

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2179

By: Fetgatter

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5  
6 AS INTRODUCED

7 An Act relating to medical marijuana; defining terms;  
8 directing the State Board of Veterinary Medical  
9 Examiners to develop certain guidelines for  
10 veterinarians; requiring consultation with the  
11 Oklahoma Medical Marijuana Authority when developing  
12 guidelines; authorizing licensed veterinarians to  
13 discuss and recommend use of certain products on  
14 animal patients subject to specified requirements;  
15 prohibiting recommendations without appropriate  
16 examination and medical indication; prohibiting  
17 veterinarians from providing recommendations under  
18 certain circumstances; prohibiting the Board from  
19 disciplining veterinarians who recommend the use of  
20 certain products for animal patients; stating  
21 protections for veterinarians who make  
22 recommendations; prohibiting veterinarians from  
23 advertising certain services; amending Section 1,  
24 State Question No. 788, Initiative Petition No. 412,  
as last amended by Section 44, Chapter 161, O.S.L.  
2020 (63 O.S. Supp. 2020, Section 420), which relates  
to patient licenses for medical marijuana; providing  
for animal patient medical marijuana licenses;  
specifying qualifications and term of license;  
setting fee for license; providing for renewal;  
providing restrictions; authorizing the revocation of  
license under certain circumstances; amending Section  
2, Chapter 11, O.S.L. 2019, as last amended by  
Section 48, Chapter 161, O.S.L. 2020 and Section 10,  
Chapter 11, O.S.L. 2019, as amended by Section 2,  
Chapter 390, O.S.L. 2019 (63 O.S. Supp. 2020,  
Sections 427.2 and 427.10), which relate to the  
Oklahoma Medical Marijuana and Patient Protection  
Act; adding and modifying definitions; authorizing  
licensed Oklahoma veterinarians to provide  
recommendations for animal patients; providing

1 exemption from civil or criminal penalties and  
2 disciplinary action; directing veterinarians to  
3 provide notice to the Oklahoma Medical Marijuana  
4 Authority under certain circumstances; providing for  
5 codification; and providing an effective date.

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

7 SECTION 1. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 698.30c of Title 59, unless  
9 there is created a duplication in numbering, reads as follows:

10 A. As used in this section:

11 1. "Animal" shall have the same meaning as such term is defined  
12 in Section 698.2 of Title 59 of the Oklahoma Statutes;

13 2. "Animal patient" does not include livestock or a food  
14 animal;

15 3. "Client" means a person who is twenty-one (21) years of age  
16 or older and is the owner of the animal patient;

17 4. "Food animal" means any mammalian, poultry, fowl, fish, or  
18 other animal that is raised primarily for human food consumption;

19 5. "Livestock" includes all animals, poultry, aquatic, and  
20 amphibian species that are raised, kept, or used for profit. It  
21 does not include those species that are usually kept as pets such as  
22 dogs, cats, and pet birds, or companion animals, including equines;

23 6. "Marijuana" shall have the same meaning as such term is  
24 defined in Section 2-101 of Title 63 of the Oklahoma Statutes; and

1       7. "Medical marijuana products" shall have the same meaning as  
2 such term is defined in Section 427.2 of Title 63 of the Oklahoma  
3 Statutes.

4       B. On or before November 1, 2021, the State Board of Veterinary  
5 Medical Examiners shall adopt guidelines for veterinarians to follow  
6 when recommending medical marijuana products within the  
7 veterinarian-client-patient relationship. The Board shall consult  
8 with the Oklahoma Medical Marijuana Authority on developing the  
9 guidelines.

10       C. After guidelines are adopted by the Board, a licensed  
11 veterinarian may discuss and recommend the use of medical marijuana  
12 products on an animal patient with a client for any condition for  
13 which medical marijuana products provide relief, subject to the  
14 following requirements:

15       1. There is an established veterinarian-client-patient  
16 relationship between the licensed veterinarian and the animal  
17 patient for which medical marijuana products are recommended; and

18       2. The recommendation includes, at a minimum, both of the  
19 following:

20           a. the condition the recommendation is for, and

21           b. the name of the client and the name of the animal  
22           patient.

