,  
23 Section 427.18), is amended to read as follows:

24

1 Section 427.18 A. A medical marijuana or adult use marijuana  
2 business shall not sell, transfer or otherwise distribute ~~medical~~  
3 marijuana or ~~medical~~ marijuana product that has not been packaged  
4 and labeled in accordance with this section and rules promulgated by  
5 the Executive Director of the Oklahoma ~~Medical~~ Marijuana Authority.

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

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

19 2. A medical marijuana or adult use marijuana business shall  
20 not place any content on a container in a manner that reasonably  
21 appears to target individuals under the age of twenty-one (21)  
22 including, but not 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~~ person confusion as to whether the  
3 ~~medical~~ marijuana, ~~medical~~ marijuana concentrate or ~~medical~~  
4 marijuana product is a trademarked product or labeled in a manner  
5 that 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 patient.

8 6. All ~~medical~~ marijuana, ~~medical~~ marijuana concentrate and  
9 ~~medical~~ marijuana products shall be in a child-resistant container  
10 at the point of transfer to the patient ~~or~~, caregiver, or consumer.

11 D. The Executive Director shall develop minimum standards for  
12 packaging and labeling of ~~medical~~ marijuana and ~~medical~~ marijuana  
13 products. Such standards shall include, but not be limited to, the  
14 required contents of labels to be affixed to all ~~medical~~ marijuana  
15 and ~~medical~~ marijuana products prior to transfer to a licensed  
16 patient or caregiver, which shall include, at a minimum:

17 1. THC and other cannabinoid potency, and terpenoid potency;

18 2. A statement indicating that the product has been tested for  
19 contaminants;

20 3. One or more product warnings to be determined by the  
21 Executive Director; and

22 4. Any other information the Executive Director deems  
23 necessary.

1 SECTION 19. AMENDATORY 63 O.S. 2021, Section 427.19, as  
2 amended by Section 19, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022,  
3 Section 427.19), is amended to read as follows:

4 Section 427.19 A. A ~~medical~~ marijuana research license may be  
5 issued to a person to grow, cultivate, possess and transfer, by sale  
6 or donation, marijuana pursuant to the Oklahoma Medical Marijuana  
7 and Patient Protection Act for the limited research purposes  
8 identified in this section.

9 B. The annual fee for a ~~medical~~ marijuana research license  
10 shall be Five Hundred Dollars (\$500.00) and shall be payable by an  
11 applicant for a ~~medical~~ marijuana research license upon submission  
12 of his or her application to the Oklahoma ~~Medical~~ Marijuana  
13 Authority.

14 C. A ~~medical~~ marijuana research license may be issued for the  
15 following research purposes:

- 16 1. To test chemical potency and composition levels;
- 17 2. To conduct clinical investigations of marijuana-derived  
18 medicinal products;
- 19 3. To conduct research on the efficacy and safety of  
20 administering marijuana as part of medical treatment;
- 21 4. To conduct genomic, horticultural or agricultural research;  
22 and
- 23 5. To conduct research on marijuana-affiliated products or  
24 systems.

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

9 2. If the research will be conducted with a public institution  
10 or public money, the Authority shall review the research project of  
11 the applicant to determine if it meets the requirements of this  
12 section and to assess the following:

13 a. the quality, study design, value or impact of the  
14 project,

15 b. whether the applicant has the appropriate personnel,  
16 expertise, facilities, infrastructure, funding and  
17 human, animal or other approvals in place to  
18 successfully conduct the project, and

19 c. whether the amount of marijuana to be grown by the  
20 applicant is consistent with the scope and goals of  
21 the project.

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



1 E. A ~~medical~~ marijuana research licensee may only transfer, by  
2 sale or donation, marijuana grown within its operation to other  
3 ~~medical~~ marijuana research licensees. The Authority may revoke a  
4 ~~medical~~ marijuana research license for violations of this section  
5 and any other violation of the Oklahoma Medical Marijuana and  
6 Patient Protection Act.

