

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2482

By: Frix

4
5
6 AS INTRODUCED

7 An Act relating to medical marijuana; amending
8 Section 14, Chapter 11, O.S.L. 2019, as last amended
9 by Section 51, Chapter 161, O.S.L. 2020 (63 O.S.
10 Supp. 2020, Section 427.14), which relates to the
11 Oklahoma Medial Marijuana and Patient Protection Act;
12 prohibiting certain persons from seeking licensure;
13 providing an exception; and providing an effective
14 date.

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

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

19 Section 427.14 A. There is hereby created the medical
20 marijuana business license, which shall include the following
21 categories:

- 22 1. Medical marijuana commercial grower;
- 23 2. Medical marijuana processor;
- 24 3. Medical marijuana dispensary;
4. Medical marijuana transporter; and
5. Medical marijuana testing laboratory.

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

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

7 D. The nonrefundable application fee for a medical marijuana
8 business license shall be Two Thousand Five Hundred Dollars
9 (\$2,500.00).

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

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

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

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

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

23
24

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

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

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

9 a. all applicants shall be age twenty-five (25) years of
10 age or older,

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

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

19 d. all applying individuals or entities shall be
20 registered to conduct business in the State of
21 Oklahoma,

22 e. all applicants shall disclose all ownership interests
23 pursuant to this act, and
24

1 f. applicants shall not have been convicted of a
2 nonviolent felony in the last two (2) years, and any
3 other felony conviction within the last five (5)
4 years, shall not be current inmates, or currently
5 incarcerated in a jail or corrections facility;

6 8. There shall be no limit to the number of medical marijuana
7 business licenses or categories that an individual or entity can
8 apply for or receive, although each application and each category
9 shall require a separate application and application fee. A
10 commercial grower, processor and dispensary, or any combination
11 thereof, are authorized to share the same address or physical
12 location, subject to the restrictions set forth in this act;

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

- 19 a. individual applicants applying on their own behalf,
 - 20 b. individuals applying on behalf of an entity,
 - 21 c. all principal officers of an entity, and
 - 22 d. all owners of an entity as defined by this act;
- 23
24

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

4 11. In order to be considered an Oklahoma resident for purposes
5 of a medical marijuana business application, all applicants shall
6 provide proof of Oklahoma residency for at least two (2) years
7 immediately preceding the date of application or five (5) years of
8 continuous Oklahoma residency during the preceding twenty-five (25)
9 years immediately preceding the date of application. Sufficient
10 documentation of proof of residency shall include a combination of
11 the following:

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

21 Applicants that were issued a medical marijuana business license
22 prior to the enactment of the Oklahoma Medical Marijuana and Patient
23 Protection Act are hereby exempt from the two-year or five-year
24 Oklahoma residence requirement mentioned above;

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

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

- 8 a. front and back of an Oklahoma driver license,
- 9 b. front and back of an Oklahoma identification card,
- 10 c. a United States passport or other photo identification
11 issued by the United States government,
- 12 d. certified copy of the applicant's birth certificate
13 for minor applicants who do not possess a document
14 listed in this section, or
- 15 e. a tribal identification card approved for
16 identification purposes by the ~~Oklahoma~~ Department of
17 Public Safety; and

18 14. All applicants shall submit an applicant photograph.

19 F. The Authority shall review the medical marijuana business
20 application, approve or reject the application and mail the
21 approval, rejection or status-update letter to the applicant within
22 ninety (90) business days of receipt of the application.

23
24

1 G. 1. The Authority shall review the medical marijuana
2 business applications and conduct all investigations, inspections
3 and interviews before approving the application.

4 2. Approved applicants shall be issued a medical marijuana
5 business license for the specific category applied under which shall
6 act as proof of their approved status. Rejection letters shall
7 provide a reason for the rejection. Applications may only be
8 rejected based on the applicant not meeting the standards set forth
9 in the provisions of this section, improper completion of the
10 application, or for a reason provided for in this act. If an
11 application is rejected for failure to provide required information,
12 the applicant shall have thirty (30) days to submit the required
13 information for reconsideration. No additional application fee
14 shall be charged for such reconsideration.

15 3. Status-update letters shall provide a reason for delay in
16 either approval or rejection should a situation arise in which an
17 application was submitted properly, but a delay in processing the
18 application occurred.

19 4. Approval, rejection or status-update letters shall be sent
20 to the applicant in the same method the application was submitted to
21 the Department.

22 H. A medical marijuana business license shall not be issued to
23 or held by:

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

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

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

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

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

13 a. file taxes, interest or penalties due related to a
14 medical marijuana business, or

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

17 6. A sheriff, deputy sheriff, police officer or prosecuting
18 officer, or an officer or employee of the Authority ~~or municipality;~~

19 7. An officer or employee of a municipality; provided, however,
20 a person elected to serve on the governing body of a municipality
21 shall not be prohibited from seeking licensure for a medical
22 marijuana business. However, if the elected official obtains a
23 license to operate a medical marijuana business in this state, the
24 elected official shall abstain from voting on any matters relating

1 to the regulation of medical marijuana within the municipality in
2 which the elected official serves; or

3 ~~7.~~ 8. A person whose authority to be a caregiver as defined in
4 this act has been revoked by the Department.

5 I. In investigating the qualifications of an applicant or a
6 licensee, the Department, Authority and municipalities may have
7 access to criminal history record information furnished by a
8 criminal justice agency subject to any restrictions imposed by such
9 an agency. In the event the Department considers the criminal
10 history record of the applicant, the Department shall also consider
11 any information provided by the applicant regarding such criminal
12 history record, ~~including,~~ but not limited to, evidence of
13 rehabilitation, character references and educational achievements,
14 especially those items pertaining to the period of time between the
15 last criminal conviction of the applicant and the consideration of
16 the application for a state license.

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

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

1 with the background investigation of the applicant. This type of
2 conduct may be considered as the basis for additional administrative
3 action against the applicant. Typos and scrivener errors shall not
4 be grounds for denial.

5 L. A licensed medical marijuana business premises shall be
6 subject to and responsible for compliance with applicable provisions
7 for medical marijuana business facilities as described in the most
8 recent versions of the Oklahoma Uniform Building Code, the
9 International Building Code and the International Fire Code, unless
10 granted an exemption by the Authority or municipality.

11 M. All medical marijuana business licensees shall pay the
12 relevant licensure fees prior to receiving licensure to operate a
13 medical marijuana business, as defined in this act for each class of
14 license.

15 SECTION 2. This act shall become effective November 1, 2021.

16

17 58-1-6781 GRS 01/07/21

18

19

20

21

22

23

24