1 D. A licensed veterinarian shall not recommend medical  
2 marijuana products for an animal patient without an appropriate  
3 examination and a medical indication.

4 E. A licensed veterinarian shall not recommend medical  
5 marijuana products for an animal patient while the veterinarian is  
6 employed by, or has an agreement with, a person or entity dispensing  
7 marijuana or medical marijuana products.

8 F. Absent negligence or incompetence, the Board shall not  
9 discipline or deny, revoke, or suspend the license of a veterinarian  
10 solely for recommending the use of medical marijuana products on an  
11 animal patient.

12 G. A licensed veterinarian who makes a recommendation pursuant  
13 to this section shall be entitled to the same protections as a  
14 physician who makes a recommendation in accordance with the Oklahoma  
15 Medical Marijuana and Patient Protection Act.

16 H. A licensed veterinarian shall not advertise that the  
17 veterinarian offers recommendations for medical marijuana products  
18 for animal patients.

19 SECTION 2. AMENDATORY Section 1, State Question No. 788,  
20 Initiative Petition No. 412, as last amended by Section 44, Chapter  
21 161, O.S.L. 2020 (63 O.S. Supp. 2020, Section 420), is amended to  
22 read as follows:

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

- 1 1. Consume marijuana legally;
- 2 2. Legally possess up to three (3) ounces of marijuana on their
- 3 person;
- 4 3. Legally possess six mature marijuana plants;
- 5 4. Legally possess six seedling plants;
- 6 5. Legally possess one (1) ounce of concentrated marijuana;
- 7 6. Legally possess seventy-two (72) ounces of edible marijuana;
- 8 and
- 9 7. Legally possess up to eight (8) ounces of marijuana in their
- 10 residence.

11 B. Possession of up to one and one-half (1.5) ounces of  
12 marijuana by persons who can state a medical condition, but are not  
13 in possession of a state-issued medical marijuana patient license,  
14 shall constitute a misdemeanor offense punishable by a fine not to  
15 exceed Four Hundred Dollars (\$400.00) and shall not be subject to  
16 imprisonment for the offense. Any law enforcement officer who comes  
17 in contact with a person in violation of this subsection and who is  
18 satisfied as to the identity of the person, as well as any other  
19 pertinent information the law enforcement officer deems necessary,  
20 shall issue to the person a written citation containing a notice to  
21 answer the charge against the person in the appropriate court. Upon  
22 receiving the written promise of the alleged violator to answer as  
23 specified in the citation, the law enforcement officer shall release

24

1 the person upon personal recognizance unless there has been a  
2 violation of another provision of law.

3 C. A regulatory office shall be established under the State  
4 Department of Health which shall receive applications for medical  
5 marijuana license recipients, dispensaries, growers, and packagers  
6 within sixty (60) days of the passage of this initiative.

7 D. The State Department of Health shall, within thirty (30)  
8 days of passage of this initiative, make available on its website,  
9 in an easy-to-find location, an application for a medical marijuana  
10 license. The license shall be good for two (2) years. The  
11 application fee shall be One Hundred Dollars (\$100.00), or Twenty  
12 Dollars (\$20.00) for individuals on Medicaid, Medicare or  
13 SoonerCare. The methods of payment shall be provided on the website  
14 of the Department.

15 E. A short-term medical marijuana license application shall  
16 also be made available on the website of the State Department of  
17 Health. A short-term medical marijuana license shall be granted to  
18 any applicant who can meet the requirements for a two-year medical  
19 marijuana license, but whose physician recommendation for medical  
20 marijuana is only valid for sixty (60) days. Short-term medical  
21 marijuana licenses shall be issued for sixty (60) days. The fee for  
22 a short-term medical marijuana license and the procedure for  
23 extending or renewing the license shall be determined by the  
24 Department.

1 F. A temporary license application shall also be made available  
2 on the website of the Department. A temporary medical marijuana  
3 patient license shall be granted to any medical marijuana license  
4 holder from other states, provided that the state has a state-  
5 regulated medical marijuana program, and the applicant can prove he  
6 or she is a member of such program. Temporary licenses shall be  
7 issued for thirty (30) days. The cost for a temporary license shall  
8 be One Hundred Dollars (\$100.00). Renewal shall be granted with  
9 resubmission of a new application. No additional criteria shall be  
10 required.