7 F. A ~~medical~~ marijuana research licensee may contract to  
8 perform research in conjunction with a public higher education  
9 research institution or another ~~medical~~ marijuana research licensee.

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

19 H. If the research conducted includes a public institution or  
20 public money, the Authority shall review any reports made by ~~medical~~  
21 marijuana research licensees under state licensing authority rule  
22 and provide the Authority with its determination on whether the  
23 research project continues to meet research qualifications pursuant  
24 to this section.

1 SECTION 20. AMENDATORY 63 O.S. 2021, Section 427.20, as  
2 amended by Section 20, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022,  
3 Section 427.20), is amended to read as follows:

4 Section 427.20 A. There is hereby created a ~~medical~~ marijuana  
5 education facility license.

6 B. A ~~medical~~ marijuana education facility license may be issued  
7 to a person to possess or cultivate marijuana for the limited  
8 education and research purposes identified in this section.

9 C. A ~~medical~~ marijuana education facility license may only be  
10 granted to a not-for-profit organization structured under Section  
11 501(c) (3) of the Internal Revenue Code, operating as a not-for-  
12 profit organization in this state registered with the Office of the  
13 Secretary of State.

14 D. A ~~medical~~ marijuana education facility license may only be  
15 granted upon the submission of an annual fee of Five Hundred Dollars  
16 (\$500.00) to the Oklahoma ~~Medical~~ Marijuana Authority.

17 E. A ~~medical~~ marijuana education facility license may be issued  
18 for the following education and research purposes:

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

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

23 3. To demonstrate the application and use of product  
24 manufacturing technologies;

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

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

5 F. As part of the application process for a ~~medical~~ marijuana  
6 education facility license, an applicant shall submit to the  
7 Authority a description of the project and curriculum that the  
8 applicant intends to conduct and whether the project and curriculum  
9 will be conducted with a public institution or using public money.  
10 If the project and curriculum will not be conducted with a public  
11 institution or with public money, the Authority shall grant the  
12 application. If the research will be conducted with a public  
13 institution or public money, the Authority shall review the research  
14 project of the applicant to determine if it meets the requirements  
15 of this section and to assess the following:

16 1. The quality, study design, value or impact of the project;

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

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

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

1 G. A ~~medical~~ marijuana education facility licensee may only  
2 transfer, by sale or donation, marijuana grown within its operation  
3 to ~~medical~~ marijuana research licensees. The Authority may revoke a  
4 ~~medical~~ marijuana education facility license for violations of this  
5 section and any other violation of applicable laws, rules and  
6 regulations.

7 H. A ~~medical~~ marijuana education facility licensee may contract  
8 to perform research in conjunction with a public higher education  
9 research institution or another research licensee.

10 I. The growing, cultivating, possessing or transferring, by  
11 sale or donation, of marijuana in accordance with this section and  
12 the rules promulgated pursuant thereto, by a ~~medical~~ marijuana  
13 education facility licensee shall not be a criminal or civil offense  
14 under state law. A ~~medical~~ marijuana education facility license  
15 shall be issued in the name of the applicant and shall specify the  
16 location in this state at which the ~~medical~~ marijuana education  
17 facility licensee intends to operate. A ~~medical~~ marijuana education  
18 facility licensee shall not allow any other person to exercise the  
19 privilege of the license.

20 SECTION 21. AMENDATORY 63 O.S. 2021, Section 427.21, as  
21 amended by Section 2, Chapter 329, O.S.L. 2022 (63 O.S. Supp. 2022,  
22 Section 427.21), is amended to read as follows:  
23  
24

1 Section 427.21 A. A medical marijuana or adult use marijuana  
2 business shall not engage in advertising that is deceptive, false or  
3 misleading.