11 G. 1. An animal patient license application shall also be made  
12 available on the website of the Department. An animal patient  
13 medical marijuana license shall be granted to an applicant who is  
14 twenty-one (21) years of age or older and who possesses a  
15 recommendation from a licensed Oklahoma veterinarian. An animal  
16 patient medical marijuana license shall be issued for one (1) year.  
17 The fee for an animal patient medical marijuana license shall be One  
18 Hundred Dollars (\$100.00). Renewal of the animal patient medical  
19 marijuana license shall be granted with resubmission of a new  
20 application.

21 2. Upon issuance of an animal patient medical marijuana  
22 license, the licensee shall be authorized to purchase edibles,  
23 tinctures or topicals for the animal patient. The animal patient  
24 medical marijuana licensee shall not be authorized and is

1 specifically prohibited from purchasing any medical marijuana or  
2 medical marijuana product not specifically provided for in this  
3 subsection. The Authority may revoke the animal patient medical  
4 marijuana license for any licensee who violates the restrictions set  
5 forth in this paragraph.

6 H. Medical marijuana license applicants shall submit ~~his or her~~  
7 their applications to the State Department of Health for approval.  
8 The applicant shall be an Oklahoma state resident and shall prove  
9 residency by a valid driver license, utility bills, or other  
10 accepted methods.

11 ~~H.~~ I. The State Department of Health shall review the medical  
12 marijuana application, approve or reject the application, and mail  
13 the approval or rejection letter stating any reasons for rejection  
14 to the applicant within fourteen (14) business days of receipt of  
15 the application. Approved applicants shall be issued a medical  
16 marijuana patient license which shall act as proof of his or her  
17 approved status. Applications may only be rejected based on the  
18 applicant not meeting stated criteria or improper completion of the  
19 application.

20 ~~H.~~ J. The State Department of Health shall only keep the  
21 following records for each approved medical marijuana patient  
22 license:

- 23 1. A digital photograph of the license holder;
- 24 2. The expiration date of the license;



1 3. The county where the card was issued; and

2 4. A unique 24-character identification number assigned to the  
3 license.

4 ~~J.~~ K. The State Department of Health shall make available, both  
5 on its website and through a telephone verification system, an easy  
6 method to validate the authenticity of the medical marijuana patient  
7 license by the unique 24-character identification number.

8 ~~K.~~ L. The State Department of Health shall ensure that all  
9 application records and information are sealed to protect the  
10 privacy of medical marijuana license applicants.

11 ~~H.~~ M. A caregiver license shall be made available for qualified  
12 caregivers of a medical marijuana license holder who is homebound.  
13 As provided in Section ~~11 of Enrolled House Bill No. 2612~~ 427.11 of  
14 ~~the 1st Session of the 57th Oklahoma Legislature~~ this title, the  
15 caregiver license shall provide the caregiver the same rights as the  
16 medical marijuana patient licensee, including the ability to possess  
17 marijuana, marijuana products and mature and immature plants  
18 pursuant to the Oklahoma Medical Marijuana and Patient Protection  
19 Act, but excluding the ability to use marijuana or marijuana  
20 products unless the caregiver has a medical marijuana patient  
21 license. An applicant for a caregiver license shall submit proof of  
22 the license status and homebound status of the medical marijuana  
23 patient and proof that the applicant is the designee of the medical  
24 marijuana patient. The applicant shall also submit proof that he or

1 she is eighteen (18) years of age or older and proof of his or her  
2 Oklahoma residency. This shall be the only criteria for a caregiver  
3 license.

4 ~~M.~~ N. All applicants shall be eighteen (18) years of age or  
5 older. A special exception shall be granted to an applicant under  
6 the age of eighteen (18); however, these applications shall be  
7 signed by two physicians and the parent or legal guardian of the  
8 applicant.

9 ~~N.~~ O. All applications for a medical marijuana patient license  
10 shall be signed by an Oklahoma physician. There are no qualifying  
11 conditions. A medical marijuana patient license must be recommended  
12 according to the accepted standards a reasonable and prudent  
13 physician would follow when recommending or approving any  
14 medication. No physician may be unduly stigmatized or harassed for  
15 signing a medical marijuana license application.

16 ~~O.~~ P. Counties and cities may enact medical marijuana  
17 guidelines allowing medical marijuana license holders or caregivers  
18 to exceed the state limits set forth in subsection A of this  
19 section.

20 SECTION 3. AMENDATORY Section 2, Chapter 11, O.S.L.  
21 2019, as last amended by Section 48, Chapter 161, O.S.L. 2020 (63  
22 O.S. Supp. 2020, Section 427.2), is amended to read as follows:

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

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

8           2. "Animal patient" means any member of the animal kingdom  
9 other than humans, and includes fowl, fish, and reptiles, wild or  
10 domestic, whether living or dead;

11           3. "Authority" means the Oklahoma Medical Marijuana Authority;

12           ~~3.~~ 4. "Batch number" means a unique numeric or alphanumeric  
13 identifier assigned prior to testing to allow for inventory tracking  
14 and traceability;

15           ~~4.~~ 5. "Cannabinoid" means any of the chemical compounds that  
16 are active principles of marijuana;

17           ~~5.~~ 6. "Caregiver" means a family member or assistant who  
18 regularly looks after a medical marijuana license holder whom a  
19 physician attests needs assistance;

20           ~~6.~~ 7. "Child-resistant" means special packaging that is:

21           a. designed or constructed to be significantly difficult  
22           for children under five (5) years of age to open and  
23           not difficult for normal adults to use properly as  
24

1 defined by 16 C.F.R. 1700.15 (1995) and 16 C.F.R.  
2 1700.20 (1995),

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

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

10 ~~7.~~ 8. "Clone" means a nonflowering plant cut from a mother  
11 plant that is capable of developing into a new plant and has shown  
12 no signs of flowering;

13 ~~8.~~ 9. "Commissioner" means the State Commissioner of Health;

14 ~~9.~~ 10. "Complete application" means a document prepared in  
15 accordance with the provisions set forth in ~~this act~~ the Oklahoma  
16 Medical Marijuana and Patient Protection Act, rules promulgated  
17 pursuant thereto, and the forms and instructions provided by the  
18 Department, including any supporting documentation required and the  
19 applicable license application fee;

20 ~~10.~~ 11. "Department" means the State Department of Health;

21 ~~11.~~ 12. "Director" means the Executive Director of the Oklahoma  
22 Medical Marijuana Authority;

23 ~~12.~~ 13. "Dispense" means the selling of medical marijuana or a  
24 medical marijuana product to a qualified patient or the designated

1 caregiver of the patient that is packaged in a suitable container  
2 appropriately labeled for subsequent administration to or use by a  
3 qualifying patient;

4 ~~13.~~ 14. "Dispensary" means a medical marijuana dispensary, an  
5 entity that has been licensed by the Department pursuant to ~~this act~~  
6 the Oklahoma Medical Marijuana and Patient Protection Act to  
7 purchase medical marijuana or medical marijuana products from a  
8 licensed medical marijuana commercial grower or medical marijuana  
9 processor, sell medical marijuana or medical marijuana products to  
10 patients and caregivers as defined under ~~this act~~ this section, or  
11 sell or transfer products to another dispensary;

12 ~~14.~~ 15. "Edible medical marijuana product" means any medical-  
13 marijuana-infused product for which the intended use is oral  
14 consumption including, but not limited to, any type of food, drink  
15 or pill;

16 ~~15.~~ 16. "Entity" means an individual, general partnership,  
17 limited partnership, limited liability company, trust, estate,  
18 association, corporation, cooperative, or any other legal or  
19 commercial entity;

20 ~~16.~~ 17. "Flower" means the reproductive organs of the marijuana  
21 or cannabis plant referred to as the bud or parts of the plant that  
22 are harvested and used to consume in a variety of medical marijuana  
23 products;

24

1       ~~17.~~ 18. "Flowering" means the reproductive state of the  
2 marijuana or cannabis plant in which there are physical signs of  
3 flower or budding out of the nodes of the stem;