4 B. Medical marijuana or adult use marijuana advertising shall  
5 not contain any statement or illustration that:

6 1. Promotes overconsumption;

7 2. Represents that the use of marijuana has curative or  
8 therapeutic effects; or

9 3. Depicts a child or other person under legal age to consume  
10 marijuana, or includes:

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

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

19 C. Upon the effective date of this act, all medical marijuana  
20 or adult use marijuana commercial grower licensees shall be required  
21 to post signage at the site of the commercial grow operation.

22 Signage shall be located at the perimeter of the property with  
23 dimensions measuring no less than eighteen (18) inches by twenty-  
24 four (24) inches with a font size of no less than two (2) inches.

1 Information required to be displayed on the sign shall be in black  
2 standardized font on a white background. The Oklahoma ~~Medical~~  
3 Marijuana Authority shall promulgate rules as necessary regarding  
4 the size, placement, issuance and specifications of the required  
5 signage. The following information shall be included on the  
6 required signage:

- 7 1. Business name;
- 8 2. Physical address of the licensed business;
- 9 3. Phone number of the licensed business; and
- 10 4. Medical marijuana or adult use marijuana commercial grower  
11 business license number.

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

24

1 SECTION 22. AMENDATORY 63 O.S. 2021, Section 427.22, as  
2 amended by Section 21, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022,  
3 Section 427.22), is amended to read as follows:

4 Section 427.22 A. All medical marijuana patient and caregiver  
5 records and information including, but not limited to, any  
6 application or renewal and supporting information submitted by a  
7 qualifying patient or designated caregiver under the provisions of  
8 the Oklahoma Medical Marijuana and Patient Protection Act and  
9 information regarding the physician of the qualifying patient shall  
10 be considered confidential medical records that are exempt from the  
11 Oklahoma Open Records Act.

12 B. The dispensary records with patient or consumer information  
13 shall be treated as confidential records that are exempt from the  
14 Oklahoma Open Records Act.

15 C. All financial information provided by an applicant or a  
16 licensee in an application to the Authority shall be treated as  
17 confidential records that are exempt from the Oklahoma Open Records  
18 Act.

19 D. All information provided by an applicant or a licensee that  
20 constitutes private business information shall be treated as  
21 confidential records that are exempt from the Oklahoma Open Records  
22 Act.

23 E. As used in this section, "private business information"  
24 means information that, if disclosed, would give advantage to

1 competitors or bidders including, but not limited to, information  
2 related to the planning, site location, operations, strategy or  
3 product development and marketing of an applicant, unless approval  
4 for release of those records is granted by the business.

5 F. All monthly report, inventory tracking and seed-to-sale  
6 information, data and records submitted to the Authority shall be  
7 treated as confidential records and are exempt from the Oklahoma  
8 Open Records Act.

9 G. Except for license information concerning licensed patients,  
10 the Authority may share confidential information with other state  
11 agencies to assist those agencies in ensuring compliance with  
12 applicable laws, rules and regulations.

13 SECTION 23. AMENDATORY 63 O.S. 2021, Section 427.24, as  
14 amended by Section 23, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022,  
15 Section 427.24), is amended to read as follows:

16 Section 427.24 A. Whenever an authorized agent of the Oklahoma  
17 ~~Medical~~ Marijuana Authority finds, in whole or in part, that the  
18 ~~medical~~ marijuana or ~~medical~~ marijuana product fails to meet the  
19 requirements of Sections 420 through 426.1 of this title or the  
20 Oklahoma Medical Marijuana and Patient Protection Act as it relates  
21 to health and safety, the ~~medical~~ marijuana or ~~medical~~ marijuana  
22 product is handled in violation of applicable laws or rules and  
23 regulations promulgated by the Executive Director of the Authority,  
24 or the ~~medical~~ marijuana or ~~medical~~ marijuana product may be