4       ~~18.~~ 19. "Food-based medical marijuana concentrate" means a  
5 medical marijuana concentrate that was produced by extracting  
6 cannabinoids from medical marijuana through the use of propylene  
7 glycol, glycerin, butter, olive oil, coconut oil or other typical  
8 food-safe cooking fats;

9       ~~19.~~ 20. "Good cause" for purposes of an initial, renewal or  
10 reinstatement license application, or for purposes of discipline of  
11 a licensee, means:

- 12           a. the licensee or applicant has violated, does not meet,  
13           or has failed to comply with any of the terms,  
14           conditions or provisions of the ~~act~~ Oklahoma Medical  
15           Marijuana and Patient Protection Act, any rules  
16           promulgated pursuant thereto, or any supplemental  
17           relevant state or local law, rule or regulation,
- 18           b. the licensee or applicant has failed to comply with  
19           any special terms or conditions that were placed upon  
20           the license pursuant to an order of the State  
21           Department of Health, Oklahoma Medical Marijuana  
22           Authority or the municipality, or
- 23           c. the licensed premises of a medical marijuana business  
24           or applicant have been operated in a manner that

1           adversely affects the public health or welfare or the  
2           safety of the immediate vicinity in which the  
3           establishment is located;

4       ~~20.~~ 21. "Harvest batch" means a specifically identified  
5       quantity of medical marijuana that is uniform in strain, cultivated  
6       utilizing the same cultivation practices, harvested at the same time  
7       from the same location and cured under uniform conditions;

8       ~~21.~~ 22. "Harvested marijuana" means post-flowering medical  
9       marijuana not including trim, concentrate or waste;

10      ~~22.~~ 23. "Heat- or pressure-based medical marijuana concentrate"  
11      means a medical marijuana concentrate that was produced by  
12      extracting cannabinoids from medical marijuana through the use of  
13      heat or pressure;

14      ~~23.~~ 24. "Immature plant" means a nonflowering marijuana plant  
15      that has not demonstrated signs of flowering;

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

1       ~~25.~~ 26. "Licensed patient" or "patient" means a person who has  
2 been issued a medical marijuana patient license by the State  
3 Department of Health or Oklahoma Medical Marijuana Authority;

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

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

20       ~~28.~~ 29. "Marijuana" shall have the same meaning as such term is  
21 defined in Section 2-101 of Title 63 of the Oklahoma Statutes;

22       ~~29.~~ 30. "Material change" means any change that would require a  
23 substantive revision to the standard operating procedures of a  
24



1 licensee for the cultivation or production of medical marijuana,  
2 medical marijuana concentrate or medical marijuana products;

3 ~~30.~~ 31. "Mature plant" means a harvestable female marijuana  
4 plant that is flowering;

5 ~~31.~~ 32. "Medical marijuana business (MMB)" means a licensed  
6 medical marijuana dispensary, medical marijuana processor, medical  
7 marijuana commercial grower, medical marijuana laboratory, medical  
8 marijuana business operator, or a medical marijuana transporter;

9 ~~32.~~ 33. "Medical marijuana concentrate" or "concentrate" means  
10 a specific subset of medical marijuana that was produced by  
11 extracting cannabinoids from medical marijuana. Categories of  
12 medical marijuana concentrate include water-based medical marijuana  
13 concentrate, food-based medical marijuana concentrate, solvent-based  
14 medical marijuana concentrate, and heat- or pressure-based medical  
15 marijuana concentrate;

16 ~~33.~~ 34. "Medical marijuana commercial grower" or "commercial  
17 grower" means an entity licensed to cultivate, prepare and package  
18 medical marijuana and transfer or contract for transfer medical  
19 marijuana to a medical marijuana dispensary, medical marijuana  
20 processor, any other medical marijuana commercial grower, medical  
21 marijuana research facility, medical marijuana education facility  
22 and pesticide manufacturers. A commercial grower may sell seeds,  
23 flower or clones to commercial growers pursuant to ~~this act~~ the  
24 Oklahoma Medical Marijuana and Patient Protection Act;