1 poisonous, deleterious to health or is otherwise unsafe, an  
2 electronic or physical tag or other appropriate marking or hold  
3 shall be affixed to the ~~medical~~ marijuana or ~~medical~~ marijuana  
4 product which shall give notice that the ~~medical~~ marijuana or  
5 ~~medical~~ marijuana product is or is suspected of being manufactured,  
6 produced, transferred, sold or offered for sale in violation of  
7 applicable laws or rules and regulations promulgated by the  
8 Executive Director and is embargoed. The notice shall further  
9 provide a warning to all persons not to remove or dispose of the  
10 ~~medical~~ marijuana or ~~medical~~ marijuana product until permission for  
11 removal or disposal is given by the Executive Director. It shall be  
12 unlawful for any person to remove or dispose of the ~~medical~~  
13 marijuana or ~~medical~~ marijuana product embargoed without permission  
14 by the Executive Director.

15 B. If the Executive Director finds that ~~medical~~ marijuana or  
16 ~~medical~~ marijuana product embargoed pursuant to subsection A of this  
17 section does not meet the requirements of applicable laws or rules  
18 and regulations promulgated by the Executive Director, or is  
19 poisonous, deleterious to health or otherwise unsafe, the Executive  
20 Director may institute an action in the district court in whose  
21 jurisdiction the ~~medical~~ marijuana or ~~medical~~ marijuana product is  
22 embargoed for the condemnation and destruction of the ~~medical~~  
23 marijuana or ~~medical~~ marijuana product. If the Executive Director  
24 finds that the ~~medical~~ marijuana or ~~medical~~ marijuana product

1 embargoed does meet the requirements of applicable laws and the  
2 rules and regulations promulgated by the Executive Director and is  
3 not poisonous, deleterious to health or otherwise unsafe, the  
4 Executive Director shall remove the embargo. In any court  
5 proceeding regarding an embargo, neither the Authority or the  
6 Executive Director shall be held liable if the court finds  
7 reasonable belief for the embargo.

8 C. Except as otherwise provided in subsection D of this  
9 section, if the court finds that the embargoed ~~medical~~ marijuana or  
10 ~~medical~~ marijuana product, in whole or in part, is in violation of  
11 any applicable laws or rules and regulations promulgated by the  
12 Executive Director or is poisonous, deleterious to health or  
13 otherwise unsafe, the ~~medical~~ marijuana or ~~medical~~ marijuana product  
14 shall be destroyed at the expense of the defendant under the  
15 supervision of the Executive Director. All court costs, fees, costs  
16 of storage and disposal and other proper expenses shall be paid by  
17 the defendant of the ~~medical~~ marijuana or ~~medical~~ marijuana product.

18 D. The court may order that the ~~medical~~ marijuana or ~~medical~~  
19 marijuana product be delivered to the defendant for appropriate  
20 labeling or processing under the supervision of the Executive  
21 Director only if:

22 1. The violation can be corrected by proper processing of  
23 ~~medical~~ marijuana or ~~medical~~ marijuana product;

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

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

3 The expense of supervision shall be paid to the Executive  
4 Director by the person obtaining release of the ~~medical~~ marijuana or  
5 ~~medical~~ marijuana product under bond.

6 SECTION 24. AMENDATORY Section 1, Chapter 352, O.S.L.  
7 2022 (63 O.S. Supp. 2022, Section 427.25), is amended to read as  
8 follows:

9 Section 427.25 A. The Oklahoma ~~Medical~~ Marijuana Authority  
10 shall implement rules to employ secret shoppers. Secret shoppers  
11 shall purchase ~~medical~~ marijuana or marijuana products from licensed  
12 medical marijuana or adult use marijuana dispensaries.

13 B. For each purchase, the secret shopper shall buy an amount of  
14 ~~medical~~ marijuana or marijuana products sufficient for five complete  
15 compliance tests. Four samples shall be tested by licensed medical  
16 marijuana or adult use marijuana testing laboratories, one of which  
17 shall be the laboratory of origin, if applicable. One sample shall  
18 be kept in reserve by the Authority in the event of a discrepancy  
19 between the testing laboratories, which may require retesting of the  
20 ~~medical~~ marijuana or marijuana products. When making purchases from  
21 a licensed medical marijuana or adult use marijuana dispensary, the  
22 secret shopper shall ask for the certificate of analysis for each  
23 product purchased.

24

1 C. The secret shopper shall deliver the ~~medical~~ marijuana or  
2 marijuana products to a quality assurance laboratory for  
3 homogenization. Once the samples have been homogenized, the samples  
4 shall be delivered to four randomly selected licensed medical  
5 marijuana or adult use marijuana testing laboratories for compliance  
6 testing which shall include the testing for pesticides, heavy  
7 metals, microbials, residual solvents for extracted products, and  
8 potency. One sample shall be kept by the Authority in reserve. If  
9 the ~~medical~~ marijuana or marijuana products were previously tested  
10 with available results from a licensed medical marijuana or adult  
11 use marijuana testing laboratory, that testing laboratory shall be  
12 one of the four licensed medical marijuana or adult use marijuana  
13 testing laboratories chosen by the Authority. For the avoidance of  
14 doubt, neither the licensed medical marijuana or adult use marijuana  
15 dispensary nor the licensed medical marijuana or adult use marijuana  
16 testing laboratory shall be told that the business entity is selling  
17 ~~medical~~ marijuana or marijuana products to a secret shopper or  
18 testing samples submitted by a secret shopper employed by the  
19 Authority and posing as a licensed medical marijuana patient or  
20 consumer.

21 D. The Authority shall inspect, by secret shopper, a minimum of  
22 fifty licensed medical marijuana or adult use marijuana dispensaries  
23 annually beginning January 1, 2024. In the year 2025, the Authority  
24 shall inspect, by secret shopper, a minimum of ten percent (10%) of

1 randomly selected licensed medical marijuana or adult use marijuana  
2 dispensaries in Oklahoma per year.

3 E. 1. When the licensed medical marijuana or adult use  
4 marijuana testing laboratories unanimously confirm test results with  
5 safety failures for contaminants, the Authority shall recall the  
6 ~~medical~~ marijuana or marijuana product within seven (7) days of  
7 obtaining the test results. The name of the licensed medical  
8 marijuana or adult use marijuana dispensary and any other relevant  
9 product information shall be made public via a press release issued  
10 by the Authority. If there is greater than one but less than four  
11 contaminant fails among the licensed medical marijuana or adult use  
12 marijuana testing laboratories, the Authority shall work with a  
13 quality assurance laboratory to verify the results of the licensed  
14 medical marijuana or adult use marijuana testing laboratories and  
15 take appropriate action.

16 2. When the average of total potency or total terpene results  
17 collected from a licensed medical marijuana or adult use marijuana  
18 testing laboratory for a particular product is outside the allowable  
19 limits, the Authority shall work with a quality assurance laboratory  
20 to verify the results of the testing laboratory. If results are  
21 verified to be outside the allowable limits, the Authority shall  
22 require relabeling of the ~~medical~~ marijuana or marijuana products.

23 3. All investigative results shall be retained by the Authority  
24 for a minimum of three (3) years.

1           4. The Authority shall implement rules to notify any licensed  
2 medical marijuana or adult use marijuana dispensary and licensed  
3 medical marijuana or adult use marijuana commercial grower or  
4 licensed medical marijuana or adult use marijuana processor of any  
5 investigative results determined to be noncompliant.

6           5. After the licensed medical marijuana or adult use marijuana  
7 dispensary and licensed medical marijuana or adult use marijuana  
8 commercial grower or licensed medical marijuana or adult use  
9 marijuana processor is notified of the investigative results, such  
10 results may be used by the Authority to take action against the  
11 licensee, assess fines, or assess other civil penalties available to  
12 the Authority.