1       ~~34.~~ 35. "Medical marijuana education facility" or "education  
2 facility" means a person or entity approved pursuant to ~~this act~~ the  
3 Oklahoma Medical Marijuana and Patient Protection Act to operate a  
4 facility providing training and education to individuals involving  
5 the cultivation, growing, harvesting, curing, preparing, packaging  
6 or testing of medical marijuana, or the production, manufacture,  
7 extraction, processing, packaging or creation of medical-marijuana-  
8 infused products or medical marijuana products as described in ~~this~~  
9 ~~act~~ the Oklahoma Medical Marijuana and Patient Protection Act;

10       ~~35.~~ 36. "Medical-marijuana-infused product" means a product  
11 infused with medical marijuana including, but not limited to, edible  
12 products, ointments and tinctures;

13       ~~36.~~ 37. "Medical marijuana product" or "product" means a  
14 product that contains cannabinoids that have been extracted from  
15 plant material or the resin therefrom by physical or chemical means  
16 and is intended for administration to a qualified patient including,  
17 but not limited to, oils, tinctures, edibles, pills, topical forms,  
18 gels, creams, vapors, patches, liquids, and forms administered by a  
19 nebulizer, excluding live plant forms which are considered medical  
20 marijuana, and may include products intended for medicinal use on an  
21 animal;

22       ~~37.~~ 38. "Medical marijuana processor" means a person or entity  
23 licensed pursuant to ~~this act~~ the Oklahoma Medical Marijuana and  
24 Patient Protection Act to operate a business including the

1 production, manufacture, extraction, processing, packaging or  
2 creation of concentrate, medical-marijuana-infused products or  
3 medical marijuana products as described in ~~this act~~ the Oklahoma  
4 Medical Marijuana and Patient Protection Act;

5 ~~38.~~ 39. "Medical marijuana research facility" or "research  
6 facility" means a person or entity approved pursuant to ~~this act~~ the  
7 Oklahoma Medical Marijuana and Patient Protection Act to conduct  
8 medical marijuana research. A medical marijuana research facility  
9 is not a medical marijuana business;

10 ~~39.~~ 40. "Medical marijuana testing laboratory" or "laboratory"  
11 means a public or private laboratory licensed pursuant to ~~this act~~  
12 the Oklahoma Medical Marijuana and Patient Protection Act, to  
13 conduct testing and research on medical marijuana and medical  
14 marijuana products;

15 ~~40.~~ 41. "Medical marijuana transporter" or "transporter" means  
16 a person or entity that is licensed pursuant to ~~this act~~ the  
17 Oklahoma Medical Marijuana and Patient Protection Act. A medical  
18 marijuana transporter does not include a medical marijuana business  
19 that transports its own medical marijuana, medical marijuana  
20 concentrate or medical marijuana products to a property or facility  
21 adjacent to or connected to the licensed premises if the property is  
22 another licensed premises of the same medical marijuana business;

23 ~~41.~~ 42. "Medical marijuana waste" or "waste" means unused,  
24 surplus, returned or out-of-date marijuana, plant debris of the

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

4 ~~42.~~ 43. "Medical use" means the acquisition, possession, use,  
5 delivery, transfer or transportation of medical marijuana, medical  
6 marijuana products, medical marijuana devices or paraphernalia  
7 relating to the administration of medical marijuana to treat a  
8 licensed patient or animal patient;

9 ~~43.~~ 44. "Mother plant" means a marijuana plant that is grown or  
10 maintained for the purpose of generating clones, and that will not  
11 be used to produce plant material for sale to a medical marijuana  
12 processor or medical marijuana dispensary;

13 ~~44.~~ 45. "Oklahoma physician" or "physician" means a physician  
14 licensed by and in good standing with the State Board of Medical  
15 Licensure and Supervision, the State Board of Osteopathic Examiners  
16 or the Board of Podiatric Medical Examiners;

17 ~~45.~~ 46. "Oklahoma resident" means an individual who can provide  
18 proof of residency as required by ~~this act~~ the Oklahoma Medical  
19 Marijuana and Patient Protection Act;

20 ~~46.~~ 47. "Oklahoma veterinarian" or "veterinarian" means a  
21 veterinarian licensed by and in good standing with the State Board  
22 of Veterinary Medical Examiners;

23

24

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

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

21        ~~47.~~ 49. "Package" or "packaging" means any container or wrapper  
22 that may be used by a medical marijuana business to enclose or  
23 contain medical marijuana;