13           6. The Authority shall implement rules on sharing such  
14 investigative results with any other law enforcement agencies or  
15 regulatory authorities.

16           7. The Authority may elect to conduct further evaluations of  
17 the investigative results at any time for verification or for other  
18 purposes reasonably related to sanitation, public health, or public  
19 safety.

20           F. The failure of any licensed medical marijuana or adult use  
21 marijuana business to cooperate with the provisions of this section  
22 may result in the revocation of the license at the discretion of the  
23 Authority.

24

1 G. The Authority shall implement rules necessary to enforce the  
2 provisions of this act.

3 SECTION 25. AMENDATORY 63 O.S. 2021, Section 428.1, is  
4 amended to read as follows:

5 Section 428.1 As used in the Oklahoma Medical Marijuana Waste  
6 Management Act:

7 1. "Authority" shall mean the Oklahoma ~~Medical~~ Marijuana  
8 Authority, or successor agency;

9 2. "Commercial licensee" shall mean any person or entity issued  
10 a license by the Oklahoma ~~Medical~~ Marijuana Authority, or successor  
11 agency, to conduct commercial business in this state;

12 3. "Disposal" shall mean the disposition of ~~medical~~ marijuana  
13 waste by a process which renders the waste unusable and  
14 unrecognizable through physical destruction or a recycling process;

15 4. "Facility" shall mean the licensed or permitted premises  
16 where the disposal of ~~medical~~ marijuana waste takes place by a  
17 licensee;

18 5. "License" shall mean a ~~medical~~ marijuana waste disposal  
19 license;

20 6. "Licensee" shall mean the holder of a ~~medical~~ marijuana  
21 waste disposal license;

22 7. "~~Medical marijuana~~ Marijuana waste" shall mean:

23 a. unused, surplus, returned or out-of-date marijuana and  
24 plant debris of the plant of the genus Cannabis

1 including dead plants and all unused plant parts,  
2 except the term shall not include seeds, roots, stems,  
3 stalks and fan leaves, and

4 b. all product which is deemed to fail laboratory testing  
5 and cannot be remediated or decontaminated; and

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

9 SECTION 26. AMENDATORY 63 O.S. 2021, Section 429, is  
10 amended to read as follows:

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

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

24 1. Roots;



- 1 2. Stems;
- 2 3. Fan leaves;
- 3 4. Seeds; or
- 4 5. Stalks.

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

11 SECTION 27. AMENDATORY 63 O.S. 2021, Section 430, as  
12 amended by Section 3, Chapter 317, O.S.L. 2022 (63 O.S. Supp. 2022,  
13 Section 430), is amended to read as follows:

14 Section 430. A. There is hereby created and authorized a  
15 ~~medical~~ marijuana waste disposal license. A person or entity in  
16 possession of a ~~medical~~ marijuana waste disposal license shall be  
17 entitled to possess, transport and dispose of ~~medical~~ marijuana  
18 waste. No person or entity shall dispose of ~~medical~~ marijuana waste  
19 without a valid ~~medical~~ marijuana waste disposal license. The  
20 Oklahoma ~~Medical~~ Marijuana Authority shall issue licenses upon  
21 proper application by a licensee and determination by the Authority  
22 that the proposed site and facility are physically and technically  
23 suitable. Upon a finding that a proposed ~~medical~~ marijuana waste  
24 disposal facility is not physically or technically suitable, the

1 Authority shall deny the license. The Authority may, upon  
2 determining that public health or safety requires emergency action,  
3 issue a temporary license for treatment or storage of ~~medical~~  
4 marijuana waste for a period not to exceed ninety (90) days. The  
5 Authority shall not, for the first year of the licensure program,  
6 issue more than ten ~~medical~~ marijuana waste disposal licenses. Upon  
7 the conclusion of the first year, the Authority shall assess the  
8 need for additional ~~medical~~ marijuana waste disposal licenses and  
9 shall, if demonstrated, increase the number of licenses as deemed  
10 necessary by the Authority.