1       ~~48.~~ 50. "Person" means a natural person, partnership,  
2 association, business trust, company, corporation, estate, limited  
3 liability company, trust or any other legal entity or organization,  
4 or a manager, agent, owner, director, servant, officer or employee  
5 thereof, except that "person" does not include any governmental  
6 organization;

7       ~~49.~~ 51. "Pesticide" means any substance or mixture of  
8 substances intended for preventing, destroying, repelling or  
9 mitigating any pest or any substance or mixture of substances  
10 intended for use as a plant regulator, defoliant or desiccant,  
11 except that the term "pesticide" shall not include any article that  
12 is a "new animal drug" as designated by the United States Food and  
13 Drug Administration;

14       ~~50.~~ 52. "Production batch" means:

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

24

1       ~~51.~~ 53. "Public institution" means any entity established or  
2 controlled by the federal government, state government, or a local  
3 government or municipality including, but not limited to,  
4 institutions of higher education or related research institutions;

5       ~~52.~~ 54. "Public money" means any funds or money obtained by the  
6 holder from any governmental entity including, but not limited to,  
7 research grants;

8       ~~53.~~ 55. "Recommendation" means a document that is signed or  
9 electronically submitted by a physician or veterinarian on behalf of  
10 a patient or animal patient for the use of medical marijuana  
11 pursuant to ~~this act~~ the Oklahoma Medical Marijuana and Patient  
12 Protection Act;

13       ~~54.~~ 56. "Registered to conduct business" means a person that  
14 has provided proof that the business applicant is in good standing  
15 with the Oklahoma Secretary of State and Oklahoma Tax Commission;

16       ~~55.~~ 57. "Remediation" means the process by which the medical  
17 marijuana flower or trim, which has failed microbial testing, is  
18 processed into solvent-based medical marijuana concentrate and  
19 retested as required by ~~this act~~ the Oklahoma Medical Marijuana and  
20 Patient Protection Act;

21       ~~56.~~ 58. "Research project" means a discrete scientific endeavor  
22 to answer a research question or a set of research questions related  
23 to medical marijuana and is required for a medical marijuana  
24 research license. A research project shall include a description of

1 a defined protocol, clearly articulated goals, defined methods and  
2 outputs, and a defined start and end date. The description shall  
3 demonstrate that the research project will comply with all  
4 requirements in ~~this act~~ the Oklahoma Medical Marijuana and Patient  
5 Protection Act and rules promulgated pursuant thereto. All research  
6 and development conducted by a medical marijuana research facility  
7 shall be conducted in furtherance of an approved research project;

8 ~~57.~~ 59. "Revocation" means the final decision by the Department  
9 that any license issued pursuant to ~~this act~~ the Oklahoma Medical  
10 Marijuana and Patient Protection Act is rescinded because the  
11 individual or entity does not comply with the applicable  
12 requirements set forth in ~~this act~~ the Oklahoma Medical Marijuana  
13 and Patient Protection Act or rules promulgated pursuant thereto;

14 ~~58.~~ 60. "School" means a public or private preschool or a  
15 public or private elementary or secondary school used for school  
16 classes and instruction. A homeschool, daycare or child-care  
17 facility shall not be considered a "school" as used in ~~this act~~ the  
18 Oklahoma Medical Marijuana and Patient Protection Act;

19 ~~59.~~ 61. "Shipping container" means a hard-sided container with  
20 a lid or other enclosure that can be secured in place. A shipping  
21 container is used solely for the transport of medical marijuana,  
22 medical marijuana concentrate, or medical marijuana products between  
23 medical marijuana businesses, a medical marijuana research facility,  
24 or a medical marijuana education facility;



1       ~~60.~~ 62. "Solvent-based medical marijuana concentrate" means a  
2 medical marijuana concentrate that was produced by extracting  
3 cannabinoids from medical marijuana through the use of a solvent  
4 approved by the Department;

5       ~~61.~~ 63. "State Question" means Oklahoma State Question No. 788,  
6 Initiative Petition No. 412, approved by a majority vote of the  
7 citizens of Oklahoma on June 26, 2018;

8       ~~62.~~ 64. "Strain" means the classification of marijuana or  
9 cannabis plants in either pure sativa, indica, afghanica, ruderalis  
10 or hybrid varieties;