11 B. Entities applying for a ~~medical~~ marijuana waste disposal  
12 license shall undergo the following screening process:

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

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

17 b. full name of the organization,

18 c. trade name, if applicable,

19 d. type of business organization,

20 e. complete mailing address,

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

23 g. telephone number and email address of the entity, and  
24

1           h.    name, residential address and date of birth of each  
2                   owner and each member, manager and board member, if  
3                   applicable;

4           2.    The application for a ~~medical~~ marijuana waste disposal  
5 license made by an individual on his or her own behalf shall be on  
6 the form prescribed by the Authority and shall include, but not be  
7 limited to:

- 8           a.    the first, middle and last name of the applicant and  
9                   suffix, if applicable,
- 10           b.   the residence address and mailing address of the  
11                applicant,
- 12           c.   the date of birth of the applicant,
- 13           d.   the preferred telephone number and email address of  
14                the applicant,
- 15           e.   an attestation that the information provided by the  
16                applicant is true and correct, and
- 17           f.   a statement signed by the applicant pledging not to  
18                divert marijuana to any individual or entity that is  
19                not lawfully entitled to possess marijuana; and

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

- 22           a.   a list of all persons or entities that have an  
23                ownership interest in the entity,

- 1           b. a certificate of good standing from the Secretary of  
2           State, if applicable,
- 3           c. an Affidavit of Lawful Presence for each owner,
- 4           d. proof that the proposed location of the disposal  
5           facility is at least one thousand (1,000) feet from a  
6           school. The distance indicated in this subparagraph  
7           shall be measured from the nearest property line of  
8           such school to the nearest perimeter wall of the  
9           premises of such disposal facility. If any school is  
10          established within one thousand (1,000) feet of any  
11          disposal facility after such disposal facility has  
12          been licensed, the provisions of this subparagraph  
13          shall not be a deterrent to the renewal of such  
14          license or warrant revocation of the license. For the  
15          purposes of this section, "school" shall mean the same  
16          as provided in Section 427.2 of this title, and
- 17          e. documents establishing the applicant, the members,  
18          managers and board members, if applicable, and  
19          seventy-five percent (75%) of the ownership interests  
20          are Oklahoma residents as established in Section 420  
21          et seq. of this title, as it relates to proof of  
22          residency.

23           C. No license shall be issued except upon proof of sufficient  
24    liability insurance and financial responsibility. Liability

1 insurance shall be provided by the applicant and shall apply to  
2 sudden and nonsudden bodily injury or property damage on, below or  
3 above the surface, as required by the rules of the Authority. Such  
4 insurance shall be maintained for the period of operation of the  
5 facility and shall provide coverage for damages resulting from  
6 operation of the facility during operation and after closing.

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

21 E. The Authority shall issue an annual permit for each ~~medical~~  
22 marijuana waste disposal facility operated by a licensee. A permit  
23 shall be issued only upon proper application by a licensee and  
24 determination by the Authority that the proposed site and facility

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

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

19 G. The holder of a ~~medical~~ marijuana waste disposal license  
20 shall not be required to obtain a medical marijuana or adult use  
21 marijuana transporter license provided for in the Oklahoma Medical  
22 Marijuana and Patient Protection Act for purposes of transporting  
23 ~~medical~~ marijuana waste.

24

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

5 I. ~~The State Commissioner of Health~~ Executive Director of the  
6 Authority shall promulgate rules for the implementation of the  
7 Oklahoma ~~Medical~~ Marijuana Waste Management Act. Promulgated rules  
8 shall address disposal process standards, site security and any  
9 other subject matter deemed necessary by the Authority.

10 SECTION 28. This act shall become effective September 3, 2023.

11

12 59-1-7799 GRS 02/28/23

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