11       ~~63.~~ 65. "THC" means tetrahydrocannabinol, which is the primary  
12 psychotropic cannabinoid in marijuana formed by decarboxylation of  
13 naturally tetrahydrocannabinolic acid, which generally occurs by  
14 exposure to heat;

15       ~~64.~~ 66. "Test batch" means with regard to usable marijuana, a  
16 homogenous, identified quantity of usable marijuana by strain, no  
17 greater than ten (10) pounds, that is harvested during a seven-day  
18 period from a specified cultivation area, and with regard to oils,  
19 vapors and waxes derived from usable marijuana, means an identified  
20 quantity that is uniform, that is intended to meet specifications  
21 for identity, strength and composition, and that is manufactured,  
22 packaged and labeled during a specified time period according to a  
23 single manufacturing, packaging and labeling protocol;

1       ~~65.~~ 67. "Transporter agent" means a person who transports  
2 medical marijuana or medical marijuana products for a licensed  
3 transporter and holds a transporter agent license pursuant to ~~this~~  
4 ~~act~~ the Oklahoma Medical Marijuana and Patient Protection Act;

5       ~~66.~~ 68. "Universal symbol" means the image established by the  
6 State Department of Health or Oklahoma Medical Marijuana Authority  
7 and made available to licensees through its website indicating that  
8 the medical marijuana or the medical marijuana product contains THC;

9       ~~67.~~ 69. "Usable marijuana" means the dried leaves, flowers,  
10 oils, vapors, waxes and other portions of the marijuana plant and  
11 any mixture or preparation thereof, excluding seed, roots, stems,  
12 stalks and fan leaves; and

13       ~~68.~~ 70. "Water-based medical marijuana concentrate" means a  
14 concentrate that was produced by extracting cannabinoids from  
15 medical marijuana through the use of only water, ice, or dry ice.

16       SECTION 4.       AMENDATORY       Section 10, Chapter 11, O.S.L.  
17 2019, as amended by Section 2, Chapter 390, O.S.L. 2019 (63 O.S.  
18 Supp. 2020, Section 427.10), is amended to read as follows:

19       Section 427.10 A. 1. Only licensed Oklahoma allopathic,  
20 osteopathic and podiatric physicians may provide a medical marijuana  
21 recommendation for a medical marijuana patient license under ~~this~~  
22 ~~act~~ the Oklahoma Medical Marijuana and Patient Protection Act.

23       2. Only licensed Oklahoma veterinarians may provide a medical  
24 marijuana recommendation for an animal patient medical marijuana

1 license under the Oklahoma Medical Marijuana and Patient Protection  
2 Act.

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

7 C. No physician or veterinarian shall be subject to arrest,  
8 prosecution or penalty in any manner or denied any right or  
9 privilege under Oklahoma state, municipal or county statute,  
10 ordinance or resolution, including without limitation a civil  
11 penalty or disciplinary action by the State Board of Medical  
12 Licensure and Supervision ~~or~~, the State Board of Osteopathic  
13 Examiners, the Board of Podiatric Medical Examiners, or the State  
14 Board of Veterinary Medical Examiners or by any other business,  
15 occupation or professional licensing board or bureau, solely for  
16 providing a medical marijuana recommendation for a patient or animal  
17 patient or for monitoring, treating or prescribing scheduled  
18 medication to patients or animal patients who are medical marijuana  
19 licensees. The provisions of this subsection shall not prevent the  
20 relevant professional licensing boards from sanctioning a physician  
21 or veterinarian for failing to properly evaluate the medical  
22 condition of a patient or animal patient or for otherwise violating  
23 the applicable physician-patient or veterinarian-client-patient  
24 standard of care.

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

3 E. If the physician or veterinarian determines the continued  
4 use of medical marijuana by the patient or animal patient no longer  
5 meets the requirements set forth in ~~this act~~ the Oklahoma Medical  
6 Marijuana and Patient Protection Act, the physician or veterinarian  
7 shall notify the ~~Department~~ Authority and the Authority shall  
8 immediately revoke the license.

9 SECTION 5. This act shall become effective November 1, 2021.

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